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2 District of Nevada

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7  
8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 RUBEN SANCHEZ-FEDERICO and  
ESTELA GARCIA-FEDERICO,

11 Plaintiffs,

12 v.

13 UNITED STATES OF AMERICA, *et. al.*,

14 Defendants.  
15

Case No. 2:17-cv-02568-GMN-CWH

**UNOPPOSED MOTION FOR STAY  
AND EXTENSION DUE TO LAPSE  
OF APPROPRIATIONS**

16  
17 The United States moves for a stay of proceedings and an extension of existing  
18 deadlines commensurate with the duration of, the lapse in appropriations (partial  
19 government shutdown). Plaintiff does not oppose this request.

20 1. At midnight on December 21, 2018, the continuing resolution that had been  
21 funding the Department of Justice expired and appropriations to the Department lapsed.

22 2. Absent an appropriation or continuing resolution, Executive Branch  
23 employees are prohibited from working, even on a voluntary basis, except in very limited  
24 circumstances, including “emergencies involving the safety of human life or the protection  
25 of property.” 31 U.S.C. § 1342. The instant lawsuit does not appear to meet such criteria  
26 because it is a tort claim arising out of a motor vehicle accident. The lapse in  
27 appropriations also prevents the United States Attorney’s Office from paying for costs that  
28 would otherwise be routine such as deposition transcription and work-related travel.

1           3. Defendant therefore requests a stay of proceedings until Congress has  
2 restored appropriations to the Department. Defendant also requests an extension of  
3 deadlines commensurate with the duration of the lapse in appropriations.

4           4. In light of the foregoing, Plaintiff’s counsel has agreed to vacate without  
5 prejudice the scheduled January 8, 2019 deposition of Dr. Lanzkowski.

6           5. Defendant will notify Plaintiff and the Court as soon as Congress has  
7 appropriated funds for the Department or enacted another continuing resolution and  
8 undersigned counsel can resume usual civil litigation duties.

9           Therefore, although we greatly regret any disruption caused to the Court and the  
10 other litigants, Defendant hereby moves for a stay in this case until Department of Justice  
11 attorneys are permitted to resume their usual civil litigation functions.

12           Respectfully submitted this 4th day of January 2019.

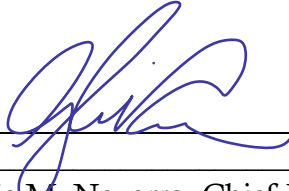
13                                   DAYLE ELIESON  
14                                   United States Attorney

15                                   /s/ Troy K. Flake  
16                                   TROY K. FLAKE  
17                                   Assistant United States Attorneys

18                                   *Attorneys for the United States*

19  
20           **IT IS SO ORDERED:**

21  
22   **DATED** this 10 day of January, 2019.

23  
24                                     
25                                   \_\_\_\_\_  
26                                   Gloria M. Navarro, Chief Judge  
27                                   UNITED STATES DISTRICT COURT  
28

1 **Certificate of Service**

2 I hereby certify that on January 4, 2019, I electronically filed and served the  
3 foregoing **Unopposed Motion for Stay and Extension Due to Lapse of Appropriations**  
4 with the Clerk of the Court for the United States District Court for the District of Nevada  
5 using the CM/ECF system.

6 /s/ Troy K. Flake  
7 TROY K. FLAKE  
8 Assistant United States Attorney  
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