

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA

IRISH 4 REPRODUCTIVE HEALTH,  
*et al.*,

*Plaintiffs,*

v.

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES,  
*et al.*,

*Defendants.*

Case No. 3:18-cv-0491-PPS-JEM

**MOTION FOR STAY OF BRIEFING SCHEDULE**  
**IN LIGHT OF LAPSE OF APPROPRIATIONS**

Federal Defendants hereby move for a stay of the briefing schedule for defendants' forthcoming motions to dismiss in the above-captioned case.

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 does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and other furloughed employees 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 the current briefing schedule for defendants' forthcoming motions to dismiss until Congress has restored appropriations to the Department.

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. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

5. Undersigned counsel attempted to contact counsel for plaintiffs, but was unable to get their position on this motion in the short time available for undersigned counsel to prepare to be furloughed. Notre Dame does not object to the requested relief.

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

Dated: December 26, 2018

Respectfully submitted,

/s/ Rebecca M. Kopplin  
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