

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

THE RELIGIOUS SISTERS OF MERCY,  
*et al.*,

*Plaintiffs,*

v.

ALEX M. AZAR II, Secretary  
of Health and Human Services, *et al.*,

*Defendants.*

No. 3:16-CV-386

CATHOLIC BENEFITS ASSOCIATION,  
*et al.*,

*Plaintiffs,*

v.

ALEX M. AZAR II, Secretary  
of Health and Human Services, *et al.*,

*Defendants.*

No. 3:16-CV-432

**MOTION FOR A STAY OF CASE  
IN LIGHT OF LAPSE OF APPROPRIATIONS**

Defendants hereby move for a stay of the above-captioned case due to a lapse of appropriations, including a stay of the status report currently due on January 16, 2019.

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 same is true for several other Executive agencies, including the federal Defendants. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the federal Defendants 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 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. Opposing counsel for Plaintiffs the State of North Dakota, Catholic Benefits Association, Diocese of Fargo, Catholic Charities North Dakota, and Catholic Medical Association have authorized counsel for the Government to state that they have no objection to this motion. Opposing counsel for the Religious Sisters of Mercy, Sacred Heart Mercy Health Care (Jackson, Minnesota), Sacred Hearth Mercy Health Care (Alma, Michigan), SMP Health System, and the University of Mary have authorized counsel for the Government to state that they consent to a 30-day extension of the deadline for filing the status report currently due on January 16, 2019.

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

DATED: January 15, 2018

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*/s/ Rhett P. Martin*

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