

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

EDEN ROGERS and
BRANDY WELCH,

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.

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

**MOTION TO STAY
DISPOSITIVE MOTION
DEADLINE**

As noted in the email correspondence sent to the Court on February 28,
2022 at 4:44 p.m., Plaintiffs Eden Rogers and Brandy Welch (collectively referred to as

“Plaintiffs”), hereby move, pursuant to Federal Rules of Civil Procedure 6(b) and 16(b)(4) and Local Civil Rules 6.01 (D.S.C.), to stay the dispositive motion deadline pending the Court’s review of and ruling on their request to reopen discovery.¹ Pursuant to the Seventh Amended Scheduling Order (ECF No. 208), dispositive motions are currently due on March 4, 2022.² A stay of the deadline for dispositive motions, currently set for March 4, 2022, while the Court considers Plaintiffs’ request to reopen discovery is necessary because any additional information Plaintiffs are permitted to discover may impact the parties’ summary judgment arguments.³ Neither the Federal Defendants nor the State Defendants

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). The parties requested a sixth extension of 45 days (ECF No. 196), and the Court granted that request on November 22, 2021 (ECF No. 199). With Plaintiffs’ and Federal Defendants’ consent, State Defendants requested a seventh extension of the deadlines in the scheduling order by 35 days (ECF 205), and the Court granted that request on January 14, 2022.

³ Defendants Henry McMaster and Michael Leach (collectively referred to as “State Defendants”) oppose Plaintiffs’ request to reopen discovery, but do not oppose a stay of the dispositive motion deadline pending the Court’s review of and ruling on Plaintiffs’ request. 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”) consent to Plaintiffs’ request to stay the dispositive motion deadline. Plaintiffs will not pursue additional discovery against the Federal Defendants.

oppose this request. Therefore, Plaintiffs respectfully request a stay of the March 4 deadline to file dispositive motions pending the Court's review of and ruling on the request to reopen discovery.

Columbia, South Carolina
February 28, 2022

s/Nekki Shutt

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