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14 *Attorneys for Plaintiff EEOC*

15 UNITED STATES DISTRICT COURT
 16
 17 NORTHERN DISTRICT OF CALIFORNIA

18 U.S. EQUAL EMPLOYMENT
 19 OPPORTUNITY COMMISSION,

20 Plaintiff,

21 and

22 ADRIAN SCOTT DUANE,

23 Plaintiff Intervenor,

24 vs.

25 IXL Learning, Inc.,

26 Defendant.

Case No.: 3:17-cv-02979-VC

**PLAINTIFF’S EX PARTE MOTION TO
STAY LITIGATION DUE TO LAPSE IN
APPROPRIATIONS**

Courtroom: 4, 17th Floor
Judge: Hon. Vince Chhabria

27 Plaintiff Equal Employment Opportunity Commission (EEOC) moves ex parte pursuant to
 28 Judge Chhabria’s General Standing Order No. 9-10 to stay this litigation and extend all deadlines
 due to the lapse in appropriations and government shutdown.

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Case No.: 3:17-cv-02979-VC

**DECLARATION OF AMI SANGHVI
IN SUPPORT OF PLAINTIFF'S
EX PARTE MOTION TO STAY
LITIGATION DUE TO LAPSE IN
APPROPRIATIONS**

Courtroom: 4, 17th Floor
Judge: Hon. Vince Chhabria

I, Ami Sanghvi, declare as follows:

1. I am an attorney for the Plaintiff in this action, the U.S. Equal Employment Opportunity Commission (EEOC). I am the lead attorney responsible for the litigation of the above-captioned case.

1 2. Plaintiff Equal Employment Opportunity Commission (EEOC) moves ex parte to stay this
2 litigation and extend all deadlines due to the lapse in appropriations and government shutdown.

3 3. Given the Antideficiency Act, 31 U.S.C. § 1341 et seq., the EEOC is prohibited from
4 litigating this matter during the shutdown, except for a four-hour wind-down on December 26, 2018.

5 4. I was unable to obtain a stipulation within this time frame and therefore seek ex parte relief
6 from this Court.

7
8
9 I declare under penalty of perjury under the laws of the United States that the foregoing is true
10 and correct.

11
12 Respectfully submitted,

13 Dated: December 26, 2018

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

14
15 By: /s/ Ami Sanghvi
16 AMI SANGHVI, Senior Trial Attorney
Attorney for Plaintiff EEOC

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 OPPORTUNITY COMMISSION,

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18 ADRIAN SCOTT DUANE,

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20 vs.

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 23

Case No.: 3:17-cv-02979-VC

PROPOSED ORDER

Courtroom: 4, 17th Floor
 Judge: Hon. Vince Chhabria

24 Upon Motion and good cause appearing,

25
 26 **IT IS HEREBY ORDERED** that due to a lapse in appropriations for the EEOC at
 27 midnight on December 21, 2018, the litigation of this matter shall be **STAYED** until the
 28

1 EEOC's funding is restored and all pending deadlines in this matter will be extended for the
2 same number of days as the EEOC's lapse in funding.

3
4 DATED this 26th day of December, 2018.

5
6
7

United States District Judge Vince Chhabria