

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

EDEN ROGERS and
BRANDY WELCH,

Plaintiffs,

-against-

UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES;

ALEX AZAR, in his official capacity as Secretary
of the UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;

ADMINISTRATION FOR CHILDREN AND
FAMILIES;

LYNN JOHNSON, in her official capacity as
Assistant Secretary of the ADMINISTRATION
FOR CHILDREN AND FAMILIES;

STEVEN WAGNER, in his official capacity as
Principal Deputy Assistant Secretary of the
ADMINISTRATION FOR CHILDREN AND
FAMILIES;

HENRY MCMASTER, in his official capacity as
Governor of the STATE OF SOUTH CAROLINA;
and

MICHAEL LEACH, in his official capacity as State
Director of the SOUTH CAROLINA
DEPARTMENT OF SOCIAL SERVICES,

Defendants.

Civil Action No.: _____

**PLAINTIFFS' RESPONSES TO
LOCAL RULE 26.01 INITIAL
INTERROGATORIES**

Plaintiffs Eden Rogers and Brandy Welch, through undersigned counsel of record,
submit the following responses to Local Rule 26.01 Initial Interrogatories.

(A) State the full name, address, and telephone number of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of said interest.

Response: There are no persons or legal entities who may have a subrogation interest in any claim.

(B) As to each claim, state whether it should be tried jury or nonjury and why.

Response: Because each claim seeks only declaratory and injunctive relief, there is no right to a jury trial on any of the claims.

(C) State whether the party submitting these responses is a publicly owned company and separately identify: (1) each publicly owned company of which it is a parent, subsidiary, partner, or affiliate; (2) each publicly owned company which owns ten percent or more of the outstanding shares or other indicia of ownership of the party; and (3) each publicly owned company in which the party owns ten percent or more of the outstanding shares.

Response: Plaintiffs Eden Rogers and Brandy Welch are individuals, not companies or corporations.

(D) State the basis for asserting the claim in the division in which it was filed (or the basis of any challenge to the appropriateness of the division). *See* Local Civil Rule 3.01.

Response: A substantial part of the events or omissions giving rise to the claims occurred in the Greenville Division, where Plaintiffs also reside. All defendants are either federal governmental entities, or federal or state officials sued in their official capacity only.

(E) Is this action related in whole or in part to any other matter filed in this District, whether civil or criminal? If so, provide: (1) a short caption and the full case number of the related action; (2) an explanation of how the matters are related; and (3) a statement of the status of the related action. Counsel should disclose any cases which *may be* related regardless of whether they are still pending. Whether cases *are* related such that they should be assigned to a single judge will be determined by the Clerk of Court based on a determination of whether the cases: arise from the same or identical transactions, happenings, or events; involve the identical parties or property; or for any other reason would entail substantial duplication of labor if heard by different judges.

Response: This action is related in part to the following matter:

(1) *Maddonna v. United States Department of Health and Human Services et al.*
(Case No. 6:19-cv-00448-TMC)

(2) In *Maddonna*, the plaintiff similarly sued federal governmental entities, and federal or state officials in their official capacities, challenging “sweeping religious exemptions from federal and state religious-antidiscrimination requirements to allow any faith-based foster-care child-placement agency in the state to refuse to recruit, work with, train, or place children with prospective foster parents who do not share the private child-placement agency’s religious beliefs”. Compl. ¶ 4 (ECF No. 1.) The *Maddonna* Complaint alleges violations of the Establishment Clause, Equal Protection Clause, Due Process Clause and Administrative Procedure Act. *Id.* ¶¶ 116-65.

(3) The motions to dismiss filed by Defendants Henry McMaster and Joan Meacham were fully briefed on April 30, 2019, and are pending before the Court.

A motion to dismiss was filed by the Department of Health and Human Services, Alex Azar, the Administration for Children and Families and Steven Wagner (the “Federal Defendants”) on April 26, 2019. On May 24, 2019, plaintiff filed her opposition to the Federal Defendants’ motion to dismiss. The Federal Defendants must file any reply in support of their motion on or before June 10, 2019.

May 30, 2019

/s/Susan K. Dunn

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* *Pro hac vice* application forthcoming