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

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

FARMERS INSURANCE
EXCHANGE,
Defendant(s).

Case No.: 1:13-CV-1574 AWI SKO

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

**The Hon. Sheila K. Oberto
Date: November 18, 2013
Time: 8:30am**

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. 6).

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

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17 Respectfully submitted,

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19 Dated: October 24, 2013

20 /s/ Rumduol Vuong
21 RUMDUOL VUONG,
22 Trial Attorney
23 U.S. EQUAL EMPLOYMENT
24 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. 6), is LIFTED.

IT IS SO ORDERED.

Dated: October 24, 2013

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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