

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MELISSA BUCK, *et al.*,

Plaintiffs,

v.

ROBERT GORDON, in his official
Capacity as Director of the Michigan
Department of Health and Human Services,
et al.,

Defendants.

CASE NO. 1:19-CV-286

HON. ROBERT J. JONKER

ORDER

In accordance with the Opinion entered this day, **IT IS ORDERED:**

1. Defendants Robert Gordon, Herman McCall, and Dana Nessel's Motion to Dismiss (ECF No. 29) is **GRANTED** to the extent Defendants seek dismissal of Plaintiffs Chad Buck, Melissa Buck, and Shamber Flore under FED. R. CIV. P. 12(b)(2) and is **DENIED** in all other respects.¹

2. Defendants Alex Azar and the United States Department of Health and Human Services' Motion to Dismiss (ECF No. 44) is **GRANTED** to the extent Defendants seek dismissal of Plaintiffs Melissa Buck, Chad Buck, and Shamber Flore under FED. R. CIV. P. 12(b)(2) and is **DENIED** in all other respects.

3. If they choose to do so, Plaintiffs Melissa Buck, Chad Buck, and Shamber Flore may proceed as *amici curiae* in the case.

¹ The Court has already denied the motion to the extent Defendants sought transfer of the case. (ECF No. 52)

4. Plaintiff St. Vincent's Motion for Preliminary Injunction (ECF No. 5) is **GRANTED:**

A. Unless and until the Court orders otherwise, Defendants Gordon, McCall, and Nessel, their agents, employees, and those acting in concert with them shall not terminate or suspend performance of their contracts with St. Vincent Catholic Charities, decline to renew those contracts, or take any other adverse action against St. Vincent Catholic Charities based on St. Vincent's protected religious exercise as described in the accompanying Opinion.

B. Unless and until the Court orders otherwise, Defendant Azar shall not take any enforcement action against the State under 45 C.F.R. § 75.300(c) based upon St. Vincent's protected religious exercise as described in the accompanying Opinion, or upon the State of Michigan's obligations under this preliminary injunction to accommodate such protected religious exercise.

IT IS SO ORDERED.

Dated: September 26, 2019

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE