

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Eden Rogers et al.,)	
)	Civil Action No. 6:19-cv-01567-TMC
Plaintiffs,)	
)	
v.)	<u>DEFENDANT HENRY MCMASTER’S</u>
)	<u>ANSWERS TO LOCAL CIVIL RULE</u>
United States Department of Health and)	<u>26.01 INTERROGATORIES</u>
Human Services et al.,)	
)	
Defendants.)	

Pursuant to Local Civil Rule 26.01, Defendant Henry McMaster (“Governor McMaster”), in his official capacity as Governor of South Carolina, by and through undersigned counsel, hereby submits the following answers to the interrogatories found in Local Civil Rule 26.01:

(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.

ANSWER: None.

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

ANSWER: No party to this case has requested a jury trial on any of the claims at this time.

(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.

ANSWER: Governor McMaster is an elected official of the State of South Carolina. He is neither a publicly owned company nor is he a parent

company, subsidiary, partner, or affiliate of any publicly owned company. As an elected official and a natural person appearing in his official capacity, he has no shares which could be owned by any publicly owned company. Governor McMaster does not own ten percent or more of the outstanding shares of any publicly owned company.

- (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.

ANSWER: Plaintiffs' Complaint asserts the suit has been properly filed in the District of South Carolina, Greenville Division because a substantial part of the events giving rise to the claims occurred within this division and because Plaintiffs reside in this division. *See* Complaint (ECF No. 1) ¶ 19; Plaintiffs' Responses to Local Civil Rule 26.01 Interrogatories (ECF No. 3) at page 3, response (D).

- (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.

ANSWER: Yes: *Maddonna v. United States Department of Health and Human Services, et al.*, No. 6:19-cv-00448-TMC (D.S.C.). The Complaint in *Maddonna* arises from nearly the same factual predicates giving rise to the instant suit; the Defendants named in *Maddonna* are nearly identical to the Defendants named in the instant suit; and the causes of action asserted by in *Maddonna* are nearly the same as the causes of action asserted in the instant suit. See generally Gov. McMaster's Motion to Stay Proceedings (ECF No. 31) in *Rogers et al. v. United States Dept. fo Health & Human Servs. et al.* at 3–4 (explaining in greater detail the similarities between the two lawsuits). In the *Maddonna* suit, briefing on the Defendants' Motions to Dismiss was completed on June 10, 2019, and counsel anticipates that, following a possible hearing, the Court will consider and rule on those motions.

- (F) If the defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct identification.

ANSWER: Not applicable.

- (G) If you contend that some other person or legal entity is, in whole or in part, liable to you or the party asserting a claim against you in this matter, identify such person or entity and describe the basis of said liability.

ANSWER: Not applicable.

Respectfully submitted

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Greenville, South Carolina
July 24, 2019