

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DISTRICT**

EDEN ROGERS and
BRANDY WELCH,

Case No.: 6:19-cv-01567-JD

Plaintiffs,

-against-

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;

XAVIER BECERRA, in his official capacity as
Secretary of the UNITED STATES
DEPARTMENT OF HEALTH AND HUMAN
SERVICES;

ADMINISTRATION FOR CHILDREN AND
FAMILIES;

JOOYEUN CHANG, in her official capacity as
the Senior Official Performing the Duties of the
Assistant Secretary of the ADMINISTRATION
FOR CHILDREN AND FAMILIES;

JOOYEUN CHANG, in her 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,

Defendants.

**JOINT MOTION TO EXTEND
SCHEDULING ORDER**

Plaintiffs Eden Rogers and Brandy Welch (collectively referred to as “Plaintiffs”);

Defendants United States Department of Health and Human Services, Xavier Becerra,
Administration for Children and Families, and JooYeun Chang (collectively referred to as “Federal

Defendants”); and Defendants Henry McMaster and Michael Leach (collectively referred to as “State Defendants”) hereby jointly move, pursuant to Federal Rule of Civil Procedure 29(b) and Local Civil Rules 6.01 and 29.01 (D.S.C.), for an extension of each remaining deadline in the scheduling order by 45 days as reflected in the proposed Sixth Amended Scheduling Order attached hereto.¹ More time is required to allow the parties to complete discovery and comply with the other deadlines in the Fifth Amended Scheduling Order. (ECF No. 193.)²

The parties seek to amend outstanding deadlines for discovery completion (the current deadline for which is November 29, 2021), to prepare and file dispositive motions (the current deadline for which is December 13, 2021), to complete mediation (the current deadline for which is December 6, 2021), to file and exchange pretrial disclosures (the current deadline for which is January 14, 2022), to file motions in limine (the current deadline for which is January 11, 2022), and for trial (which is currently scheduled for February 21, 2022).

The parties have previously sought five extensions of time. At the time the Court granted Plaintiffs’ request for a fourth extension of time, the parties had completed several fact, Rule 30(b)(6) and expert witness depositions, but several depositions remained outstanding. (*See*

¹ Pursuant to Local Rule 7.04, the parties are not filing a supporting memorandum because a full explanation of the motion is contained within the motion and a memorandum would serve no useful purpose.

² The original deadlines so-ordered by the Court were extended once with the filing of the Rule 26(f) report by consent of the parties. (ECF No. 94.) Plaintiffs sought, and the Court granted on December 1, 2020 (ECF No. 115), a second extension of the deadlines in the scheduling order by 90 days (ECF No. 116). With State Defendants’ consent and Federal Defendants’ conditional consent, Plaintiffs requested a third extension of the scheduling order by 51 days (ECF No. 146), and the Court granted that request on May 7, 2021 (ECF No. 148). With State Defendants’ consent and Federal Defendants’ conditional consent, Plaintiffs requested a fourth extension of the scheduling order by 61 days (ECF No. 168), and the Court granted that request on July 13, 2021 (ECF No. 172). The parties requested a fifth extension of the scheduling order by 91 days (ECF No. 190), and the Court granted that request on September 15, 2021 (ECF No. 193). This would be the sixth extension of the scheduling order.

ECF No. 172.) Shortly thereafter, State Defendants filed a motion for judgment on the pleadings and a motion to stay discovery. (*See generally* ECF Nos. 173, 174, 180, 181, 186, 187.) Discovery was effectively stayed after State Defendants filed those motions, and State Defendants took the position that other deadlines were held in abeyance pending the Court's consideration and ruling on their motion to stay discovery. The parties thus sought, and the Court granted (ECF No. 193), a fifth extension of time to allow the parties time to complete the remaining depositions and comply with the subsequent deadlines should the Court deny State Defendants' motions for judgment on the pleadings and to stay discovery. On November 4, 2021, the Court denied State Defendants' motion to stay discovery. (ECF No. 195)³ Under the Fifth Amended Scheduling Order, the deadline for discovery completion is November 29, 2021. The parties thus seek this further 45-day extension of the case schedule in order to allow sufficient time for the parties to complete the remaining depositions and comply with the subsequent deadlines.

CONCLUSION

For all the foregoing reasons, the parties respectfully request that the Court extend all outstanding deadlines by 45 days and order the attached Sixth Amended Scheduling Order.

Columbia, South Carolina
November 19, 2021

s/ Nekki Shutt

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³ State Defendants' motion for judgment on the pleadings (ECF No. 173) is still pending before the Court.

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