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10 *Counsel for Defendants*

11
 12 UNITED STATES DISTRICT COURT
 13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 14 WESTERN DIVISION
 15

16 ANDREW MASON DVASH-
 17 BANKS and ETHAN JACOB
 DVASH-BANKS

18 Plaintiffs,

19 v.

20
 21 THE UNITED STATES
 22 DEPARTMENT OF STATE, and
 23 THE HONORABLE MICHAEL R.
 POMPEO, Secretary of State,

24 Defendants.

No. CV 18-523-JFW-JC

EX PARTE APPLICATION TO STAY
 DISCOVERY CUT-OFF AND
 MOTION HEARING CUT-OFF DATE

Honorable John F. Walter

Current Discovery	
Cut-off:	Jan. 2, 2019
Current Motion	
Hearing Deadline:	Jan. 28, 2019
Current Pretrial	
Filings Date:	Mar. 18, 2019
Current Pretrial	
Conference Date	April 5, 2019
Current Trial Date:	April 16, 2019

1 The United States of America hereby moves for a stay of the discovery cut-
2 off and the motion hearing cut-off in the above-captioned case. *See* Scheduling and
3 Case Management Order, ECF No. 52.

4 1. At the end of the day on December 21, 2018, the appropriations
5 act that had been funding the Department of Justice expired and
6 appropriations to the Department lapsed. The same is true for
7 several other Executive agencies, including the federal State
8 Department. The Department does not know when funding will
9 be restored by Congress.

10 2. Absent an appropriation, Department of Justice attorneys and
11 many staff at the State Department are prohibited from working,
12 even on a voluntary basis, except in very limited circumstances,
13 including “emergencies involving the safety of human life or
14 the protection of property.” 31 U.S.C. § 1342.

15 3. Undersigned counsel for the Department of Justice therefore
16 requests a stay of the discovery cut-off and the motion hearing
17 cut-off until Congress has restored appropriations to the
18 Department.

19 4. If this motion for a stay is granted, undersigned counsel will
20 notify the Court as soon as Congress has appropriated funds for
21 the Department. The Government requests that, at that point, all
22 current deadlines for the parties be extended commensurate
23 with the duration of the lapse in appropriations.

24 5. Undersigned counsel contacted counsel for Plaintiffs about this
25 motion. Counsel for Plaintiffs stated as follows: “Consistently
26 with the extension request filed on Friday, Plaintiffs consent to
27 a 7-calendar day extension on the hearing of summary judgment
28 motions and take no position on a longer extension or a stay,
other than to request that the parties propose to the Court

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to submit a written status report to the Court on January 4, 2019 if the Court stays the action for a longer period than 7 calendar days.”

6. In the alternative, Defendants respectfully continue to request a one-week extension of the motion hearing cut-off, as requested in the Parties’ Joint Stipulation filed on December 21, 2018. ECF No. 73.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the discovery cut-off and the motion hearing cut-off in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated: December 26, 2018

Respectfully submitted,
Attorneys for Defendants

JOSEPH H. HUNT
Assistant Attorney General

ANTHONY J. COPPOLINO
Deputy Director

By: s/ Vinita B. Andrapalliyal
VINITA B. ANDRAPALLIYAL
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LISA ZEIDNER MARCUS
Senior Counsel

CERTIFICATE OF SERVICE

Case No. CV 18-523-JFW-JC

I hereby certify that I am over the age of 18 and not a party to the above-titled action. I am employed as a Trial Attorney at the United States Department of Justice, Civil Division, Federal Programs Branch. My business address is 20 Massachusetts Ave., N.W., Washington, DC 20530.

On December 26, 2018, I served this EX PARTE APPLICATION TO STAY DISCOVERY CUT-OFF AND MOTION HEARING CUT-OFF DATE on each person or entity named below by uploading an electronic version of this document to the Court’s ECF system:

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I declare under penalty of perjury under the laws of the United States of America that the following is true and correct.

Executed on December 26, 2018, at Washington, DC.

By: s/Vinita B. Andrapalliyal

VINITA B. ANDRAPALLIYAL
Trial Attorney
United States Department of Justice
Civil Division

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No. CV 18-523-JFW-JC

DECLARATION OF VINITA B.
 ANDRAPALLIYAL IN SUPPORT OF
 EX PARTE APPLICATION TO STAY
 DISCOVERY CUT-OFF AND
 MOTION HEARING CUT-OFF DATE

Honorable John F. Walter

1 I, Vinita B. Andrapalliyal, declare under penalty of perjury under the laws of
2 the United States that all facts set forth in the foregoing *Ex Parte* Application to
3 Stay the Discovery Cut-off and Motion Hearing Cut-off are true and correct.

4 Executed this Wednesday, December 26, 2018, in Washington, D.C.

5 /s/ Vinita B. Andrapalliyal

6 VINITA B. ANDRAPALLIYAL

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[Proposed] Order Extending Case
Deadlines

Honorable John F. Walter
United States District Judge

1 The Court has received and considered the Defendants' Ex Parte Application
2 to Stay the Discovery Cut-off and the Motion Hearing Cut-off due to a lapse in
3 appropriations. Defendants have demonstrated good cause for their request.

4 It is hereby ordered that:

5 The discovery cut-off and the motion hearing cut-off date are hereby
6 STAYED.

7
8 Dated _____, _____

9 HONORABLE JOHN F. WALTER
10 UNITED STATES DISTRICT JUDGE

11 Presented by:

12 Attorneys for Defendants
13 JOSEPH H. HUNT
14 Assistant Attorney General

15 ANTHONY J. COPPOLINO
16 Deputy Director

17 s/ Vinita B. Andrapalliyal
18 VINITA B. ANDRAPALLIYAL

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