

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

NEZ PERCE TRIBE and
IDAHO RIVERS UNITED,

Plaintiffs,

v.

UNITED STATES FOREST SERVICE,

Defendant.

Case No. 3:13-CV-00348-BLW

**ORDER GRANTING
MOTION TO STAY**

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

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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.

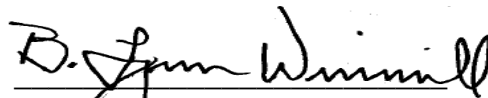
IT IS THEREFORE ORDERED that the Government's Motion to Stay (Dkt. 51) is GRANTED, and all time limits and deadlines in this case – with the one exception listed below -- are extended for a period of time equal to the duration of the lapse in appropriations to the Department of Justice. Depositions and court hearings are vacated. The parties shall cooperatively establish new dates for depositions.

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