

# WEST VIRGINIA DISMISSAL WITH PREJUDICE



**B**ailey & Wyant PLLC's Equity Member, Kelly C. Morgan and Associate, Samuel M. Bloom represented a supervisor for the Child Protective Services of the West Virginia Department of Health and Human Resources in a matter before the United States District Court for the Southern District of West Virginia. Plaintiffs were the grandparents of two minors taken into State custody by DHHR. The grandparents alleged that Defendants were not justified in removing the children from their care and asserted numerous causes of actions against the CPS supervisor, including violations of the Fourth and Fourteenth Amendments to the United States Constitution, civil conspiracy, negligence, and abuse of process. Defendants filed Motions for Summary Judgment and asserted absolute and qualified immunity. Ultimately, Mrs. Morgan and Mr. Bloom obtained a dismissal with prejudice as to all of the federal claims asserted against the CPS Supervisor.



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