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March 5, 2020

Via CM/ECF

Deborah S. Hunt
Clerk of the Court
United States Court of Appeals for the Sixth Circuit
540 Potter Stewart U.S. Courthouse
Cincinnati, Ohio 45202

Re: Notice of Supplemental Authority in *Buck v. Gordon*, No. 19-1959

Dear Ms. Hunt:

Under Rule 28(j), Plaintiff-Appellee St. Vincent Catholic Charities writes to notify the Court of two recent developments.

First, on February 24, 2020, the United States Supreme Court granted review of *Fulton v. City of Philadelphia*, 922 F.3d 140 (3d Cir. 2019). In *Fulton*, the City of Philadelphia sought to close a Catholic foster care provider because it could not make written endorsements of same-sex marriages or unmarried cohabitating relationships consistent with its sincere religious beliefs. The Third Circuit sided with Philadelphia. *See id.* The Supreme Court has now taken up the Free Exercise and Free Speech questions at issue in that case. *See* Pet. for Cert., *Fulton*, No. 19-123 (U.S. July 22, 2019). *Fulton* may therefore impact the claims at issue in the underlying *Buck v. Gordon* litigation.

Second, and also on February 24th, *Amici-Curiae*-Appellants Kristy and Dana Dumont moved to reopen *Dumont v. Gordon* to enforce their settlement agreement with the State of Michigan against a different foster care agency, Catholic Charities of West Michigan. Mot., *Dumont v. Gordon*, No. 2:17-cv-13080 (E.D. Mich. Feb. 24, 2020), ECF No. 87. This is the same agreement the Dumonts claim gives them a legally protectable interest in *Buck v. Gordon*.

Michigan has not opposed the Dumonts' request and instead has filed a notice confirming that its interests are aligned with the Dumonts. As



Michigan explained, it “fully intends to continue enforcing its long-established nondiscrimination policy and meeting its obligations under the Settlement Agreement.” Notice at PageID.1476, *Dumont*, No. 2:17-cv-13080 (E.D. Mich. Feb. 20, 2020), ECF No. 86.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit by using the appellate CM/ECF system on March 5, 2020.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Nicholas R. Reaves

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