

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

No. 17-898 T

(Judge Lydia Kay Griggsby)

HIGHMARK INC. & SUBSIDIARIES,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

**UNOPPOSED MOTION FOR STAY OF PROCEEDING
IN LIGHT OF LAPSE OF APPROPRIATIONS**

Defendant, the United States, respectfully moves for a stay of this proceeding.

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 Internal Revenue Service. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the Internal Revenue Service are prohibited from working, even on a voluntary basis, except in 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 this proceeding 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, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

5. Opposing counsel has authorized counsel for the Government to state that plaintiff has no objection to this motion.

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

WHEREFORE, defendant respectfully requests that this motion be granted.

Respectfully submitted,

December 27, 2018
Date

s/Mark A. Ryan
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December 27, 2018
Date

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