

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

EDEN ROGERS, *et al.*

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, *et al.*,

Defendants.

Case No. 6:19-cv-1567 (TMC)

**ANSWERS OF THE FEDERAL DEFENDANTS TO STANDARD
INTERROGATORIES PURSUANT TO LOCAL RULE 26.01 DSC**

Defendants United States Department of Health and Human Services (“HHS”); Administration for Children and Families (“ACF”); Alex Azar, in his official capacity as Secretary of HHS; Lynn Johnson, in her official capacity as Assistant Secretary of ACF; and Steven Wagner, in his official capacity as Principal Deputy Assistant Secretary of ACF (collectively the “Federal Defendants”), by and through the undersigned counsel, respectfully submit the following answers to the Court’s standard interrogatories under Local Rule 26.01 DSC.

- (A) **State the 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: Non-jury, pursuant to 28 U.S.C. § 2402.

- (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: No. The Federal Defendants are agencies and officials of the United States.

(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).

ANSWER: Assuming the truth of the allegations in the Complaint for purposes of this response, venue is proper in the Greenville Division.

(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 Court 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 judge?

ANSWER: Yes, one civil matter pending before this Court is wholly related to this matter:

(1) *Maddonna v. U.S. Dep't of Health & Human Servs.*, No. 6:19-cv-448-TMC (D.S.C.).

(2) With respect to the Federal Defendants, the sole conduct alleged in each complaint is the Federal Defendants' funding of grants to South Carolina for support of its foster care program under Title IV-E of the Social Security Act, and the Federal Defendants' issuance to the State of the January 23, 2019 conditional exception from an HHS religious non-discrimination regulation.

Additionally, Plaintiff in *Maddonna* similarly brings claims under the Establishment Clause and equal protection component of the Fifth Amendment (in addition to due process and Administrative Procedure Act claims).

(3) All defendants have filed motions to dismiss in *Maddonna*, which are fully briefed and pending decision by the Court.

(F) [Defendants only] 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: The defendants are properly identified.

(F) [Defendants only] 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 their liability.

ANSWER: Not applicable.

Dated: August 29, 2019

Respectfully submitted,

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