

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

DOUG OMMEN, in his capacity as)	
Liquidator of CoOpportunity Health, Inc., and)	
DAN WATKINS, in his capacity as Special)	
Deputy Liquidator of CoOpportunity Health,)	
Inc.,)	
)	
Plaintiffs,)	
)	Case No.: 1:17-cv-957C
v.)	Judge Charles F. Lettow
)	
THE UNITED STATES OF AMERICA,)	
)	
<u>Defendant.</u>)	

**UNOPPOSED MOTION TO ENLARGE THE UNITED STATES’ TIME TO
REPLY TO PLAINTIFFS’ RESPONSE TO THE MOTION TO DISMISS
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States of America hereby moves to enlarge its time to reply to Plaintiffs’ response (Dkt. 27) to the United States’ motion to dismiss (Dkt. 23) until the date 60 days after Congress has restored appropriations to the Department of Justice. The United States’ reply is currently due January 31, 2019. This is the United States’ second request for an enlargement. The Court previously granted the United States’ unopposed motion to extend its time for filing the reply to January 31, 2019. Dkt. 29.

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 an enlargement of its time to reply to Plaintiffs' response (Dkt. 27) to the United States' motion to dismiss (Dkt. 23) until the date 60 days after Congress has restored appropriations to the Department.

4. If this motion for an enlargement is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department to confirm the date, 60 days following, on which the United States' reply will be due.

5. Opposing counsel has authorized counsel for the Government to state that Plaintiffs do not oppose this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves to enlarge its time to reply to Plaintiffs' response (Dkt. 27) to the United States' motion to dismiss (Dkt. 23) until the date 60 days after Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated: January 16, 2019

Respectfully submitted,

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