

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.

ROBERT GORDON, 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

**STATE DEFENDANTS'
MOTION FOR IMMEDIATE
CONSIDERATION OF
MOTION FOR
STIPULATED EXTENSION
OF STAY OF
PROCEEDINGS**

Defendants Robert Gordon and Herman McCall (collectively, "State Defendants") respectfully move this Court for immediate consideration of

their Motion for Stipulated Extension of Stay of Proceedings in the above-captioned action. This Motion is accompanied by a Brief in Support, pursuant to LR 7.1(d).

Respectfully submitted,

Dana Nessel
Attorney General

/s/ Joshua S. Smith
Joshua S. Smith (P63349)
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Dated: February 22, 2019

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**STATE DEFENDANTS'
BRIEF IN SUPPORT OF
MOTION FOR IMMEDIATE
CONSIDERATION OF
MOTION FOR STIPULATED
EXTENSION OF STAY OF
PROCEEDINGS**

In support of their Motion for Immediate Consideration of their Motion for Stipulated Extension of Stay of Proceedings, State Defendants, through undersigned 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. The depositions were scheduled to begin on Friday, January 25, 2019.

9. On January 24, 2019, the Court stayed proceedings in this case, providing Plaintiffs and State Defendants to engage in settlement

discussions to resolve Plaintiffs' claims asserted against the State Defendants in the complaint in the above-captioned action. (Doc. 76.)

10. Plaintiffs and State Defendants are continuing productive settlement discussions. 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 continue engaging in focused discussions over the coming weeks, rather than preparing for and taking more than a dozen depositions. 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, State Defendants respectfully request that this Court grant their Motion for Immediate Consideration of their Motion for Stipulated Extension of Stay of Proceedings.

Respectfully submitted,

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Attorney General

/s/ Joshua S. Smith
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CERTIFICATE OF SERVICE

I hereby certify that, on February 22, 2019, I electronically filed **State Defendants' Motion for Immediate Consideration of Motion for Stipulated Extension of Stay of Proceedings** and **State Defendants' Brief in Support of Motion for Immediate Consideration of Motion for Stipulated Extension of Stay of Proceedings** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

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