

FILED: November 10, 2021

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-2070
(3:21-cv-02728-MGL)

DISABILITY RIGHTS SOUTH CAROLINA; ABLE SOUTH CAROLINA;
AMANDA MCDUGALD SCOTT, individually and on behalf of P.S., a minor;
MICHELLE FINNEY, individually and on behalf of M.F., a minor; LYUDMYLA
TSYKALOVA, individually and on behalf of M.A., a minor; EMILY POETZ,
individually and on behalf of L.P., a minor; SAMANTHA BOEVERS,
individually and on behalf of P.B., a minor; TIMICIA GRANT, individually and
on behalf of E.G., a minor; CHRISTINE COPELAND, individually and on behalf
of L.C., a minor; HEATHER PRICE, individually and on behalf of H.P., a minor;
CATHY LITTLETON, individually and on behalf of Q.L., a minor

Plaintiffs - Appellees

v.

HENRY DARGAN MCMASTER, in his official capacity as Governor of South
Carolina; ALAN WILSON, in his official capacity as Attorney General of South
Carolina

Defendants - Appellants

and

MOLLY SPEARMAN, in her official capacity as State Superintendent of
Education; GREENVILLE COUNTY SCHOOL DISTRICT; Horry COUNTY
SCHOOL DISTRICT; LEXINGTON COUNTY SCHOOL DISTRICT ONE;
OCONEE COUNTY SCHOOL DISTRICT; DORCHESTER COUNTY
SCHOOL DISTRICT TWO; CHARLESTON COUNTY SCHOOL DISTRICT;
PICKENS COUNTY SCHOOL DISTRICT

Defendants

AMERICAN ACADEMY OF PEDIATRICS; SOUTH CAROLINA CHAPTER
OF AMERICAN ACADEMY OF PEDIATRICS

Amici Supporting Appellees

O R D E R

Upon consideration of submissions relative to appellants' renewed emergency motion to stay injunction pending appeal and for administrative stay, the court denies the motion.

The court grants the motion of Amici Curiae South Carolina Chapter of American Academy of Pediatrics and American Academy of Pediatrics to amend brief.

The court directs the clerk to expedite briefing and to schedule oral argument for December 9, 2021, at 2:30 p.m., in Richmond, Virginia.

Appellants shall file a supplemental opening brief on or before November 17, 2021, addressing these additional issues:

- Is the statutory provision at issue a funding provision not unlike the Hyde Amendment?
- If it is, do U.S. courts have jurisdiction over funding decisions made by a state legislature.

Appellees shall file their brief responding to appellants' opening brief and the additional issues stated above on or before November 29, 2021.

Appellants shall file any reply brief on or before December 2, 2021.

In view of the scheduling of this case for argument, four paper copies of all briefs, including amicus briefs, are required.

Entered at the direction of Judge Thacker with the concurrence of Judge Wynn. Judge Niemeyer voted to grant appellants' renewed emergency motion to stay injunction pending appeal and for administrative stay.

For the Court

/s/ Patricia S. Connor, Clerk