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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

ZORIA FARMS, INC., et al.,  
Defendant(s).

Case No.: 1:13-cv-1544 LJO SKO

**EX PARTE NOTICE AND  
MOTION TO LIFT STAY;  
ORDER THEREON**

**The Hon. Sheila K. Oberto  
Date: November 18, 2013  
Time: 9:00am**

On September 30, 2013, funding for the federal government lapsed. As a result of this lapse in funding, Plaintiff Equal Employment Opportunity Commission (“EEOC”) moved the court to stay these proceeding as counsel for the EEOC was prohibited from working on this matter during the federal government shutdown.

On October 2, 2013, the Court granted the motion to stay for the duration of the government shutdown and ordering that “Plaintiff shall file a notice with the Court within three (3) court days after funding is restored along with a proposed order lifting this stay.” (Docket No. 5).

1 On October 17, 2013, funding for the federal government was restored and  
2 Plaintiff EEOC resumed operations. Plaintiff EEOC is unaware of any deadlines  
3 that have passed or dates which have been affected by the stay.

4 District courts possess “the inherent procedural power to reconsider,  
5 rescind, or modify an interlocutory order” when it finds sufficient cause to do so.  
6 *See City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d 882,  
7 885 (9th Cir. 2001). “The same court that imposes a stay of litigation has the  
8 inherent power and discretion to lift the stay.” *Canady v. Erbe Elektromedizin*  
9 *GmbH*, 271 F.Supp.2d 64, 74 (D.D.C. 2002). “When circumstances have changed  
10 such that the court's reasons for imposing the stay no longer exist or are  
11 inappropriate, the court may lift the stay.” *Id.* Here, the Court granted the stay as  
12 counsel for the EEOC was prohibited, pursuant to the Antideficiency Act, from  
13 working on this matter during the government shutdown. As funding has now  
14 been restored, Plaintiff EEOC respectfully requests that the Court lift the stay in  
15 these proceedings.

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18 Respectfully submitted,

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20 Dated: October 24, 2013

21 /s/ Rumduol Vuong  
22 RUMDUOL VUONG,  
23 Trial Attorney  
24 U.S. EQUAL EMPLOYMENT  
25 OPPORTUNITY COMMISSION  
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**ORDER**

**FOR GOOD CAUSE SHOWING, THIS COURT HEREBY ORDERS**

that the stay, entered on October 2, 2013 (Docket No. 5), is LIFTED.

IT IS SO ORDERED.

Dated: October 24, 2013

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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