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18 *Attorneys for the United States of America*  
19 *and all Defendants*

20 IN THE UNITED STATES DISTRICT COURT  
21 FOR THE DISTRICT OF NEVADA

22 STATE OF NEVADA,	)	Case No. 3:18-cv-569-MMD-CBC
	)	
23 Plaintiff,	)	
	)	
24 vs.	)	<b>MOTION FOR A STAY OF</b>
	)	<b>UNITED STATES' RESPONSE TO</b>
25 UNITED STATES; UNITED STATES	)	<b>PLAINTIFFS' MOTION FOR</b>
26 DEPARTMENT OF ENERGY; RICK	)	<b>PRELIMINARY INJUNCTION</b>
27 PERRY, in his official capacity as Secretary	)	<b>(ECF No. 1-20) IN LIGHT OF</b>
28 of Energy; NATIONAL NUCLEAR	)	<b>LAPSE OF APPROPRIATIONS</b>
SECURITY ADMINISTRATION; and	)	
LISA E. GORDON, in her official capacity	)	
as Administrator of the National Nuclear	)	
Security Administration and Undersecretary	)	
for Nuclear Security,	)	
	)	
Defendants.	)	
	)	
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1 The United States of America, on behalf of all Defendants, hereby moves for a stay of the  
2 Defendants' response to Plaintiffs' Motion For Preliminary Injunction (ECF No. 1-20) in the  
3 above-captioned case.

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

7 2. Absent an appropriation, Department of Justice attorneys are prohibited from  
8 working, even on a voluntary basis, except in very limited circumstances, including  
9 "emergencies involving the safety of human life or the protection of property." 31 U.S.C. §  
10 1342.

11 3. Undersigned counsel for the Department of Justice therefore requests a stay of the  
12 Defendants' response to Plaintiffs' Motion For Preliminary Injunction (ECF No. 1-20) until  
13 Congress has restored appropriations to the Department.

14 4. The United States also requests that the hearing scheduled for January 17, 2018,  
15 be vacated and rescheduled once Congress has restored appropriations to the Department.

16 5. If this motion for a stay is granted, undersigned counsel will notify the Court as  
17 soon as Congress has appropriated funds for the Department. The Government requests that, at  
18 that point, all current deadlines for the parties be extended commensurate with the duration of the  
19 lapse in appropriations.

20 6. Undersigned counsel has contacted counsel for Plaintiff regarding its position on  
21 this Motion and Plaintiff opposes this Motion.

22 7. The United States previously moved for (ECF No. 18) and was granted (ECF No.  
23 19) an extension of time to file its response to Plaintiffs' Motion For Preliminary Injunction.

24 Therefore, although we greatly regret any disruption caused to the Court and the other  
25 litigants, the Government hereby moves for a stay of the Defendants' response to Plaintiffs'  
26 Motion For Preliminary Injunction in this case until Department of Justice attorneys are  
27 permitted to resume their usual civil litigation functions.

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Respectfully submitted, December 27, 2018

/s/ David L. Negri \_\_\_\_\_  
David L. Negri  
United States Department of Justice

*Counsel for the United States of America  
and all Defendants*

IT IS SO ORDERED:

\_\_\_\_\_  
THE HONORABLE MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE

DATED: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was electronically filed with the Clerk of the Court and served using the CM/ECF system upon the following parties/attorneys of record:

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