

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

Aimee Maddonna,

*Plaintiff,*

v.

United States Department of Health and  
Human Services, et al.,

*Defendants.*

Case No. 6:19-cv-03551-JD

**JOINT MOTION TO EXTEND  
REMAINING DISCOVERY  
DEADLINES**

Pursuant to Rule 29(b) of the Federal Rules of Civil Procedure and Local Civil Rule 6.01, Plaintiff Aimee Maddonna and State Defendants Michael Leach, in his official capacity as State Director of the South Carolina Department of Social Services, and Henry McMaster, in his official capacity as Governor of the State of South Carolina, move the Court to extend the remaining discovery deadlines in this matter.<sup>1</sup> In support of this motion, the parties state as follows:

1. The current deadlines are set out in the Third Amended Scheduling Order (Dkt. No. 74).
2. The original discovery deadlines have been extended three times, each time by consent of all parties (*see* Dkt. Nos. 57, 63, 72).
3. Plaintiff and State Defendants have exchanged written discovery, and the parties have made their expert-witness disclosures. They are now in the process of scheduling

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<sup>1</sup> Defendants U.S. Department of Health and Human Services, Xavier Becerra, in his official capacity as Secretary of HHS, Administration for Children and Families, and JooYeun Chang, in her official capacity as Acting Assistant Secretary of ACF (“Federal Defendants”) consent to the motion and requested extensions on the condition that Plaintiff not pursue additional discovery against them. The Federal Defendants have already produced the administrative record and Plaintiff does not intend to pursue any additional discovery of them.

depositions. The parties request that the Court extend the remaining deadlines (paragraphs 8, 9, 10, and 11 of the Third Amended Scheduling Order) by forty-five (45) days to complete depositions, finalize written discovery as necessary, and revisit mediation.

4. A proposed Fourth Amended Scheduling Order reflecting the requested extensions is submitted as Exhibit 1.

For the foregoing reasons, the parties respectfully request that the Court modify the scheduling order governing this case as requested herein.

Respectfully submitted this 13th day of July, 2021.

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Greenville, South Carolina  
July 13, 2021

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

Aimee Maddonna, )  
)  
Plaintiff, )  
)  
v. )  
)  
United States Department of Health and )  
Human Services; Alex M Azar, II, *in his* )  
*official capacity as Secretary of the* )  
*United States Department of Health and* )  
*Human Services; Administration for* )  
*Children and Families, United States* )  
*Department of Health and Human* )  
*Services; Lynn Johnson, in her official* )  
*capacity as Assistant Secretary of the* )  
*Administration for Children and* )  
*Families; Henry McMaster, in his official* )  
*capacity as Governor of the State of* )  
*South Carolina; Michael Leach, in his* )  
*official capacity as State Director for the* )  
*South Carolina Department of Social* )  
*Services,* )  
Defendants. )

Civil Action No.: 6:19-cv-3551-JD

**FOURTH AMENDED  
SCHEDULING ORDER**

Pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules of this District, the Court hereby establishes the following schedule for this case.

1. Amendment of Pleadings: The deadline for any motions to join other parties and to amend the pleadings expired on **January 8, 2021**.
2. Expert Disclosures:
  - A. The deadline for Plaintiff(s) to file and serve a document identifying by full name, address, and telephone number each person whom Plaintiff(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert pursuant to Fed. R. Civ. P. 26(a)(2)(B) or, where allowed, a report prepared by counsel has been disclosed to the other parties expired on **March 25, 2021**.
  - B. The deadline for Defendant(s) to file and serve a document identifying by full name, address, and telephone number each person whom Defendant(s) expects to

call as an expert at trial and certifying that a written report prepared and signed by the expert pursuant to Fed. R. Civ. P. 26(a)(2)(B) or, where allowed, a report prepared by counsel has been disclosed to the other parties expired on **April 23, 2021**.

3. **Records Custodians**: The deadline for counsel to file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial expired on **April 23, 2021**. Objections to such affidavits were due within 14 days after the service of the disclosures. *See* Fed. R. Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3) (D.S.C.).
4. **Discovery**: Discovery shall be completed no later than **September 7, 2021**. All discovery requests shall be served in time for the responses thereto to be served by this date. De bene esse depositions must be completed by the discovery deadline. **No motions relating to discovery shall be filed until counsel have consulted and attempted to resolve the matter as required by Local Civil Rule 7.02 (D.S.C.) and have had a telephone conference with Judge Dawson in an attempt to resolve the matter informally. The request for a telephone conference should be made within the time limit prescribed by local rule for filing such a motion. Attorneys should send a request for a telephone conference via e-mail to dawson\_ecf@scd.uscourts.gov. The parties shall set forth their respective positions in their request.**
5. **Motions**: All dispositive motions, *Daubert* motions, and all other motions, except those to complete discovery, those nonwaivable motions made pursuant to Fed. R. Civ. P. 12, and those relating to the admissibility of evidence at trial (other than *Daubert* motions), shall be filed on or before **September 20, 2021**.
6. **Mediation**: Mediation shall be completed in this case on or before **September 16, 2021**. *See* Judge Dawson's Standing Order to Conduct Mediation (setting forth mediation requirements).
7. **Pretrial Disclosures**: No later than **October 25, 2021**, the parties shall file and exchange Fed. R. Civ. P. 26(a)(3) pretrial disclosures. Within 14 days thereafter, a party shall file and exchange Fed. R. Civ. P. 26(a)(3) objections, any objections to use of a deposition designated by another party, and any deposition counter-designations under Fed. R. Civ. P. 32(a)(6). **Deposition designations and counter-designations must specifically identify the portions to be offered, including page and line citations.**
8. **Motions in Limine**: Motions in limine must be filed no later than **October 18, 2021**. Written responses are due 7 days after the motion is filed.

9. Pretrial Briefs and Exhibits: Parties shall furnish the Court pretrial briefs 7 days prior to the date set for jury selection.<sup>4</sup> Local Civil Rule 26.05 (D.S.C.). Attorneys shall meet at least 7 days prior to the date set for submission of pretrial briefs for the purpose of exchanging and marking all exhibits. *See* Local Civil Rule 26.07 (D.S.C.).
10. Jury Selection and Trial: This case is subject to being called for jury selection and/or trial on or after **November 15, 2021**.

The parties' attention is specifically directed to Local Civil Rule 5.03 (D.S.C.) regarding the filing of confidential material. The parties' attention is also directed to the Court's website regarding instructions or other orders that may be applicable to your case.

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Honorable Joseph Dawson, III  
United States District Judge

Dated: July 13, 2021  
Greenville, South Carolina

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<sup>4</sup> The pretrial brief information found in Local Civil Rule 26.05(A)–(M) (D.S.C.) shall be submitted only to the Judge's chambers. However, pretrial brief information contained in Local Civil Rule 26.05(N)–(O) (D.S.C.) shall be served on opposing parties.