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OCT 8 2013 CLERK-U.S. DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA BY GETTY LERA

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION

FRIENDS OF TAHOE FOREST ACCESS, et al.,) Civ. No. 12-01876-JAM-CKD
Plaintiffs,	}
v. UNITED STATES DEPARTMENT OF AGRICULTURE, et al.,) Date: October 18, 2013) Time: 2:30 p.m.) Place: Courtroom 6, 14 th floor) Judge: Hon. John Mendez
Defendants.)

STIPULATION TO CONTINUE THE OCTOBER 18, 2013 HEARING IN LIGHT OF LAPSE OF APPROPRIATIONS

Pursuant to Local Rule 143, the parties, by and through their attorneys of record, respectfully stipulate that the October 18, 2013 hearing on Plaintiffs' and Federal Defendants' Cross-Motions for Summary Judgment (ECF Nos. 31, 32) be continued. The parties state the following in support of their stipulation:

1. At the end of the day on September 30, 2013, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The

same is true for most 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. The parties therefore request a continuance of the October 18, 2013 hearing.
- 4. If the Court decides to wait until Congress has restored appropriations to the Department and until Department of Justice attorneys are permitted to resume their usual civil litigation functions before setting a new hearing date, counsel for Federal Defendants will notify the Court as soon as Congress has appropriated funds for the Department.
 - 5. A proposed order accompanies this stipulation.

Respectfully submitted this 8th day of October, 2013.

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UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION

FRIENDS OF TAHOE FOREST ACCESS, et al.,) Civ. No. 12-01876-JAM-CKD
Plaintiffs,)
v. UNITED STATES DEPARTMENT OF AGRICULTURE, et al., Defendants.) [PROPOSED] ORDER REGARDING) CONTINUANCE OF THE) OCTOBER 18, 2013 HEARING)

The Court is in receipt of the parties' Stipulation to Continue the October 18, 2013 Hearing on the plaintiffs' and federal defendants' cross-motions for summary judgment.

IT IS HEREBY ORDERED that the October 18, 2013 hearing is CONTINUED to

November 14 2013 at 130 pm

IT IS SO ORDERED.

Detober 8, 2013

Hororable John Mendez United States District Judge