



KeyCite Yellow Flag - Negative Treatment

Distinguished by [L.C. by Zimring v. Olmstead](#), 11th Cir.(Ga.), April 8, 1998

886 F.2d 292

United States Court of Appeals,
Eleventh Circuit.

S.H. and P.F., individually and on behalf of all
others similarly situated, Plaintiffs-Appellants,

v.

Joe EDWARDS and R. Derril Gay, individually and
in their official capacities, Defendants-Appellees.

No. 87-8635.

|
Sept. 28, 1989.

Attorneys and Law Firms

Phyllis J. Holmen, Georgia Legal Services Program,
Jonathan A. Zimring, Atlanta, Ga., for plaintiffs-
appellants.

Jefferson James Davis, Sp. Asst. Atty. Gen., Vivian
Davidson Egan, Carol Cosgrove, Sen. Asst. Atty. Gen.,
Atlanta, Ga., for defendants-appellees.

Steven J. Schwartz, Center for Public Representation,
Northampton, Mass., Judith Gran, Public Interest Law
Center of Philadelphia, David Ferleger, Philadelphia, Pa.,
for amicus curiae, Ass'n for Retarded Citizens of U.S., et
al.

Alice K. Nelson, Jodi Siegel, Southern Legal Counsel,
Inc., Gainesville, Fla., for amicus curiae Advocacy Center
for Person with Disabilities, Inc., et al.

Appeal from the United States District Court for the
Northern District of Georgia; Horace T. Ward, Judge.

*293 Before RONEY, Chief Judge, and TJOFLAT,
HILL, FAY, VANCE, KRAVITCH, JOHNSON,
HATCHETT, ANDERSON, CLARK, EDMONDSON
and COX, Circuit Judges.

Opinion

BY THE COURT:

This case is before the court on a very limited
certificate issued by the district court under [Rule 54\(b\)](#)
[\(Fed.R.Civ.P.\)](#). The only claim involved is the “plaintiffs’
claims for relief in the nature of habilitation in the
least restrictive environment in accordance with the
recommendation of professional treatment staff.” The
district court denied the claim. We affirm that part of the
district court opinion.

This ruling is not to be interpreted as involving *anything*
other than the one issue presented. Nor should this ruling
be interpreted as limiting in any way the relief that is
available to the named plaintiffs or individual members
of the class should they prove that habilitation in a
community setting is required to comply with the law of
this circuit that persons so confined by given “minimally
adequate” care in accordance with professional standards.
[Wyatt v. Aderholt](#), 503 F.2d 1305 (5th Cir.1974).

All Citations

886 F.2d 292 (Mem)