

1 DAYLE ELIESON
United States Attorney
2 District of Nevada
TROY K. FLAKE
3 Assistant United States Attorney
501 Las Vegas Blvd. South, Suite 1100
4 Las Vegas, Nevada 89101
702-388-6336
5 Troy.Flake@usdoj.gov
Attorneys for the United States

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

9 MICHELLE WILSON, *et al.*,

10 Plaintiffs,

11 v.

12 THE UNITED STATES OF AMERICA,

13 Defendant.

Case No. 2:17-cv-02863-APG-VCF

**UNOPPOSED MOTION TO
CONTINUE SETTLEMENT
CONFERENCE DUE TO LAPSE OF
APPROPRIATIONS**

14 The United States respectfully requests that the Court continue the settlement
15 conference scheduled in this matter on **January 11, 2019**, due to the lapse in appropriations
16 (partial government shutdown) and respectfully requests that it be re-scheduled after the
17 partial government shutdown is resolved. Plaintiffs do not oppose this request. The reasons
18 for this request are as follows:

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

21 The Department does not know when funding will be restored by Congress.

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 alleged medical malpractice. The lapse in
27 appropriations also prevents the United States Attorney’s Office from consulting with
28 agency and Department officials who have authority settle in this case.

1 **Certificate of Service**

2 I hereby certify that on January 4, 2019, I electronically filed and served the
3 foregoing **UNOPPOSED MOTION TO CONTINUE SETTLEMENT CONFERENCE**
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
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28