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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11	NANETTE RANDOLPH,)	2:18-cv-00238-APG-NJK
12	Plaintiff,)	
13	v.)	
14	LINDA MCMAHON, Administrator,)	Motion for Stay and Extension Due to
15	U.S. Small Business Administration,)	Lapse of Appropriations
16	Defendant.)	
17)	

18 Federal Defendant moves for a stay of proceedings pending, as well as an extension
19 of existing deadlines commensurate with the duration of, the lapse in appropriations
20 (partial government shutdown).

21 1. At midnight on December 21, 2018, the continuing resolution that had been
22 funding the Department of Justice expired and appropriations to the Department lapsed.
23 The same is true for several Executive Branch agencies, including Federal Defendant, the
24 U.S. Small Business Administration. The Department and Federal Defendant do not know
25 when funding will be restored by Congress.

26 2. Absent an appropriation or continuing resolution, Executive Branch
27 employees are prohibited from working, even on a voluntary basis, except in very limited
28 circumstances, including “emergencies involving the safety of human life or the protection

1 of property.” 31 U.S.C. § 1342. The instant lawsuit does not appear to meet such criteria
2 because it is a civil case for alleged past employment discrimination and retaliation. The
3 lapse in appropriations also prevents the United States Attorney’s Office from paying for
4 costs that would otherwise be routine such as deposition transcripts and work-related
5 travel.

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

9 4. In light of the foregoing, Plaintiff’s counsel has agreed to vacate without
10 prejudice the scheduled January 15, 2019 deposition of Eugene Cornelius in Washington,
11 D.C., and counsel has further advised that he will not oppose this motion.

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

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

18 Respectfully submitted this 4th day of January 2019.

19 DAYLE ELIESON
20 United States Attorney

21 /s/ Troy K. Flake
22 TROY K. FLAKE
23 PATRICK A. ROSE
24 Assistant United States Attorney

25 IT IS SO ORDERED:

26 UNITED STATES MAGISTRATE JUDGE

27 DATED: January 4, 2019