

1 JOSEPH H. HUNT
Assistant Attorney General
2 ALEX G. TSE
United States Attorney
3 ANTHONY J. COPPOLINO
Deputy Branch Director
4 NICHOLAS P. CARTIER, CA Bar
No. 235858
5 CESAR A. LOPEZ-MORALES, MA Bar
No. 690545
6 Trial Attorneys
Civil Division, Federal Programs Branch
7 U.S. Department of Justice
20 Massachusetts Ave., NW
8 Washington, D.C. 20530
Telephone: (202) 616-8351
9 Facsimile: (202) 616-8470
E-mail: Nicholas.cartier@usdoj.gov
10

11 Attorneys for Defendants

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 OAKLAND DIVISION

15 VIETNAM VETERANS OF AMERICA, et al.,

16 Plaintiffs,

17 v.

18 CENTRAL INTELLIGENCE AGENCY, et al.,

19 Defendants.
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Case No. CV 09-0037-CW (EDL)

**MOTION FOR A STAY
OF THE DEADLINE TO FILE
STATUS REPORT**

1 The United States of America hereby moves for a stay of the deadline to file a status
2 report, currently due on January 3, 2019, in the above-captioned case.

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

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

10 3. Undersigned counsel for the Department of Justice therefore requests a stay of the
11 deadline to file a status report currently due on January 3, 2019 until Congress has restored
12 appropriations to the Department. By order of the Court, the status report shall describe “how
13 many applications [for medical care] have been received and considered [by the Army],
14 including a list of the applications approved, denied and pending.” Medical Care Injunction ¶ 4.b

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

19 5. Opposing counsel has authorized counsel for the Government to state that they do
20 not object to this motion.

21 Therefore, although we greatly regret any disruption caused to the Court and the other
22 litigants, the Government hereby moves for a stay of the filing of the status report due on January
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1 3, 2019 in this case until Department of Justice attorneys are permitted to resume their usual civil
2 litigation functions.

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4 Dated: December 26, 2018

Respectfully submitted,

5 JOSEPH H. HUNT
Assistant Attorney General
6 ANTHONY J. COPPOLINO
Deputy Director, Federal Programs Branch
7

8 /s/ Nicholas P. Cartier
NICHOLAS P. CARTIER, CA Bar
9 No. 235858
CESAR A. LOPEZ-MORALES, MA Bar
10 No. 690545
Trial Attorneys
11 Civil Division, Federal Programs Branch
U.S. Department of Justice
12 20 Massachusetts Ave., NW
Washington, D.C. 20530
13 Telephone: (202) 616-8351
Facsimile: (202) 616-8470
14 E-mail: Nicholas.cartier@usdoj.gov

15 *Attorneys for Defendants*
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Attestation Pursuant to Civil Local Rule 5-1

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2 I, Nicholas Cartier, am the ECF User whose ID and password are being used to file this
3 document.

4 Date: December 26, 2018

/s/ Nicholas P. Cartier

Nicholas P. Cartier

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