

No. 23-281
**In The
Supreme Court of the United States**

PATRICIA L. HARRISON,
Petitioner,

V.

THE SOUTH CAROLINA DEPARTMENT OF
HEALTH AND HUMAN SERVICES COMMISSION, ET AL.,
Respondents.

MOTION TO STAY

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Pro Se and Counsel for Petitioner

**To the Honorable John Roberts, as Circuit Judge for the United States
Court of Appeals for the Fourth Circuit:**

Pursuant to USSC Rules 21 and 23, Petitioner Patricia Logan Harrison respectfully requests a delay in this Court's consideration of the Petition and a stay of judgment in *Patricia L. Harrison v. the South Carolina Department of Health and Human Services et al.*, Docket Number 23-281. The Petition in this case (hereinafter referred to as the "sanctions case") involves a rule to show cause and a sanction order of the district court sanctioning a civil rights attorney. Exhibits 1 and 2.

Petitioner requests that this Court would delay consideration of the sanctions case in order to simultaneously consider the Petition to be filed by November 3, 2023 appealing another order issued by the same district court judge in *Richard Stogsdill, et al. v. South Carolina Department of Health and Human Services*, Case Number 23A166. Exhibit 3. This Court granted an extension to file the *Stogsdill* Petition for a Writ of Certiorari by November 3, 2023.

Judge Joseph F. Anderson dismissed the *Stogsdill* case for the third time on December 21, 2021, just four days after he issued the order to show cause in the sanctions case, on December 17, 2021.

The *Stogsdill* case was filed in 2012 and it had been remanded by the Fourth Circuit twice, after the district judge dismissed all ADA claims and all Section 1983 claims except one. Exhibit 3. On the first remand, the Fourth Circuit remanded because the district judge failed to consider and rule upon the Plaintiffs' claims for violation of the anti-retaliation provision of the Americans with Disabilities Act (ADA). *Stogsdill v. South Carolina Department of Health and Human Services*, 674 Fed. Appx. 291 (4th Cir. 2017). On the second remand, the Fourth Circuit ruled that the district judge had erroneously dismissed Stogsdill's ADA and Section 1983 claims on the grounds of abstention, and that he had applied an erroneous one year statute of limitations on Plaintiffs' ADA claims, when the correct statute of limitations for Title II ADA cases is three years.¹ *Stogsdill v. Azar*, 765 Fed. Appx.

¹ Until 2022, Respondents in this case, disregarding the ruling in *Stogsdill v. Azar*, continued to argue in the district court, and even in the Fourth Circuit, in *Timpson v. Anderson Cty. Disabilities & Special Needs Bd.*, 31 F.4th 238, 249 (4th Cir. 2022) that the statute of limitations for claims brought under Title II of the ADA is one year, causing the ADA retaliation claims to have to

873 (4th Cir. 2019).

The district court and the Fourth Circuit denied Petitioner's motions to stay the district court's sanction order. Exhibits 4 and 5. All Respondents in the sanctions case pending before this Court have now filed waivers indicating that they do not intend to file responses to the Petition for a Writ of Certiorari in *Patricia L. Harrison v. the South Carolina Department of Health and Human Services et al.*

The delay in filing the Petition for a Writ of Certiorari in the *Stogsdill* case is in part due to counsel (who is the Petitioner in this sanctions case) suffering a back injury in May, 2023, with back surgery currently scheduled for October 5, 2023. Both underlying cases involve ADA and Section 1983 claims alleging violation of the Medicaid Act, both cases were brought against the State Medicaid Agency and its Director, Robert Kerr and were ruled upon by the same district court judge just four days apart.² Petitioner respectfully requests that this Court will delay its consideration of the Petition in this sanctions case and will consider that Petition in light of the Petition to be filed in the *Stogsdill* case by November 3, 2023.

In addition, Petitioner respectfully requests that the Court will consider an order staying the district court's sanction order for reasons set forth in the Petition for a Writ of Certiorari and due to extraordinary circumstances related to Petitioner's current medical condition.

be retried.

² Respondents in this sanctions case also include the current and former governors and other state officials. The local government officials declined to participate in the sanctions proceedings.

Respectfully Submitted,

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September 21, 2023
Cleveland, South Carolina

List of Exhibits

- Exhibit 1 District Court Rule to Show Cause
- Exhibit 2 District Court Sanctions Order
- Exhibit 3 Final District Court Order in *Stogsdill v. DHHS*
- Exhibit 4 Fourth Circuit Denial of Motion to Stay Sanctions Order
- Exhibit 5 District Court Denial of Motion to Stay Sanctions Order