

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff-Appellant,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES et al.,

Defendants-Appellees.

No. 18-1514

**MOTION FOR A STAY OF BRIEFING
IN LIGHT OF LAPSE IN APPROPRIATIONS**

The federal defendants respectfully move for a stay of briefing in this case.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies, including the Treasury Department, one of the defendants in this case. The Department of Justice does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the Treasury Department are prohibited from working, even on a voluntary basis, except in very limited circumstances,

including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. The government therefore requests that briefing be stayed until Congress has restored appropriations to the Department of Justice and that all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

CONCLUSION

Although we greatly regret any disruption caused to the Court and the other litigants, the government respectfully requests that briefing be stayed in this case until Department of Justice attorneys are permitted to resume their usual civil-litigation functions.

Respectfully submitted,

SHARON SWINGLE

LOWELL V. STURGILL JR.

/s/ Karen Schoen

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g), I hereby certify that this motion complies with the requirements of Rule 27(d)(1)(E) because it has been prepared in 14-point Century Schoolbook, a proportionally spaced font, and that it complies with the type-volume limitation of Rule 27(d)(2)(A), because it contains 212 words, according to the count of Microsoft Word.

/s/ Karen Schoen

Karen Schoen

CERTIFICATE OF SERVICE

I hereby certify that on December 26, 2018, I electronically filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the First Circuit by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

/s/ Karen Schoen

Karen Schoen