

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

HEALTHeSTATE, LLC,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

No. 18-34 C

Senior Judge Robert H. Hodges, Jr.

**DEFENDANT’S OPPOSED MOTION FOR A STAY OF CASE
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States of America hereby moves for a stay of the case in the above-captioned 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. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and certain employees of Executive agencies 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. Undersigned counsel for the Department of Justice therefore requests a stay of the case until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at

that point, any deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

5. Counsel for HealthState has informed the Government that it “opposes the stay as the Court is operating and there are no current deadlines.” HealthState also informed the Government that if this motion to stay is denied and “the Court issues an Order which requires action prior to the termination of the furlough, HeS would gladly revisit this issue to grant an appropriate extension for the government, and would file same on the government's behalf.”

CONCLUSION

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted,

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DATE: December 27, 2018

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