

1 these competing interests are: (1) the possible damage which may result from the granting of a stay; (2)
2 the hardship or inequity which a party may suffer in being required to go forward; and (3) the orderly
3 course of justice measured in terms of simplifying or complicating of issues, proof, and questions of
4 law which could be expected to result from a stay. *Id.* (citing *Landis*, 299 U.S. at 254-55)).

5 The party seeking a stay “bears the burden of establishing its need.” *Clinton v. Jones*, 520 U.S.
6 681, 708 (1997) (citing *Landis*, 299 U.S. at 255). The Supreme Court explained, “If there is even a fair
7 possibility that the stay . . . will work damage to some one else,” the party seeking the stay “must make
8 out a clear case of hardship or inequity.” *Landis*, 299 U.S. at 255. The decision whether to grant or
9 deny a stay is committed to the Court’s discretion. *Dependable Highway Express, Inc. v. Navigators*
10 *Ins. Co.*, 498 F.3d 1059, 1066 (9th Cir. 2007).

11 In this action, Plaintiff filed a motion for attorney fees on September 17, 2013 (Doc. 20), and
12 Defendant’s response to the motion is due no later than October 17, 2013. However, counsel for
13 Defendant is precluded from working on this action “until Congress has restored appropriates to both
14 the Department of Justice and Social Security Administration.” (Doc. 38 at 2). Plaintiff’s counsel, Ms.
15 Cerney, does not oppose the entry of a stay. *Id.* Thus, it does not appear Plaintiff would suffer any
16 damage upon the entry of a stay, and Defendant has set forth “a clear case of hardship” with the
17 inability to respond to the motion.

18 Based upon the foregoing, **IT IS HEREBY ORDERED:**

- 19 1. Defendant’s motion to stay (Doc. 21) is **GRANTED**;
- 20 2. The matter is **STAYED** pending a resolution from Congress; and
- 21 3. Defendant **SHALL** file a status report within seven days of the restoration of funding to
22 the Department of Justice and Social Security Administration.

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24 IT IS SO ORDERED.

25 Dated: October 1, 2013

/s/ Jennifer L. Thurston
26 UNITED STATES MAGISTRATE JUDGE