

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION

CHRISTOPHER FAIN, *et al.*, individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

WILLIAM CROUCH, *et al.*,

Defendants.

CIVIL ACTION NO. 3:20-cv-00740

HON. ROBERT C. CHAMBERS, JUDGE

**PLAINTIFFS' RESPONSE TO DEFENDANT JASON HAUGHT'S
MOTION FOR RELIEF AS A RESULT OF SUGGESTION OF DEATH**

Plaintiffs Christopher Fain and Shauntae Anderson, individually and on behalf of all others similarly situated, by and through counsel, hereby respond to Defendant Jason Haught's motion for relief as a result of the suggestion of death of former Plaintiff Leanne James. For the reasons described below, Plaintiffs believe that the Court may dismiss both Ms. James' Equal Protection claim, and Plaintiffs' motion to file a second amended complaint (ECF Nos. 187-88) as moot. In support of this response, Plaintiffs state as follows:

1. Former Plaintiff James died on February 25, 2022. ECF No. 214-1.
2. Plaintiffs subsequently conferred with Ms. James' surviving sister, Tammy St. Clair. Ms. St. Clair was recently appointed by the Putnam County Circuit Court as Administratrix of Ms. James' estate. *See* Declaration of Tammy St. Clair ("St. Clair Decl.") ¶ 2.
3. As Administratrix, Ms. St. Clair is in the process wrapping up Ms. James' affairs. To help bring Ms. James' affairs to an orderly close, Ms. St. Clair does not wish to be substituted in this action in place of Ms. James, and does not wish to pursue any of Ms. James' claims. St. Clair Decl. ¶ 4.

4. In light of these developments, Plaintiffs believe that the Court may dismiss both Ms. James' equal protection claim and Plaintiffs' motion to file a second amended complaint as moot, in accordance with the Court's "inherent power ... under [its] general equity powers and [for] the efficient management of [its] dockets." *Williford v. Armstrong World Indus., Inc.*, 715 F.2d 124, 127 (4th Cir. 1983).

5. The claims of Plaintiffs Christopher Fain and Shauntae Anderson are unaffected by these developments and will proceed under the current case schedule.

* * *

Dated: March 23, 2022

/s/ Walt Auvil

Walt Auvil, WVSB No. 190
THE EMPLOYMENT LAW CENTER, PLLC
1208 Market Street
Parkersburg, WV 26101
Phone: 304-485-3058 | Fax: 304-485-6344
auvil@theemploymentlawcenter.com

Anna P. Prakash, MN Bar No. 0351362*
Nicole J. Schladt, MN Bar No. 0400234*
NICHOLS KASTER, PLLP
IDS Center, 80 South 8th Street
Suite 4700
Minneapolis, MN 55402
Phone: 612-256-3200 | Fax: 612-338-4878
aprakash@nka.com
nschladt@nka.com

Sasha Buchert, OR Bar No. 070686*
LAMBDA LEGAL DEFENSE AND EDUCATION
FUND, INC.
1776 K Street, N.W., 8th Floor
Washington, DC 20006-2304
Phone: 202-804-6245 | Fax: 202-429-9574
sbuchert@lambdalegal.org

Attorneys for Plaintiffs

* Admitted Pro Hac Vice

Respectfully submitted,

Avatara Smith-Carrington, MD Bar*
LAMBDA LEGAL DEFENSE AND EDUCATION
FUND, INC.
3500 Oak Lawn Avenue, Suite 500
Dallas, TX 75219
Phone: 214-219-8585 | Fax: 214-219-4455
asmithcarrington@lambdalegal.org

Tara L. Borelli, GA Bar No. 265084*
Carl Charles, NY Bar No. 5427026*
LAMBDA LEGAL DEFENSE AND EDUCATION
FUND, INC.
1 West Court Square, Ste. 105
Decatur, GA 30030
Phone: 470-225-5341
Facsimile: 404-506-9320
tborelli@lambdalegal.org
ccharles@lambdalegal.org

Nora Huppert, CA Bar No. 330552*
LAMBDA LEGAL DEFENSE AND EDUCATION
FUND, INC.
65 E. Wacker Pl., Suite 2000
Chicago, IL 60601
Phone: 312-663-4413 | Fax: 312-663-4307
nhuppert@lambdalegal.org

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document on March 23, 2022 with the Clerk of the Court using the CM/ECF system, which will send notification of filing, and a copy of the same, to the following CM/ECF participants:

Lou Ann S. Cyrus (WVSB # 6558)
Roberta F. Green (WVSB #6598)
Caleb B. David (WVSB #12732)
Kimberly M. Bandy (WVSB #10081)
SHUMAN MCCUSKEY SLICER PLLC
P.O. Box 3953, Charleston, WV 25339
(304) 345-1400; (304) 343-1826 (fax)
lcyrus@shumanlaw.com
rgreen@shumanlaw.com
cdavid@shumanlaw.com
kbandy@shumanlaw.com

*Attorneys for Defendants William Crouch;
Cynthia Beane; and West Virginia
Department of Health and Human Resources,
Bureau for Medical Services*

Eric D. Salyers (WVSB #13042)
Perry W. Oxley (WVSB # 7211)
David E. Rich (WVSB #9141)
Christopher K. Weed (WVSB #13868)
OXLEY RICH SAMMONS, PLLC
P.O. Box 1704
517 9th Street, Suite 1000
Huntington, West Virginia 25718
Phone: (304) 522-1138
Fax: (304) 522-9528
poxley@oxleylawwv.com
drich@oxleylawwv.com
esalyers@oxleylawwv.com
cweed@oxleylawwv.com

Attorneys for Defendant Jason Haught

Dated: March 23, 2022

s/ Walt Auvil
Walt Auvil, WV Bar No. 190
THE EMPLOYMENT LAW CENTER, PLLC
1208 Market Street
Parkersburg, WV 26101
Phone: 304-485-3058
Facsimile: 304-485-3058
auvil@theemploymentlawcenter.com

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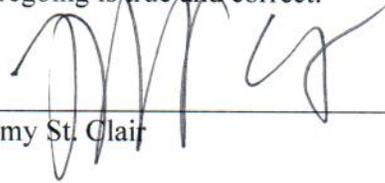
DECLARATION OF TAMMY ST. CLAIR

I, Tammy St. Clair, hereby state as follows:

1. I am the sister of Leanne James, a former plaintiff in this case. Leanne was tragically killed in a car accident on February 25, 2022.
2. I have recently been appointed as Administratrix of Leanne's estate by the Fiduciary Supervisor of Putnam County.
3. As Administratrix, I am in the process of finalizing Leanne's affairs.
4. To help bring Leanne's affairs to an orderly close, I do not wish to be substituted in this action in place of Leanne, and do not wish to pursue any of Leanne's claims. It is hard to put into words how difficult this loss has been for our family, and I feel that this is the best choice to allow us to focus on honoring her memory and to work towards closure.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: March 22, 2022



Tammy St. Clair

Subscribed and sworn before me, a Notary Public in and for Cabell County,
in the State of West Virginia, this 22nd day of March, 2022.



Michelle Callahan
Signature of Notary