

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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

Plaintiffs,

v.

ROBERT GORDON, in his official
capacity as the Director of the Michigan
Department of Health and Human Services;
HERMAN MCCALL, in his official capacity
as the Executive Director of the Michigan
Children's Services Agency; DANA NESSEL,
in her official capacity as Michigan Attorney
General; ALEX AZAR, in his official capacity
as Secretary of Health and Human Services;
UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

Defendants.

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No. 1:19-cv-00286

HON. ROBERT J. JONKER

MAG. PHILLIP J. GREEN

**STIPULATION TO EXTEND
STATE AND FEDERAL
DEFENDANTS' DEADLINE
TO RESPOND TO
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION,
AND TO EXTEND STATE
PLAINTIFFS' DEADLINE TO
RESPOND TO THE
COMPLAINT**

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**STIPULATION TO EXTEND STATE AND FEDERAL DEFENDANTS'
DEADLINE TO RESPOND TO PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION, AND TO EXTEND STATE PLAINTIFFS'
DEADLINE TO RESPOND TO THE COMPLAINT**

The parties, by and through undersigned counsel, stipulate to (a) extend the deadline for State Defendants and Federal Defendants to respond to Plaintiffs' Motion for Preliminary Injunction [ECF No. 5] to May 29, 2019, and (b) extend the deadline for State Defendants to respond to the Complaint to June 24, 2019, which aligns with Federal Defendants' deadline to respond.

The parties state as follows:

1. Plaintiffs filed a Complaint on April 15, 2019.
2. Plaintiffs served State Defendants Gordon and Nessel with the Summons and Complaint on Friday, April 19, 2019. Plaintiffs served State Defendant Wrayno¹ through counsel in late April 2019.
3. Plaintiffs served Federal Defendants with the Summons and Complaint on or about April 23, 2019.
4. Plaintiffs filed a Motion for Preliminary Injunctive Relief in this Court on April 16, 2019 [ECF No. 5].

¹ Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, this stipulation reflects the substitution of Acting Children's Services Agency Executive Director Jennifer Wrayno for former Children's Services Agency Executive Director Herman McCall, who was named in his official capacity.

5. Plaintiffs served the Motion for Preliminary Injunctive Relief by U.S. mail on or about Thursday, April 18, 2019.

6. An Order issued on April 25, 2019, requiring Defendants to file responses to the Preliminary Injunction motion not later than May 15, 2019 [ECF No. 8].

7. To align pleading schedules, Plaintiffs stipulate to extending State Defendants' deadline to respond to the Complaint to match the Federal Defendants' June 24, 2019 deadline to respond.

8. The parties also agree that a two-week extension of the Court's May 15, 2019 deadline to respond to Plaintiffs' Motion for Preliminary Injunctive Relief is reasonable to allow State and Federal Defendants time to review the case and prepare a response.

WHEREFORE, the parties respectfully request that this Honorable Court enter the attached proposed stipulated order extending the deadline for State Defendants and Federal Defendants to file a response to Plaintiffs' Motion for Preliminary Injunctive Relief to May 29, 2019 and extending the deadline for State Defendants to respond to the Complaint to June 24, 2019.

IT IS SO STIPULATED.

Dated: May 2, 2019

/s/ Toni L. Harris

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Dated: May 2, 2019

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Dated: May 2, 2019

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ORDER ON STIPULATION TO EXTEND DEADLINES

This matter having come before the Court upon State and Federal Defendants' Stipulated Motion to extend State and Federal Defendants' Deadline to Respond to Plaintiffs' Motion for Preliminary Injunction, and to Extend State Plaintiffs' Deadline to Respond to the Complaint, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED that the deadline for State and Federal Defendants to file a response to Plaintiffs' Motion for Preliminary Injunction is extended to May 29, 2019.

IT IS FURTHER ORDERED that the deadline for State Defendants to respond to the Complaint is extended to June 24, 2019.

IT IS SO ORDERED.

Dated:

HON. ROBERT J. JONKER
United States District Court Judge