

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

IDAHO WOOLGROWERS ASS'N, *et al.*,

Plaintiffs,

v.

TOM VILSACK, *et al.*,

Defendants.

Case No. 1:12-cv-00469 BLW

ORDER GRANTING FEDERAL
DEFENDANTS' UNOPPOSED
MOTION FOR A STAY OF
BRIEFING SCHEDULE IN LIGHT OF
LAPSE OF APPROPRIATIONS

The Court has been advised that at midnight on September 30, 2013, the continuing resolution that was funding the Department of Justice expired and the appropriation of funds to the Department lapsed. The same is true for most Executive Branch agencies, including the federal agencies involved in this litigation.

Absent an appropriation, Department of Justice attorneys and employees of the federal agencies are prohibited from working, even on a volunteer basis, "except for emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342. Civil cases are not deemed to be within this exemption.

The Court has been informed that the lapse in appropriations therefore prevents Department of Justice attorneys and their federal agency counterparts from appearing at hearings and depositions and performing work necessary to meet case deadlines, including those imposed by statute, the Federal Rules of Civil Procedure, the Civil Local Rules of this District, and by case management orders issued in individual cases. This situation will cause prejudice to the interests of the United States and the federal

agencies, officers, and employees involved in civil litigation in this District.

WHEREFORE, the Court finds that good cause exists to stay proceedings in this case until Congress has restored appropriations to the Department of Justice.

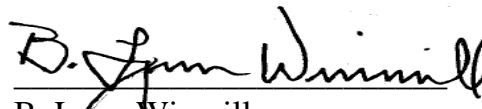
IT IS THEREFORE ORDERED that the Federal Defendants' Unopposed Motion for Stay of Briefing Schedule (Dkt. 41) is **GRANTED**, and all time limits and deadlines in this case – with the one exception listed below -- are extended for a period of time equal to the duration of the lapse in appropriations to the Department of Justice. Depositions and court hearings are vacated. The parties shall cooperatively establish new dates for depositions. Counsel for the Federal Defendants is directed to inform the Court and the Parties as soon as Congress restores federal appropriations and to circulate to the other Parties a form of order that incorporates new summary judgment briefing deadlines commensurate with the duration of the stay. Counsel for the Federal Defendants will then submit that proposed order to the Court for approval.

HOWEVER, this stay does not apply to applications for emergency relief of any type in stayed cases. Thus, motions for temporary restraining orders and preliminary injunctions will proceed.

This Order shall apply nunc pro tunc to October 1, 2013.



DATED: October 1, 2013


B. Lynn Winmill
Chief Judge
United States District Court