

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KRISTY DUMONT; DANA DUMONT;
ERIN BUSK-SUTTON; and REBECCA
BUSK-SUTTON,

Plaintiffs,

v.

NICK LYON, in his official capacity as
the Director of the Michigan Department
of Health and Human Services; and
HERMAN MCCALL, in his official
capacity as the Executive Director of the
Michigan Children’s Services Agency,

Defendants,

and

ST. VINCENT CATHOLIC CHARITIES;
MELISSA BUCK; CHAD BUCK; and
SHAMBER FLORE,

Intervenor Defendants.

No. 2:17-cv-13080-PDB-EAS

HON. PAUL D. BORMAN

MAG. ELIZABETH A. STAFFORD

**PLAINTIFFS’ AND STATE
DEFENDANTS’ JOINT MOTION
FOR IMMEDIATE
CONSIDERATION OF MOTION
TO STAY PROCEEDINGS**

Plaintiffs Kristy Dumont, Dana Dumont, Erin Busk-Sutton, and
Rebecca Busk-Sutton (collectively, “Plaintiffs”) and Defendants Nick Lyon and
Herman McCall (collectively, “State Defendants”) respectfully move this Court for
immediate consideration of their Motion for Stay of Proceedings in the above-

captioned action (the “Action”). This Motion is accompanied by a Brief in Support, pursuant to LR 7.1(d).

Dated: January 23, 2019

/s/ Ann-Elizabeth Ostrager

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No. 2:17-cv-13080-PDB-EAS

HON. PAUL D. BORMAN

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**PLAINTIFFS' AND STATE
DEFENDANTS' BRIEF IN
SUPPORT OF JOINT MOTION
FOR IMMEDIATE
CONSIDERATION OF MOTION
TO STAY PROCEEDINGS**

In support of their Motion for Immediate Consideration of their Motion for Stay of Proceedings, Plaintiffs and State Defendants, through respective counsel, state as follows:

1. On September 20, 2017, Plaintiffs filed the complaint in the Action (the “Complaint”) with the U.S. District Court for the Eastern District of Michigan against the State Defendants. (ECF No. 1.)

2. On December 18, 2017, St. Vincent Catholic Charities, Melissa and Chad Buck, and Shamber Flore (“Intervenor Defendants”) moved to intervene in this case (ECF No. 18), which motion was granted on March 22, 2018. (ECF No. 34.)

3. On September 14, 2018, this Court denied in substantial part the motions to dismiss filed by State Defendants and Intervenor Defendants. (ECF No. 49 at 93.)

4. On September 17, 2018, the Court entered a schedule for discovery and briefing to “manage the progress of the case” (the “September 17 Scheduling Order”). (ECF No. 51 at 1.)

5. On October 31, 2018, all Parties jointly moved to modify the September 17 Scheduling Order. (ECF No. 61.) On November 2, 2018, this Court granted in part and denied in part that motion. (ECF No. 62).

6. On November 13, 2018, this Court issued an Amended Scheduling Order (the “November 13 Scheduling Order”), which *inter alia* orders that fact discovery be completed by February 18, 2019 and expert discovery be completed by March 18, 2019. (ECF No. 63.)

7. Pursuant to the November 13 Scheduling Order, the Parties have engaged in substantial discovery, including the exchange of written discovery and document production.

8. In addition, the Parties have collectively noticed the depositions of sixteen individuals or entities, most of which have been noticed by multiple parties. Those depositions are scheduled to begin this Friday January 25, 2019.

9. Plaintiffs and State Defendants have begun preliminary discussions to resolve Plaintiffs' claims asserted against the State Defendants in the complaint in the above-captioned action. Based on ongoing discussions between Plaintiffs and State Defendants, the parties have a good faith belief that there is a reasonable likelihood that they may be able to settle the case if given sufficient time to engage in focused discussions over the coming weeks, rather than preparing for and taking more than a dozen depositions. Plaintiffs and State Defendants request immediate consideration of this motion in order to allow Plaintiffs and State Defendants to continue their attention to settlement negotiations rather than preparing for and taking the sixteen depositions scheduled in the next month.

For the foregoing reasons, Plaintiffs and State Defendants respectfully request that this Court grant their Motion for Immediate Consideration of their Motion to Stay Proceedings.

Dated: January 23, 2019

/s/ Ann-Elizabeth Ostrager

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CERTIFICATE OF SERVICE

I hereby certify that, on January 23, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

Dated: January 23, 2019

/s/ Ann-Elizabeth Ostrager

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