

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Deborah S. Hunt
Clerk

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Filed: November 19, 2019

Ms. Toni L. Harris
Office of the Attorney General
P.O. Box 30758
Lansing, MI 48917

Re: Case No. 19-2185, *Melissa Buck, et al v. Robert Gordon, et al*
Originating Case No. 1:19-cv-00286

Dear Counsel,

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Robin Baker, Case Management Specialist for
Robin Johnson, Case Manager
Direct Dial No. 513-564-7039

cc: Mr. Garrard Russ Beeney
Ms. Precious Snyott Boone
Ms. Elizabeth Briggs
Mr. Jacob Coate
Mr. William Haun
Mr. Nicholas Robert Reaves
Mr. Mark Rienzi
Ms. Leila Rashida Siddiky
Mr. Anthony Joseph Sukkar
Ms. Lori Halstead Windham

Enclosure

No. 19-2185

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

MELISSA BUCK, et al.,

Plaintiffs-Appellees,

v.

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

Defendants-Appellants,

ALEX M. AZAR, II, in his official capacity as the
Secretary of the United States Department of Health
and Human Services, et al.,

Defendants.

FILED
Nov 19, 2019
DEBORAH S. HUNT, Clerk

O R D E R

Before: SUHRHEINRICH, COOK, and BUSH, Circuit Judges.

The Michigan State Defendants (“the State”) appeal the district court’s September 26, 2019 order granting a preliminary injunction to plaintiff St. Vincent Catholic Charities (“St. Vincent”). The injunction prohibits the State from terminating, suspending, or failing to renew its contracts for adoption and foster placement services with St. Vincent or taking any other action alleged to interfere with St. Vincent’s free exercise of its religious beliefs. The State moves to stay the order pending resolution of its appeal and asks for an emergency ruling on its motion. The district court has denied a similar motion. Plaintiffs oppose a stay. Non-parties Kristy Dumont and Dana

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Dumont have tendered a response in support of a stay, which we accept solely for the purposes of this motion.

We consider four factors in deciding whether to issue a stay: (1) whether the movant “has made a strong showing that [it] is likely to succeed on the merits”; (2) whether it “will be irreparably injured absent a stay”; (3) “whether issuance of the stay will substantially injure the other parties interested in the proceeding”; and (4) “where the public interest lies.” *Nken v. Holder*, 556 U.S. 418, 434 (2009) (quoting *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987)). “The first two factors . . . are the most critical.” *Id.* The four factors “are not prerequisites that must be met, but are interrelated considerations that must be balanced together.” *Mich. Coal. of Radioactive Material Users, Inc. v. Griepentrog*, 945 F.2d 150, 153 (6th Cir. 1991); see *Ohio State Conference of N.A.A.C.P. v. Husted*, 769 F.3d 385, 387 (6th Cir. 2014) (order).

We “begin by considering the likelihood that the district court’s preliminary injunction order will be upheld on appeal.” *Serv. Emps. Int’l Union Local 1 v. Husted*, 698 F.3d 341, 343 (6th Cir. 2012) (per curiam) (internal quotation marks omitted). The State argues that the district court made numerous factual and legal errors. But the facts are largely uncontested; the State objects to the district court’s interpretation of those facts, which led to its conclusion that plaintiffs had a likelihood of success on the merits. In the absence of a factual or legal error, “the district judge’s weighing and balancing of the equities should be disturbed on appeal only in the rarest of cases.” *Preterm-Cleveland v. Himes*, 940 F.3d 318, 321 (6th Cir. 2019) (quotation omitted). The district court’s findings support the conclusion that a preliminary injunction in this case would merely preserve the status quo and ensure that St. Vincent may continue to operate as it has for the past seventy years. See *id.* at 325. We conclude that the relevant factors weigh in favor of denying a stay.

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The State's motion for a stay is **DENIED**.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", is written above a horizontal line.

Deborah S. Hunt, Clerk