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10	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION	
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13	STATE OF CALIFORNIA, et al.,	
14	Plaintiffs,	C' 'l A .' N. 240 04045 PC 1
15	V.	Civil Action No. 3:18-cv-01865-RS and Civil Action No. 3:18-cv-02279-RS
16	WILBUR L. ROSS, JR., et al.,	
17	Defendants.	ORDER DENYING MOTION TO STAY PRETRIAL
18	City of San Jose, et al.,	DEADLINES, PRETRIAL CONFERENCE AND TRIAL IN LIGHT OF LAPSE OF APPROPRIATIONS
19 20	Plaintiffs,	
20	V.	
22	WILBUR L. ROSS, JR., et al.,	
23	Defendants.	
24		
25	Pursuant to 31 U.S.C. § 1342, the United States of America hereby moves for a Stay of all	
26		
27	Pretrial Deadlines, the Pretrial Conference scheduled for January 2, 2019 and the bench trial	
28	scheduled to begin on January 7, 2019 in the above-captioned cases. The reasons for this motion	

are as follows:

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 for the Department lapsed. The same is true for Defendant, the Department of Commerce. It is unknown at this time when

Congress will restore funding.

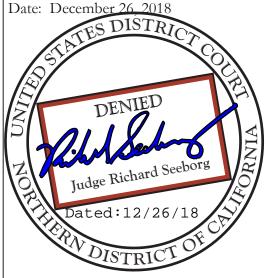
2. Without appropriations, Department of Justice attorneys and employees of the Department of Commerce are prohibited from working on these matters, even on a voluntary basis, except in very limited circumstances, including "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342.

- 3. Although undersigned counsel are prepared to meet the current pretrial deadlines, as well as, be ready for the January 2 pretrial conference and January 7 trial, due to the Anti-Deficiency Act, it is necessary for counsel to request a stay of all proceedings in these cases until Congress has restored appropriations to the Departments of Justice and Commerce. If this request for a stay is denied, and this Court orders the case to continue, the United States of course will comply with the Court's order, notwithstanding the lapse in appropriations.
- 4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Departments of Justice and Commerce. 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. Opposing counsel stated in the recently filed Pretrial Statement that they object to this motion.

Therefore, although we greatly regret any potential disruption caused to the Court and the other litigants, the Government hereby moves for a stay of all proceedings in these cases until

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Department of Justice attorneys and Department of Commerce employees are permitted to resume their usual civil litigation functions.



Respectfully submitted,

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Attorneys for Defendants