

1 BENJAMIN B. WAGNER
United States Attorney
2 DONNA L. CALVERT
Acting Regional Chief Counsel, Region IX
3 Social Security Administration
4 ANNABELLE J. YANG
Special Assistant United States Attorney
5 160 Spear Street, Suite 800
San Francisco, California 94105
6 Telephone: (415) 977-8946
7 Facsimile: (415) 744-0134
E-Mail: annabelle.yang@ssa.gov

8
9 Attorneys for Defendant

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

12 DEBRA ANN JACKSON,) Case No.: 2:13-cv-01097-CKD
13)
Plaintiff,) MOTION FOR A STAY OF PROCEEDINGS
14) IN LIGHT OF LAPSE OF
vs.) APPROPRIATIONS
15)
CAROLYN W. COLVIN,)
16 Acting Commissioner of Social Security,)
17 Defendant.)

18
19 The Acting Commissioner of Social Security hereby moves for a stay of proceedings in
20 the above-captioned case until Congress has restored appropriations.

21 1. At the end of the day on September 30, 2013, the Appropriations Act that had
22 been funding the Department of Justice expired and appropriations to the Department lapsed.
23 The same is true for most Executive agencies, including the Social Security Administration. The
24 Department does not know when funding will be restored by Congress.

25 2. Absent an appropriation, Department of Justice attorneys and employees of the
26 Social Security Administration are prohibited from working, even on a voluntary basis, except in
27
28

1 very limited circumstances, including “emergencies involving the safety of human life or the
2 protection of property.” 31 U.S.C. § 1342.

3 3. Undersigned counsel therefore requests a stay of proceedings until Congress has
4 restored appropriations to both the Department of Justice and the Social Security Administration.

5 4. If this motion for a stay is granted, the Government requests that, when Congress
6 has appropriated funds for the Department of Justice and the Social Security Administration, all
7 current deadlines for the parties be extended commensurate with the duration of the lapse in
8 appropriations.
9

10 5. Undersigned counsel attempted to contact opposing counsel on October 1 by
11 email, but was unable to reach opposing counsel.
12

13 Therefore, although we greatly regret any disruption caused to the Court and the other
14 litigants, the Acting Commissioner of Social Security hereby moves for a stay of proceedings in
15 this case until Department of Justice and Social Security Administration attorneys are permitted
16 to resume their usual civil litigation functions.
17

18 Respectfully submitted,

19 Dated: October 1, 2013

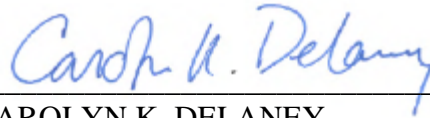
BENJAMIN B. WAGNER
United States Attorney
DONNA L. CALVERT
Acting Regional Chief Counsel, Region IX
Social Security Administration

22 By: /s/ Annabelle J. Yang
23 ANNABELLE J. YANG
24 Special Assistant U.S. Attorney
25 Attorneys for Defendant
26
27
28

ORDER

APPROVED AND SO ORDERED: The stay entered herein shall be lifted upon restoration of appropriations without further order of the court.

Dated: October 2, 2013



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28