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

THE AMERICAN HOSPITAL ASSOCIATION, et al.,	)
Plaintiffs,	) )
v.	) No. 1:18-cv-02084-RC
ALEX M. AZAR II, in his official capacity as Secretary of Health and	) ) )
Human Services, et al.,	)
Defendants.	) ) )

## MOTION FOR STAY IN LIGHT OF THE LAPSE IN APPROPRIATIONS

The United States of America hereby moves for a stay of proceedings in the abovecaptioned 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 proceedings until Congress has restored appropriations to the Department.
- 4. The Court has ordered further briefing on the appropriate remedy in this case. The briefs are due by January 26, 2019.

5. 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.

6. Opposing counsel states that plaintiffs oppose the motion to stay the case.

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

Date: January 6, 2019 Respectfully submitted,

JOSEPH H. HUNT Assistant Attorney General

JEAN LIN Acting Deputy Branch Director, Federal Programs

s/Justin M. Sandberg

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