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No. 19-2185

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In the  
UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

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

Plaintiffs-Appellees,

v.

ROBERT GORDON, in his official capacity as Director of the Michigan  
Department of Health and Human Services; JOO YEUN CHANG, in  
her official capacity as the Executive Director of the Michigan  
Children's Service Agency; DANA NESSEL, in her official capacity as  
Attorney General of Michigan,

Defendants-Appellants.

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Appeal from the United States District Court  
Western District of Michigan, Southern Division  
Honorable Robert J. Jonker

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**DEFENDANTS-APPELLANTS' MOTION FOR VOLUNTARY  
DISMISSAL**

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Appellants Michigan Department of Health and Human Services  
(MDHHS) Director Robert Gordon, MDHHS Children's Services Agency

Executive Director Joo Yeun Chang, and Michigan Attorney General Dana Nessel, in their official capacities, move for voluntary dismissal of this appeal of the District Court's September 26, 2019 Opinion and Order granting a preliminary injunction, pursuant to Federal Rule of Appellate Procedure 42(b), without costs assigned to any party, as Plaintiffs-Appellees incurred no allowable costs for purposes of this appeal.

Although no explanation for the dismissal is required, Defendants-Appellants' reasons for voluntarily dismissing their appeal at this stage are two-fold. First, because the proper interpretation of 2015 Public Act 53, codified as Mich. Comp. Law § 722.124e and § 722.124f, is now at the forefront of this case and has not been interpreted by any state court, Defendants-Appellants will move the District Court to certify the question of proper interpretation to the Michigan Supreme Court. The interpretation will shape the case going forward in the District Court. Second, in light of this Court's decision on the request to stay the preliminary injunction pending appeal, Defendants-Appellants wish to fully develop the factual and legal record

in the District Court and obtain an expeditious decision on the merits of the case.

On January 3, 2020, Plaintiffs-Appellees refused Defendants-Appellants' request for concurrence in the relief sought, even though the preliminary injunction runs in their favor.

### **CONCLUSION AND RELIEF REQUESTED**

Defendants-Appellants respectfully request that this Court grant their motion for voluntary dismissal, without costs assigned to any party.

Respectfully submitted,

Dana Nessel  
Attorney General

Fadwa A. Hammoud (P74185)  
Solicitor General  
Co-Counsel of Record

Respectfully submitted,

Dated: January 6, 2020

/s/Toni L. Harris  
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## CERTIFICATE OF SERVICE

I certify that on January 6, 2020, the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by placing a true and correct copy in the United States mail, postage prepaid, to their address of record (designated below).

N/A

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## **CERTIFICATE OF COMPLIANCE**

### **Certificate of Compliance with Type-Volume Limit, Typeface Requirements, and Type Style Requirements**

1. This brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because, excluding the part of the document exempted by Federal Rule of Appellate Procedure 32(f), this brief contains no more than 5,200 words. This document contains 251 words.

2. This document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Word 2016 in 14-point Century Schoolbook.

Respectfully submitted,

Dana Nessel  
Attorney General

Fadwa A. Hammoud (P74185)  
Solicitor General  
Co-Counsel of Record

Respectfully submitted,

Dated: January 6, 2020

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