

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHARLES GRESHAM, et al.,

Plaintiffs,

v.

ALEX M. AZAR II, et al.

Defendants.

Civil Action No. 1:18-cv-1900 (JEB)

**MOTION FOR A STAY OF FEDERAL
DEFENDANTS' DEADLINE TO FILE
REPLY BRIEF IN LIGHT OF LAPSE OF
APPROPRIATIONS**

The United States of America hereby moves for a stay of the federal defendants' deadline to file a reply brief, which is currently January 14, 2019, in the above-captioned case. *See* Minute Order of Sept. 28, 2018.

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 Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys 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 federal defendants' deadline to file a reply brief 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. Counsel for intervenor-defendants do not oppose the motion. Counsel for Plaintiffs state as follows: “As reflected in the scheduling order agreed to by the parties and issued by the Court, plaintiffs believe this case needs to be litigated on an expedited schedule because of the potential harm to the Plaintiffs. Plaintiffs do not object to a short delay in the briefing schedule. However, Plaintiffs reserve the right to seek relief from the Court if the delay is more than short term.”

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

Dated: December 26, 2018

Respectfully submitted,

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[PROPOSED] ORDER

The Court having considered the federal defendants' motion for a stay of the deadline to file a reply brief in light of the lapse of appropriations, it is hereby

ORDERED that the motion is GRANTED.

SO ORDERED.

Date

James E. Boasberg
United States District Judge