

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DONNA FOLIART, individually and as  
Personal Representative for the Estate of  
James R. Foliart,

Plaintiff,

v.

THE UNITED STATES OF AMERICA, et  
al.,

Defendants.

CASE NO. 2:17-cv-01325-RSL

STIPULATED MOTION TO  
STAY PROCEEDINGS DUE TO  
LAPSE IN APPROPRIATIONS  
AND ORDER

**STIPULATED MOTION FOR A STAY DUE TO LAPSE OF APPROPRIATIONS  
AND FOR ADDITIONAL TIME TO SERVE DEFENDANT, LINDA CINTRON**

COME NOW the parties, by and through counsel, and jointly move for a stay of proceedings in light of the lapse of government appropriations that funds the Department of Justice ("Department"). The parties also hereby stipulate to an additional thirty days, or the end of the lapse of appropriations, whichever is later, to serve Defendant, Linda Cintron.

1           1. At the end of the day on December 21, 2018, the appropriations act that had  
2 been funding the Department expired and appropriations to the Department lapsed. The  
3 lapse has continued for thirty-three days and the Government does not know when  
4 funding will be restored by Congress.  
5

6           2. Absent an appropriation, Department attorneys are prohibited from working,  
7 even on a voluntary basis, except in very limited circumstances, including “emergencies  
8 involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.  
9

10           3. An Amended Complaint was filed in this matter on September 11, 2018  
11 following the death of Plaintiff, James Foliart. Dkt. No. 24. The Amended Complaint  
12 added Defendant, Linda M. Cintron, as a party. *Id.* The parties agreed to a stipulated  
13 motion for additional time to serve Ms. Cintron on November 26, 2018. Dkt. No. 28. The  
14 new date for service is February 7, 2019. Dkt. No. 29. However, the lapse in  
15 appropriations has intervened and has precluded Government counsel from being  
16 available to participate in depositions or additional discovery as needed to proceed to try  
17 to resolve this matter or prepare for trial. Government counsel remains unable to work on  
18 this matter until appropriations are restored or other authorization is granted.  
19  
20  
21

22           4. Therefore, the Government, with Plaintiff’s agreement, is requesting a stay of  
23 proceedings until Congress has restored appropriations to the Department.  
24

25           5. Additionally, Plaintiff has requested, with the Government’s agreement, an  
26 additional thirty days or the end in the lapse of appropriations, whichever is later, to  
27 effect service on Ms. Cintron.  
28

6. If this motion for a stay is granted, Government counsel will notify the Court as soon as Congress has appropriated funds for the Department.

Therefore, although we regret any disruption caused to the Court and other litigants, the parties hereby move for a stay of proceedings until Department attorneys are permitted to resume their usual civil litigation functions.

DATED this 24<sup>th</sup> day of January, 2019.

Respectfully submitted,

BRIAN T. MORAN  
United States Attorney

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Dated this 25<sup>th</sup> day of January, 2019.

Robert S. Lasnik  
United States District Judge

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