

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Audrey Jones, Nicholas Jones, Greg Schrock, and Marianelly Schrock,

Plaintiffs,

v.

Kiame Mahaniah, Secretary of the Massachusetts Department of Health and Human Services, in his official capacity;

Staverne Miller, Commissioner of the Massachusetts Department of Children and Families, in her official capacity;

Lori-Ann Dibella, Manager of the Northern Regional Licensing Unit of the Massachusetts Department of Children and Families, in her official capacity; and

Sarah Petty, Supervisor of the Northern Regional Licensing Unit of the Massachusetts Department of Children and Families, in her official capacity;

Defendants.

Case No. 4:25-cv-12449-MGM

Plaintiffs' Motion to Withdraw Motion for Preliminary Injunction

Plaintiffs respectfully move to withdraw their motion for preliminary injunction. *See* Dkt. No. 22.

Plaintiffs moved for a preliminary injunction on November 14, 2025, seeking immediate relief against 110 C.M.R. § 7.104, the challenged policy in this case. *Id.* On December 12, Massachusetts's Department of Children and Families ("DCF") filed an emergency amendment to 110 C.M.R. § 7.104 that took effect immediately. *See* Ex A. On December 15, Plaintiffs conferred with Defendants. In that conferral, Defendants represented that their expectation is that, under the amended

regulation, DCF will not deny Plaintiffs a license to become foster parents based on Plaintiffs' religious objections to the previous requirements related to LGBTQIA+ identities.

In light of these amendments to the challenged policy, Plaintiffs are hopeful that they can now obtain their license or seek to renew their license under the amended rule, and they are willing to seek licensure instead of pursuing preliminary relief at this time. Because the licensure process has not yet played out, Plaintiffs reserve the right to seek preliminary relief should they encounter problems in the licensure process that impinge on their constitutional or statutory rights.

Therefore, Plaintiffs respectfully request to withdraw their motion for a preliminary injunction *without prejudice* while they seek to renew and/or reapply for their foster-care licenses under Massachusetts's new rule.

Respectfully submitted this 16th day of December, 2025.

/s/ Johannes Widmalm-Delphonse

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Counsel for Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will serve all counsel of record.

/s/Johannes Widmalm-Delphonse

Johannes Widmalm-Delphonse

Counsel for Plaintiffs