

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

<p>ANITA BRAVE HEART, Administrator of the Estate of Jamie Brave Heart,</p> <p>Plaintiff,</p> <p>v.</p> <p>UNITED STATES OF AMERICA,</p> <p>Defendant.</p>	<p>Civ No.: 5:18-cv-05054-JLV</p> <p>DEFENDANT’S MOTION TO STAY PENDING THE GOVERNMENT SHUTDOWN</p>
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COMES NOW the Defendant, by and through counsel, United States Attorney Ronald A. Parsons, Jr., and Assistant United States Attorney SaraBeth Donovan, and respectfully moves this Court for an Order to stay all deadlines in light of the United States government shutdown. In support of this motion, the Defendant states as follows:

1. On Saturday, December 22, 2018, the appropriation that had been funding the United States Department of Justice (Department) expired and the appropriations to the Department lapsed. The government was shut down, and the Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department attorneys are prohibited from working, even on a voluntary basis, “except for emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. On December 7, 2018, the Defendant filed an unopposed motion for extension of time to file its answer from December 11, 2018, to January 10, 2019. Doc. 10. No Order has been issued on that motion to date.

4. For the above reasons, the undersigned counsel requests a stay of all deadlines, including the Defendant's answer date, until Congress has restored appropriations to the Department.

5. Counsel for the Defendant has contacted counsel for the Plaintiff and can report to the Court that counsel for the Plaintiff has no objection to this motion.

6. If this motion is granted, the 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.

Therefore, although any disruption caused to the Court and the other litigants is regretted, the Government hereby moves for a stay of all deadlines in this case until United States Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated this 27th day of December, 2018.

RONALD A. PARSONS, JR.
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