

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

GRANT F. SMITH,	)	
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	Civil Action No. 1:18-cv-02048-TSC
	)	
U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION	)	
	)	
<i>Defendant.</i>	)	
	)	

**DEFENDANT’S MOTION FOR A STAY OF PROCEEDINGS IN LIGHT OF LAPSE OF  
APPROPRIATIONS**

Defendant hereby moves for a stay of proceedings and the briefing schedule in the above-captioned case. Defendant’s reply brief in support of its motion for summary judgment and its opposition to Plaintiff’s cross motion for summary judgment is currently due January 30, 2019.

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.<sup>1</sup> The Department 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 the proceedings in this case until Congress has restored appropriations to the Department.

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<sup>1</sup> Appropriations funding the Defendant’s operations have also lapsed.

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. Plaintiff has indicated he opposes this motion.

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

Dated: December 18, 2018

Respectfully submitted,

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Assistant Attorney General

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/s/ Michael F. Knapp  
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