

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

SANFORD HEALTH PLAN,
Plaintiff-Appellee,

v.

UNITED STATES,
Defendant-Appellant.

No. 2019-1290 (L)

MONTANA HEALTH CO-OP,
Plaintiff-Appellee,

v.

UNITED STATES,
Defendant-Appellant.

No. 2019-1302

**UNOPPOSED MOTION FOR A 30-DAY EXTENSION OF TIME
TO FILE OPENING BRIEF IN LIGHT OF LAPSE IN APPROPRIATIONS**

In light of the lapse in appropriations, the government respectfully requests a 30-day extension of time, to and including Wednesday, March 13, 2019, in which to file its opening brief in these consolidated appeals. This motion is unopposed.

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. The government’s opening brief is currently due February 11, 2019. The government requests a 30-day extension of time, to and including March 13, 2019, in which to file its opening brief, in light of the lapse in appropriations.

4. Plaintiffs’ counsel authorized us to state that this motion is unopposed.

Respectfully submitted,

MARK B. STERN

s/Alisa B. Klein

ALISA B. KLEIN

(202) 514-1597

Attorneys, Appellate Staff

Civil Division

U.S. Department of Justice

950 Pennsylvania Ave., NW, Rm. 7235

Washington, DC 20530

JANUARY 2019

CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2019, I electronically filed the foregoing motion with the Clerk of the Court by using the appellate CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Alisa B. Klein

Alisa B. Klein