

1 Anna Y. Park, CA SBN 164242
 2 U.S. EQUAL EMPLOYMENT
 3 OPPORTUNITY COMMISSION
 4 255 East Temple Street, Fourth Floor
 5 Los Angeles, CA 90012
 6 Telephone: (213) 894-1083
 7 Facsimile: (213) 894-1301
 8 E Mail: lado.legal@eeoc.gov

9 Elizabeth A. Naccarato, NV BAR #11221
 10 U.S. EQUAL EMPLOYMENT
 11 OPPORTUNITY COMMISSION
 12 333 Las Vegas Boulevard South, Suite 8112
 13 Las Vegas, Nevada 89101
 14 Telephone: (702) 388-5072
 15 Facsimile: (702) 388-5094
 16 E Mail: elizabeth.naccarato@eeoc.gov

17 Attorneys for Plaintiff
 18 U.S. EQUAL EMPLOYMENT
 19 OPPORTUNITY COMMISSION

20 **UNITED STATES DISTRICT COURT**
 21 **DISTRICT OF NEVADA**

22 U.S. EQUAL EMPLOYMENT
 23 OPPORTUNITY COMMISSION,
 24
 25 Plaintiff,

26 vs.

27 MATTRESS FIRM, INC. ; and DOES
 28 1-15, INCLUSIVE
 Defendants.

) Case No.: 2:13-cv-01745 GMN-VCF
)
) **PLAINTIFF EEOC'S EX- PARTE**
) **MOTION TO LIFT STAY, AND**
) **~~[PROPOSED]~~ ORDER**
)
) The Honorable Cam Ferenbach
) United States District Court

1 TO THE CLERK OF COURT:

2 PLEASE TAKE NOTICE THAT: Plaintiff Equal Employment Opportunity Commission
3 (“EEOC”) moves this Court to lift the stay of these proceedings.

4 On September 30, 2013, funding for the federal government lapsed. As a result of this
5 lapse in funding, Plaintiff Equal Employment Opportunity Commission (“EEOC”) moved the
6 court to stay these proceeding as counsel for the EEOC was prohibited from working on this
7 matter during the federal government shutdown.

8 On October 1, 2013, the Court granted a thirty day stay and ordered that Plaintiff file a
9 motion to lift the stay if the government shutdown ended prior to October 31, 2013 (Docket No.
10 6).

11 On October 17, 2013, funding for the federal government was restored and Plaintiff
12 EEOC resumed operations. Plaintiff EEOC is unaware of any deadlines that have passed or
13 dates which have been affected by the stay.

14 District courts possess “the inherent procedural power to reconsider, rescind, or modify
15 an interlocutory order” when it finds sufficient cause to do so. *See City of Los Angeles, Harbor*
16 *Div. v. Santa Monica Baykeeper*, 254 F.3d 882, 885 (9th Cir. 2001). “The same court that
17 imposes a stay of litigation has the inherent power and discretion to lift the stay.” *Canady v. Erbe*
18 *Elektromedizin GmbH*, 271 F.Supp.2d 64, 74 (D.D.C.2002). “When circumstances have
19 changed such that the court's reasons for imposing the stay no longer exist or are inappropriate,
20 the court may lift the stay.” *Id.* Here, the Court granted the stay as counsel for the EEOC was
21 prohibited from working on this matter during the lapse in government funding. As funding has
22 now been restored, Plaintiff EEOC respectfully requests that the Court lift the stay in these
23 proceedings.

24 Dated: October 1, 2013

Respectfully submitted,

26 s/ Elizabeth A. Naccarato

Elizabeth A. Naccarato

27 Trial Attorney

U.S. EQUAL EMPLOYMENT

28 OPPORTUNITY COMMISSION

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

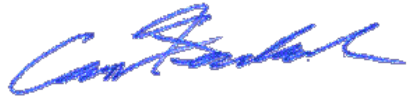
ORDER

**FOR GOOD CAUSE SHOWING, EEOC's MOTION IS GRANTED. THIS COURT
HEREBY ORDERS THAT**

The Court's stay, issued on October 1, 2013 (Docket No. 6) is lifted.

IT IS SO ORDERED.

Dated: 10-22-2013



Hon. Cam Ferenbach
U.S. 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

CERTIFICATE OF SERVICE VIA ELECTRONIC FILING SYSTEM

I am, and was at the time the herein mentioned mailing took place, a citizen of the United States, over the age of eighteen (18) years and not a party to the above-entitled cause.

I am employed in the Legal Unit of the Las Vegas Local Office of the United States Equal Employment Opportunity Commission.

My business address is Equal Employment Opportunity Commission, Los Angeles District Office, 333 Las Vegas Boulevard South, Suite 8112, Las Vegas, Nevada 89101.

On the date that this declaration was executed, as shown below, I served the foregoing **PLAINTIFF EEOC'S EX- PARTE MOTION TO LIFT STAY AND [PROPOSED] ORDER** via the Case Management/Electronic Case Filing (CM/ECF) system at Las Vegas, Clark County, Nevada.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 21, 2013, at Las Vegas, Nevada, Clark County.

/s/ Elizabeth A. Naccarato