VITTI & VITTI & ASSOCIATES, P.C. et al v. UNITED STATES DEPARTMENT OF VETERANS AFFAIRS. 12-CV Doc 29 Att. 13

Case 1:13-cv-00459-SGB Document 9 Filed 10/09/13 Page 1 of 3

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

VITTI & VITTI & ASSOCIATES, P.C,)		
Plaintiffs,)))	No. 13-459 (Judge Braden)	RECEIVED
v.)		DES CALLED
THE UNITED STATES,)		CLEDY
Defendant.)		VEST. DIST. OF PENNSYLVANIA

REQUEST FOR A STAY IN LIGHT OF LAPSE OF APPROPRIATIONS

Defendant, the United States, respectfully moves for a stay of deadlines in this case between October 1, 2013, and the end of the lapse in appropriations to the Department of Justice. We respectfully request that the Court stay the case and the associated deadlines in light of the budgetary and statutory restrictions placed upon the Department of Justice.

At the end of the day on September 30, 2013, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for most Executive agencies, including the agency involved in this case. The Department of Justice does not know when funding will be restored by Congress.

Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342. We have been directed to seek to curtail all civil litigation activities to the extent that this can be done without compromising to a significant degree the safety of human life or the protection of property. Counsel of record in this matter has accordingly been furloughed.

Undersigned counsel for the Department of Justice therefore requests a stay of all deadlines in this case, including our reply to plaintiffs' response to our motion to dismiss

currently due on October 18, 2013 until Congress has restored appropriations to the Department. We have made similar requests in numerous other cases pending before the Court. Given the limited resources available to the Department, we have not inquired about the status of agency counsel in all cases, but as a general matter, many agency personnel associated with our work have been furloughed.

If this request for stay is granted, defendant's counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

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

Respectfully Submitted,

STUART F. DELERY Assistant Attorney General

BRYANT G. SNEE Acting Director

s/ Steven Gillingham by s/ Deborah A. Bynum STEVEN GILLINGHAM Assistant Director

s/ Shelley Weger by s/ Deborah A. Bynum SHELLEY D. WEGER
Trial Attorney
Commercial Litigation Branch
Civil Division
U.S. Department of Justice
P.O. Box 480
Ben Franklin Station
Washington, D.C. 20530
Tel: (202) 616-1273

Fax: (202) 307-0972

Attorneys for Defendant

October 9, 2013

ECF DOCUMENT

ATRUE COPY:

Hazel C. Keahey

Clerk, U.S. Court of Federal Claims

BY JOHN H SOUTH

Deputy Clerk