1

2

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

3   SARAH NEMERGUT,   )
) Case No.: 2:13-cv-254-GMN-GWF

4   Plaintiff,   )
)

5   v.   )
)

6   CAROLYN COLVIN, Acting   )
Commissioner of Social Security,   )

7   )
          Defendant.   )

8

9

10

**ORDER FOR STAY OF PROCEEDINGS DURING LAPSE IN
APPROPRIATIONS**

11

12

13

14

      1.   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 litigation in this District.

15

16

17

18

      2.   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.

19

20

21

22

23

24

25

26

      3.   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.

27

28

5

WHEREFORE, the Court finds that good cause exists to stay proceedings in the cases identified in the attached list until Congress has restored appropriations.

IT IS THEREFORE ORDERED that all time limits and deadlines in this case are extended for a period of time equal to the duration of the lapse in appropriations to the Department of Justice and the Federal Defendant and depositions and court hearings are vacated. Further, this stay does not apply to applications for emergency relief.

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

DATED: October 7, 2013

_____
GEORGE FOLEY, JR.
United States Magistrate Judge