

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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THE AMERICAN HOSPITAL ASSOCIATION,	)	)
ASSOCIATION OF AMERICAN MEDICAL	)	)
COLLEGES, MERCY HEALTH MUSKEGON,	)	)
CLALLAM COUNTY PUBLIC HOSPITAL	)	)
NO. 2, d/b/a OLYMPIC MEDICAL CENTER,	)	)
and YORK HOSPITAL,	)	)
	)	)
<i>Plaintiffs,</i>	)	)
	)	)
v.	)	Civil Action No. 18-2841 (RMC)
	)	)
ALEX M. AZAR II,	)	)
in his official capacity as SECRETARY OF	)	)
HEALTH AND HUMAN SERVICES,	)	)
	)	)
<i>Defendant.</i>	)	)
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**MOTION FOR STAY IN LIGHT OF LAPSE OF APPROPRIATIONS**

Defendant hereby moves for a stay of this case and all corresponding deadlines in light of a lapse of appropriations.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department of Justice does not know when funding will be restored by Congress.

2. 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.

3. Undersigned counsel for the Department of Justice therefore requests a stay of this case until Congress has restored appropriations.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department of Justice. The Government requests that, at that point, the current February 4, 2019 deadline for Defendant to respond to the complaint, and any other subsequent deadlines, be extended commensurate with the duration of the lapse in appropriations.

5. Plaintiffs' counsel has indicated that Plaintiffs oppose this motion.

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

Dated: January 25, 2019

Respectfully submitted,

JOSEPH H. HUNT  
Assistant Attorney General

MICHELLE R. BENNETT  
Assistant Branch Director

/s/ Bradley P. Humphreys  
BRADLEY P. HUMPHREYS

(D.C. Bar No. 988057)

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