

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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RONNIE STEWART, et al.,)	
	Plaintiffs,)	
)	
	v.)	No. 1:18-cv-0152-JEB
)	
ALEX M. AZAR, et al.)	
	Defendants.)	
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**MOTION TO STAY CASE IN LIGHT OF LAPSE OF APPROPRIATIONS
OR, IN THE ALTERNATIVE, FOR EXTENSION OF DEADLINES**

The United States of America hereby moves for a stay of the above-captioned case or, in the alternative, for a ten-day of extension of all current deadlines. In support of its motion, the Government states as follows:

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. On December 26, 2018, in light of the lapse of appropriations, this Court granted a stay in the related case *Gresham v. Azar*, No. 18-cv-1900-JEB (D.D.C). See Minute Order of December 26, 2018.

4. In the instant case, the Federal Defendants' deadline to file their opposition to Plaintiffs' motion for summary judgment and their own motion for summary judgment and/or to dismiss is January 28, 2019. *See* Minute Order of December 6, 2018.

5. Undersigned counsel for the Department of Justice therefore requests a stay of this case until Congress has restored appropriations to the Department. If the 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.

6. Counsel for Plaintiffs has indicated that Plaintiffs oppose the request for a stay. Counsel for intervener the Commonwealth of Kentucky has indicated that the Commonwealth also opposes the request for a stay.

7. In the alternative, if this Court does not grant a stay until appropriations are restored, the Federal Defendants request that all current deadlines be extended by ten (10) days. This request is necessary because the Department of Justice attorneys representing Federal Defendants have, subject to very limited exceptions, been unable to work on this case since appropriations lapsed on December 21, 2018. Thus, in the event that this Court does not grant a stay, counsel for the Federal Defendants would need additional time to meet their briefing deadlines.¹

¹ At a minimum, the Court should grant a three-day extension of all deadlines in light of its order striking Plaintiffs' motion for summary judgment and permitting Plaintiffs to re-file their motion three days after their initial deadline. *See* Minute Order of January 15, 2019.

8. Counsel for Plaintiffs has indicated that Plaintiffs oppose the request for a ten-day extension of all deadlines. Counsel for intervener the Commonwealth of Kentucky has indicated that the Commonwealth consents to the request for a ten-day extension.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions. In the alternative, the Government seeks a 10-day extension of all current deadlines.

Dated: January 15, 2019

Respectfully submitted,

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