
No. 25-1105

In the
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

CATHOLIC CHARITIES OF JACKSON, LENAWEE, AND
HILLSDALE COUNTIES, et al.,

Plaintiffs-Appellants,

v.

GRETCHEN WHITMER, Governor of Michigan,
in her official capacity, et al.,

Defendants-Appellees.

Appeal from the United States District Court
Western District of Michigan, Southern Division
Honorable Jane M. Beckering

**JOINT MOTION REGARDING BRIEFING SCHEDULE &
FURTHER CASE PROCEEDINGS**

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Under Federal Rules of Appellate Procedure 26 and 27, the parties jointly move to (1) extend the existing briefing schedule by 16 days; and (2) allow each party to file supplemental briefing, not to exceed 2,000 words, addressing the impact of the forthcoming *Chiles* decision on this case. As explained below, the parties differ slightly on what course this Court should take once initial briefing is complete.

1. On March 10, 2025, the Supreme Court granted certiorari in *Chiles*. The question presented addresses whether Colorado’s law barring covered professionals from engaging in conversion therapy with minors (a law substantially similar to Michigan’s) violates the Free Speech Clause, which is the same as Plaintiffs-Appellants’ lead claim.

2. Both the petitioners in *Chiles* and Plaintiffs-Appellants here advance arguments premised on the same core precedents, including *National Institute of Family & Life Advocates v. Becerra*, 585 U.S. 755 (2018), and *Holder v. Humanitarian Law Project*, 561 U.S. 1 (2010), contending that the challenged state laws run afoul of the Free Speech Clause. U.S. Const. Amend. I.

3. The parties have previously agreed that *Chiles* is “a case involving a challenge to a law similar to HB 4616.” [R.20.] The Court’s opinion in *Chiles* will likely impact the resolution of this case.

4. Plaintiffs-Appellants filed their Appellant Brief in this Court on March 28, 2025. [R.23.] Under the parties’ prior joint motion, briefing in this case will be complete by June 4, 2025. [R.22.]

5. On April 3, 2025, the Supreme Court approved a briefing schedule in *Chiles* that would result in that case being fully briefed by September 18, 2025.

6. Given the similarity of the issues, the parties agree it would be beneficial to file supplemental briefing with this Court to address the impact of *Chiles* once it is decided. Based on the cases’ respective briefing schedules, along with the anticipated timelines for oral argument and issuance of final decisions, it is unclear whether this case or *Chiles* will be decided first.

7. Defendants believe that because *Chiles* may very well be determinative, this Court should defer its scheduling of further proceedings, such as oral argument, until *Chiles* is decided and the requested supplemental briefing can be filed. Having to deal with

Chiles after a decision issues in this case will run counter to principles of judicial efficiency. Defendants also note that courts have “broad discretion to stay proceedings.” *Clinton v. Jones*, 520 U.S. 681, 706 (1997). This authority is “incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). This Court has taken a similar approach under these circumstances. *See United States v. Lara*, 679 Fed. App’x 392, 395 (6th Cir. 2017) (“Because our decision turns on precedent for which the Supreme Court has recently granted certiorari, we hold [Appellant’s] challenge in abeyance pending resolution of the issue.”).

8. Plaintiffs believe that this Court should move forward with the appeal in its ordinary course, as it has done in these circumstances before. *See United States v. Buford*, 632 F.3d 264, 271 n.3 (6th Cir. 2011) (resolving appeal while noting that “the Supreme Court recently granted certiorari to address the question that the instant case presents”); *Royal Truck & Trailer Sales & Serv., Inc. v. Kraft*, 974 F.3d 756, 761 (6th Cir. 2020) (noting that “[o]ur interpretation ... might not

be the final word,” because “[t]he Supreme Court recently granted certiorari [to decide this issue]”). Plaintiffs request this approach because further delay would be prejudicial, as they are currently suffering ongoing, irreparable harm through the deprivation of their First Amendment rights. [R.23 at 59 (citing *Miller v. City of Cincinnati*, 622 F.3d 524, 540 (6th Cir. 2010)).]

9. The parties therefore request the following with respect to further briefing and scheduling in this case:

- Appellees’ response brief due **May 27, 2025**.
- Appellants’ reply brief due **June 20, 2025**.
- When briefing is complete:
 - Appellees request that when briefing is complete, this Court will defer from scheduling further proceedings until the Supreme Court issues its decision in *Chiles v. Salazar* (No. 24-539).
 - Appellants request that when briefing is complete, this Court either (a) move forward in its normal course and decide the appeal, or (b) move forward, hear oral argument, and then defer from issuing its decision until after the Supreme Court’s decision in *Chiles*.
- No later than 14 days after *Chiles* is decided, each party shall file a supplemental brief, not to exceed 2,000 words, addressing the impact of *Chiles* on the next steps to be taken in this case.

CONCLUSION AND RELIEF REQUESTED

The parties respectfully request that the Court grant this motion.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

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

1. This motion 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 27(a)(2)(B), this motion contains no more than 5,200 words. This document contains 794 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 2013 in 14-point Century Schoolbook.

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CERTIFICATE OF SERVICE

I certify that on April 29, 2025, 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.

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