

**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,)

**MOTION TO DISMISS
(DEFENDANT MICHAEL LEACH)**

Defendants.)
)
_____)

Defendant Michael Leach, in his official capacity as State Director of the South Carolina Department of Social Services, moves this Court, pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure for an Order dismissing, with prejudice, the claims asserted against him in this action. In further support of this Motion, this Defendant refers to, relies upon, and incorporates by reference the Motion to Dismiss filed by Defendant Henry McMaster later this date, as well as the Memorandum in Support filed therewith and any attachments. Undersigned counsel has

reviewed a virtually-final draft of the Governor’s motion and memorandum, but is filing this motion in advance of the Governor’s filing because of an out-of-town travel commitment.

This Defendant submits that the grounds set forth in Defendant McMaster’s Motion to Dismiss apply with equal force and effect to this Defendant. In fact, Defendants McMaster and Leach are for the most part treated together by Plaintiffs as the “State Defendants.” If Defendant McMaster’s Motion to Dismiss were to be granted, it would logically follow that Defendant Leach should be dismissed for the same reasons.

Respectfully submitted,

DAVIDSON, WREN & PLYLER P.A.

s/Kenneth P. Woodington
WILLIAM H. DAVIDSON, II, #425
KENNETH P. WOODINGTON, #4741
1611 Devonshire Drive, 2nd Floor
Post Office Box 8568
Columbia, South Carolina 29202-8568
[wdavidson@dml-law.com](mailto:w davidson@dml-law.com)
[kwoodington@dml-law.com](mailto:k woodington@dml-law.com)
T: 803-806-8222
F: 803-806-8855

Counsel for Defendant Leach

Columbia, South Carolina

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