

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

FATMA MAROUF, *et al.*,

Plaintiffs,

v.

ALEX AZAR, in his official capacity as
Secretary of the United States Department of
Health and Human Services, *et al.*,

Defendants.

Case No. 18-cv-378 (APM)

**FEDERAL DEFENDANTS' UNOPPOSED MOTION FOR A STAY OF JOINT STATUS
REPORT IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States of America hereby moves for a stay of the deadline to file a joint status report by January 14, 2019 in the above-captioned case.

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 January 14, 2019 deadline to file a joint status report in this case 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 Plaintiffs and USCCB have stated that neither party objects to this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the deadline to file a joint status report by January 14, 2019 in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated: January 7, 2019

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

MICHELLE BENNETT
Assistant Branch Director

/s/ James Powers
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Counsel for Federal Defendants

CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing with the Clerk of the Court through the ECF system on January 7, 2019. This system provided a copy to and effected service of this document on all parties.

/s/ James Powers

JAMES R. POWERS

**THE UNITED STATES DISTRICT COURT
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Case No. 18-cv-378 (APM)

**[PROPOSED] ORDER GRANTING MOTION FOR A STAY OF
JOINT STATUS REPORT IN LIGHT OF LAPSE OF APPROPRIATIONS**

Upon consideration of Federal Defendants’ unopposed Motion for a Stay of Joint Status Report in Light of Lapse of Appropriations, and the Court being advised of the premises therein, it is hereby **ORDERED** that Federal Defendants’ motion is **GRANTED**.

Accordingly, it is further **ORDERED** that:

1. The January 14, 2019 deadline for the parties to file a joint status report is hereby **STAYED** until Congress has restored appropriations to the Department of Justice; and
2. Once appropriations for the Department of Justice are restored, counsel for the United States shall file a notice with the Court and all pending deadlines shall be extended commensurate with the duration of the lapse in appropriations.

SO ORDERED.

AMIT P. MEHTA
United States District Judge
District of Columbia