

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

Eden Rogers and Brandy Welch,)
)
Plaintiff,)

Civil Action No.
6:19-cv-01567-TMC

v.)

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,)

**RULE 26.01 RESPONSES
(DEFENDANT LEACH)**

Defendants.)
)
_____)

Defendant Michael Leach, in his official capacity as State Director of the South Carolina Department of Social Services, pursuant to Rule 26.01 of the Local Civil Rules of the United States District Court for the District of South Carolina, submits the following answers to interrogatories as required by the Court:

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

RESPONSE #1:

None.

2. As to each claim, state whether it should be tried jury or non-jury and why.

RESPONSE #2:

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

3. 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 #3:

Not applicable.

4. State the basis asserting the claim in the division in which it was filed (or the basis of any challenge to the appropriateness of the division).

RESPONSE #4:

No challenge is made by this Defendant to the appropriateness of the division.

5. 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 in 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, happening 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 #5:

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.

6. 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.

RESPONSE #6:

Not applicable..

7. 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.

RESPONSE #7:

Not applicable.

DAVIDSON, WREN & PLYLER, P.A.

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July 24, 2019