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U.S.D.C. - Atlanta

DEC 26 2018

JAMES N. HATTEN, Clerk
By: *[Signature]* Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

IN RE:)	
)	
STAY OF CIVIL PROCEEDINGS)	
IN THE UNITED STATES)	ADMINISTRATIVE ORDER NO.
DISTRICT COURT FOR THE)	
NORTHERN DISTRICT OF)	
GEORGIA IN LIGHT OF LAPSE)	
OF APPROPRIATIONS)	
)	

**ADMINISTRATIVE ORDER STAYING CIVIL PROCEEDINGS IN LIGHT
OF LAPSE OF APPROPRIATIONS**

WHEREAS, federal funding for certain functions of the United States of America lapsed at midnight of December 21, 2018,

WHEREAS, since that time, no appropriation bill or continuing resolution has been passed that would restore funding,

WHEREAS, attorneys and other employees of the Civil Division of the United States Attorney's Office for the Northern District, with limited exceptions, are prohibited from working, even on a voluntary basis, during the lapse of funding,

WHEREAS employees of other federal agencies who may have matters before the Court, with limited exceptions, also are prohibited from working, even on a voluntary basis, during the lapse of funding,

WHEREAS the United States of America, on behalf of the United States, its federal agencies, and its officers and employees, has filed an emergency motion for an administrative order staying all civil cases in which the United States, its federal agencies, and its officers and employees are named parties or in which the United States Attorney or any Assistant United States Attorney is counsel of record based on the current lapse in appropriations,


IT IS HEREBY ORDERED that any and all civil cases pending in the District Court of the Northern District of Georgia in which the United States, any of its federal agencies, or any of its officers and/or employees is a named party, including any such matter pending before a Magistrate Court Judge, is HEREBY STAYED until appropriations are restored.

It is FURTHER ORDERED that any and all civil cases pending in the District Court of the Northern District of Georgia in which the United States Attorney or any Assistant United States Attorney is counsel of record, including any such matter pending before a Magistrate Court Judge, is HEREBY STAYED until appropriations are restored.

It is FURTHER ORDERED that the United States Attorney's Office shall notify the Court as soon as Congress has appropriated funds for the Department or enacted another continuing resolution.

It is FURTHER ORDERED that at the point that appropriations are restored, all deadlines in place as of the date of this Order shall automatically be extended the number of calendar days of the partial government shutdown without further order of the Court.

SO ORDERED this 26 day of December, 2018.


THOMAS W. THRASH, JR.
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

DEC 26 2018

JAMES N. HATTEN, Clerk
By: *A. Bivona* Deputy Clerk

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FOR THE NORTHERN DISTRICT OF GEORGIA

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**EMERGENCY MOTION FOR ADMINISTRATIVE ORDER STAYING CIVIL
LITIGATION IN LIGHT OF LAPSE OF APPROPRIATIONS AND
MEMORANDUM IN SUPPORT THEREOF**

The United States of America, by and through Byung J. Pak, United States Attorney for the Northern District of Georgia, files this Emergency Motion for Administrative Order Staying Civil Litigation in Light of Lapse of Appropriations.

1. At midnight on December 21, 2018, the continuing resolution that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for eight other federal departments and several independent agencies. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation or continuing resolution, Department of Justice attorneys and 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. With limited exceptions, this includes attorneys and other employees in the Civil Division of the United States Attorney’s Office for the Northern District of Georgia.

3. The United States therefore requests a stay of any and all civil cases in the District Court of the Northern District of Georgia in which the United States, any federal agency, or any federal officer and/or employee (in their individual or official capacity) is a named party, until Congress has restored appropriations to the Department.¹ This includes all proceedings in civil cases in which the United States Attorney or any Assistant United States Attorney is counsel of record.

4. If this motion for a stay is granted, the undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department or enacted another continuing resolution. The United States requests that, at that point, all current deadlines for the parties automatically be extended

¹ This includes civil matters pending before Magistrate Judges for the District Court of the Northern District of Georgia, including Social Security matters brought against the Acting Commissioner of Social Security.

commensurate with the duration of the lapse in appropriations without any further action by the Court.

While we regret any disruption caused to the Court and the other litigants, the United States therefore moves for a stay of all civil cases in the District Court of the Northern District of Georgia in which the United States, any federal agency, or any federal officer and/or employee is a named party and/or in which the United States Attorney or any Assistant United States Attorney is counsel of record, until Department of Justice attorneys are permitted to resume their usual civil litigation functions. For the Court's convenience, a proposed Order is attached.

This 26th day of December, 2018.

Respectfully submitted,

BYUNG J. PAK

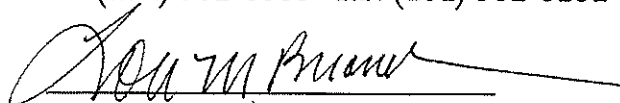
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LORI M. BERANEK

Civil Chief

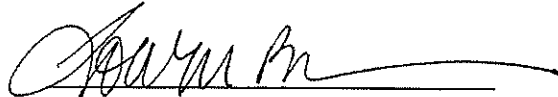
Assistant United States Attorney

Georgia Bar No. 053775

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Certificate of Compliance

I hereby certify, pursuant to Local Rules 5.1 and 7.1D, that the foregoing brief has been prepared using Book Antiqua, 13 point font.

A handwritten signature in black ink, appearing to read "Lori M. Beranek", with a long horizontal flourish extending to the right.

LORI M. BERANEK

Civil Chief

Assistant United States Attorney