

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CATHOLIC CHARITIES
WEST MICHIGAN,

Plaintiff,

v.

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,

Defendants.

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

HON. DENISE PAGE HOOD

MAG. DAVID R. GRAND

**DEFENDANTS' MOTION
FOR IMMEDIATE
CONSIDERATION OF
DEFENDANTS' MOTION
FOR EXPEDITED
CONSIDERATION OF
PLAINTIFF'S
PRELIMINARY
INJUNCTION MOTION AND
TO CERTIFY THE
QUESTION OF STATUTORY
INTERPRETATION TO THE
MICHIGAN SUPREME
COURT**

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**DEFENDANTS' MOTION FOR IMMEDIATE CONSIDERATION
OF DEFENDANT'S MOTION FOR EXPEDITED
CONSIDERATION OF PLAINTIFF'S PRELIMINARY
INJUNCTION MOTION AND TO CERTIFY THE QUESTION OF
STATUTORY INTERPRETATION TO THE MICHIGAN
SUPREME COURT**

Defendants Michigan Department of Health and Human Services (“Department” or “MDHHS”) Director Robert Gordon, MDHHS Children’s Services Agency Executive Director Joo Yeun Chang,¹ and Michigan Attorney General Dana Nessel, through counsel, respectfully move this Court for immediate consideration of Defendants’ Motion for Expedited Consideration of Plaintiff Catholic Charities West Michigan’s Pending Motion for Preliminary Injunction (ECF No. 11) and to Certify the Question of Statutory Interpretation to the Michigan Supreme Court (ECF No. 38).

In support of their Motion for Immediate Consideration, Defendants state:

1. Defendants are subject to potentially competing and contrary legal obligations to two different parties who sued or are suing the State in different courts. The first is two former plaintiffs in *Dumont et al. v. Gordon et al.*, Case No. 17-cv-13080 (E.D. Mich.

¹ Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, this Notice reflects the substitution of Children’s Services Agency Executive Director Joo Yeun Chang for former Acting Children’s Services Agency Executive Director Jennifer Wrayno, who was named in her official capacity.

Borman, J.), demanding that the Department enforce its nondiscrimination policy against Plaintiff Catholic Charities West Michigan and threatening to file an enforcement action with United States District Court Judge Borman. The second is Plaintiff Catholic Charities West Michigan requesting that this Court preliminarily enjoin Defendants from enforcing the State's nondiscrimination policy against it.

2. Immediate consideration is respectfully requested because Defendants an expedited resolution of Catholic Charities' preliminary injunction motion will guide the Department's conduct and minimize the risk of violating one court's order.

3. Immediate consideration of the motion to certify is necessary to expedite the process of obtaining an authoritative decision on the interpretation of the 2015 Michigan law by Michigan's highest court is necessary to determine the nature of this case going forward, which could be outcome determinative.

For the foregoing reason, Defendants respectfully request that this Court grant their Motion for Immediate Consideration.

Respectfully submitted,

Dana Nessel
Attorney General

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Dated: February 20, 2020

CERTIFICATE OF SERVICE (E-FILE)

I hereby certify that on February 20, 2020, I electronically filed Defendants' Motion For Immediate Consideration of Defendants' Motion for Expedited Consideration of Plaintiff's Preliminary Injunction Motion and to Certify the Question of Statutory Interpretation to the Michigan Supreme Court with the Clerk of the Court using the ECF System, which will provide electronic copies to counsel of record.

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