

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

Aimee Maddonna,	)	
	)	Civil Action No. 6:19-cv-00448-TMC
Plaintiff,	)	
	)	
v.	)	<b><u>SUPPLEMENT TO DEFENDANT</u></b>
	)	<b><u>HENRY MCMASTER’S MOTION</u></b>
United States Department of Health and Human Services, et al.,	)	<b><u>TO DISMISS</u></b> <sup>1</sup>
	)	
Defendants.	)	

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COMES NOW Defendant Henry McMaster, in his official capacity as Governor of South Carolina, and respectfully files this supplement to his prior-filed Motion to Dismiss (ECF No. 12) to make the Court aware of certain factual developments related to the above-captioned case. As explained more fully below, the parties’ counsel have conferred regarding the developments. Plaintiff believes the developments do not moot her claims, and undersigned counsel does not at present dispute that belief. Nevertheless, in the interest of keeping this Court apprised of these facts, counsel for Governor McMaster states as follows:

1. Plaintiff commenced this action by filing her complaint on February 15, 2019. (ECF No. 1.) In her complaint, Plaintiff asserts claims against Governor McMaster and the Director of the South Carolina Department of Social Services for alleged violation of her rights under the Establishment, Equal Protection, and Due Process Clauses, and against the federal Defendants for alleged violation of these same rights as well as for alleged violation of certain provisions of the Administrative Procedures Act, 5 U.S.C. § 706. (*See id.*)

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<sup>1</sup> Pursuant to Local Civil Rule 7.04 D.S.C., a full explanation of the motion is provided herein, and, accordingly, a separate supporting memorandum would serve no useful purpose.

2. Plaintiff's claims are based on her allegations that Defendants took certain actions that enabled Miracle Hill Ministries ("Miracle Hill"), a private third-party entity that Plaintiff has not named as a defendant in this suit, to maintain its license as a child placement agency and receive government funding (*see id.* ¶¶ 3–6, 45–47, 60–93, 95, 99, 122–24); that, because of Miracle Hill's deeply held religious convictions, Miracle Hill only recruits foster parents and accepts volunteers who share what Plaintiff calls its "evangelical Christian religious beliefs" (*id.* ¶ 3; *see also id.* ¶¶ 40–42, 44, 69–74, 96, 106); and that Miracle Hill presumably would not accept her if she were to apply as a volunteer or foster parent because Plaintiff is Roman Catholic (*see id.* ¶¶ 24–25, 31–35, 37–43, 49, 96–97, 138, 153).

3. Defendants have filed Fed. R. Civ. P. 12 motions to dismiss the complaint on the grounds that its allegations fail to state a claim for which relief could be granted and that Plaintiff lacks standing to bring those claims. (*See* ECF Nos. 12, 18, 29.) Briefing on the motions was completed on June 10, 2019. (*See* ECF No. 42.)

4. Recently, counsel learned of a change in Miracle Hill's policies that occurred after briefing on the motions to dismiss was completed, namely that Miracle Hill decided to "open[] the door for Catholics who affirm Miracle Hill's doctrinal statement in belief and practice to serve as foster parents and employees."<sup>2</sup>

5. After learning of these developments, counsel for Governor McMaster contacted counsel for Plaintiff to confer regarding the change in Miracle Hill's policies described above. Counsel for all parties conferred telephonically on July 16, 2019. Counsel for Plaintiff expressed

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<sup>2</sup> Press Release, Miracle Hill Ministries, *Miracle Hill Ministries Strengthens Christian Identity by Opening Foster Program to Catholic Foster Parents* (July 5, 2019), available at <https://miraclehill.org/wp-content/uploads/2019/07/Miracle-Hill-Ministries-Strengthens-Christian-Identity-by-Opening-Foster-Program-to-Catholic-Foster-Parents.pdf>. This policy change was reported by various local media outlets on July 11 and 12, 2019.

the view that the change in Miracle Hill's policies does not moot the suit or alter the analysis of her pending claims. Counsel for Governor McMaster does not at present dispute this view. Counsel is prepared to brief the issue, however, if the court so directs. Counsel further believes the suit should be dismissed for the reasons stated in the Governor's Motion to Dismiss (ECF No. 12).

WHEREFORE, undersigned counsel respectfully informs this Court of the foregoing developments in this suit.

Respectfully submitted,

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