

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CATHOLIC CHARITIES
WEST MICHIGAN,

Plaintiff,

Case No.
2:19-CV-11661-DPH-DRG

v.

HON. DENISE PAGE HOOD

MICHIGAN DEPARTMENT
OF HEALTH AND HUMAN
SERVICES; ROBERT GORDON, in
his official capacity as Director
of the Michigan Department of
Health and Human Services;
MICHIGAN CHILDREN’S
SERVICES AGENCY; JENNIFER
WRAYNO, in her official capacity as
Acting Executive Director of
Michigan Children’s Services Agency;
DANA NESSEL, in her official
capacity as Attorney General of
Michigan.

**STIPULATED ORDER
EXTENDING DEADLINE TO
ANSWER OR OTHERWISE
RESPOND TO THE
COMPLAINT**

Defendants.

_____ /

James R. Wierenga (P48946)
Attorney for Plaintiff
David, Wierenga & Lauka, PC
99 Monroe Ave., NW
Ste. 1210
Grand Rapids, MI 49503
(616) 454-3883
jim@dwlawpc.com

David A. Cortman (GA Bar #188810)
Attorney for Plaintiff
Alliance Defending Freedom
1000 Hurricane Shoals Rd. NE
Ste. D-1100
Lawrenceville, GA 30043
(770) 339-0774
dcortman@ADFlegal.org

Roger Brooks (NC Bar #16317)*
Jeremiah Galus (AZ Bar #030469)*
Attorneys for Plaintiff
Alliance Defending Freedom
15100 N. 90th Street
Scottsdale, AZ 85260
(480) 444-0020
rbrooks@ADFlegal.org
jgalus@ADFlegal.org

**Application for admission
forthcoming*

Toni L. Harris (P63111)
Joshua S. Smith (P63349)
Precious S. Boone (P81631)
Elizabeth R. Husa Briggs
(P73907)
Attorneys for Defendants
Michigan Department of
Attorney General
Health, Education & Family
Services Division
P.O. Box 30758
Lansing, MI 48909
(517) 335-7603
HarrisT19@michigan.gov
Smithj46@michigan.gov

**STIPULATED ORDER EXTENDING DEADLINE TO ANSWER
OR OTHERWISE RESPOND TO THE COMPLAINT**

Plaintiff Catholic Charities West Michigan, and Defendants

Michigan Department of Health and Human Services (DHHS), DHHS

Director Robert Gordon, Michigan Children’s Services Agency (CSA), and CSA Executive Director JooYeun Chang¹ (collectively “DHHS Defendants”), and Defendant Michigan Attorney General Dana Nessel, by and through respective counsel, stipulate as follows:

1. Plaintiff initiated this lawsuit by filing a Summons and Complaint in the Court of Claims, Case No. 19-000072MM. (ECF No. 1, Ex. A.)
2. Plaintiff also filed a motion for preliminary injunction in the state court action. (ECF No. 1, Ex. B.)
3. On May 24, 2019, the parties filed a stipulation extending Defendants’ deadlines for responding to the complaint and the preliminary injunction motion to June 28, 2019. (ECF No. 1, Ex. C.)
4. On June 5, 2019, Defendants filed a Notice of Removal, removing the state court action to this Court. (ECF No. 1.)
5. Defendants’ June 12, 2019 deadline to file an answer or otherwise respond to the Complaint is extended to June 28, 2019.

¹ Pursuant to Fed. R. Civ. P. 25(d), this stipulated order reflects the substitution of Children’s Services Agency Executive Director JooYeun Chang for Acting Children’s Services Agency Executive Director Jennifer Wrayno, who was named in her official capacity.

6. By agreeing to extend Defendants' deadline to file an answer or otherwise respond to the Complaint, Plaintiff is not waiving its right to oppose removal to this Court as improper.

7. In fact, Plaintiff intends to file a motion to change venue to the Western District of Michigan, which Plaintiff contends is the proper venue.

8. Plaintiff also intends to refile its motion for preliminary injunction in conformance with the Federal Rules of Civil Procedure.

To ensure that Plaintiff is not prejudiced by any extension of time, DHHS Defendants will provide Plaintiff at least 10 days' notice prior to taking adverse action, as defined in MCL 722.124e(7), against Plaintiff relating to a Placing Agency Foster Care services contract or an Adoption services contract with DHHS.

IT IS SO ORDERED.

Dated: June 7, 2019

s/Denise Page Hood
HON. DENISE PAGE HOOD
UNITED STATES DISTRICT JUDGE

9.

STIPULATED TO:

/s/ James Wierenga
James Wierenga (P486946)
David, Wierenga & Lauka, PC
Attorney for Plaintiff

Date: June 7, 2019

/s/ Toni L. Harris
Toni L. Harris (P63111)
Michigan Department of
Attorney General
Attorney for Defendants

Date: June 7, 2019