

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

SOUTH CAROLINA COASTAL CONSERVATION LEAGUE, et al.,	)	Civ. No. 2:18-cv-3326-RMG
)	
Plaintiffs,	)	MOTION FOR STAY OF THE DEADLINE
	)	FOR DEFENDANTS' RESPONSE TO
v.	)	MOTION TO INTERVENE OF THE
	)	STATES OF MARYLAND,
WILBUR ROSS, in his official capacity as the Secretary of Commerce, et al.,	)	CONNECTICUT, DELAWARE, MAINE,
	)	NEW JERSEY, NEW YORK, AND NORTH
	)	CAROLINA, AND THE
Defendants.	)	COMMONWEALTHS OF
	)	MASSACHUSETTS AND VIRGINIA IN
	)	LIGHT OF LAPSE OF APPROPRIATIONS
)	
)	

The United States of America hereby moves for a stay of the deadline for Defendants’ response to the Motion to Intervene of the States of Maryland, Connecticut, Delaware, Maine, New Jersey, New York, and North Carolina, and the Commonwealths of Massachusetts and Virginia (ECF 34) in the above-captioned case.

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. The same is true for several other Executive agencies, including Federal Defendants, National Marine Fisheries Service, Wilbur Ross, in his official capacity as the Secretary of Commerce, and Chris Oliver, in his official capacity as the Assistant Administrator for Fisheries. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the Federal Defendants 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 January 3, 2019 deadline for Federal Defendants' response to the Motion to Intervene filed by the States of Maryland, Connecticut, Delaware, Maine, New Jersey, New York, and North Carolina, and the Commonwealths of Massachusetts and Virginia, until Congress has restored appropriations to the Department.

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. Counsel for the proposed Intervenors has authorized counsel for the Government to state that they will reserve their position on this motion. Counsel for Plaintiffs has authorized counsel for the Government to state that they take no position on this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of Federal Defendants' response to the Motion to Intervene filed by the States of Maryland, Connecticut, Delaware, Maine, New Jersey, New York, and North Carolina, and the Commonwealths of Massachusetts and Virginia in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted this 26th day of December, 2018.

JEAN E. WILLIAMS
Deputy Assistant Attorney General
Environment and Natural Resources Division
SETH M. BARSKY, Chief
S. JAY GOVINDAN, Assistant Chief

By: /s/ Alison C. Finnegan
ALISON C. FINNEGAN, Trial Attorney
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CERTIFICATE OF SERVICE

I hereby certify that on December 26, 2018, I electronically filed the foregoing Motion for a Stay of the Deadline for Defendants' Response to Motion to Intervene of the States of Maryland, Connecticut, Delaware, Maine, New Jersey, New York, and North Carolina, and the Commonwealths of Massachusetts and Virginia in Light of Lapse of Appropriations with the Clerk of Court using the CM/ECF system, which will send electronic notification of such filing to all counsel of record.

/s/ Alison C. Finnegan

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

SOUTH CAROLINA COASTAL
CONSERVATION LEAGUE, et al.,

Plaintiffs,

v.

WILBUR ROSS, in his official capacity
as the Secretary of Commerce, et al.,

Defendants.

) Civ. No. 2:18-cv-3326-RMG
)
) **ORDER GRANTING MOTION FOR STAY**
) **OF THE DEADLINE FOR DEFENDANTS’**
) **RESPONSE TO MOTION TO INTERVENE**
) **OF THE STATES OF MARYLAND,**
) **CONNECTICUT, DELAWARE, MAINE,**
) **NEW JERSEY, NEW YORK, AND NORTH**
) **CAROLINA, AND THE**
) **COMMONWEALTHS OF**
) **MASSACHUSETTS AND VIRGINIA IN**
) **LIGHT OF LAPSE OF APPROPRIATIONS**
)
)
)

This matter comes before the Court on the Motion for Stay of the Deadline for Defendants’ Response to the Motion to Intervene of the States of Maryland, Connecticut, Delaware, Maine, New Jersey, New York, and North Carolina, and the Commonwealths of Massachusetts and Virginia, in Light of Lapse in Appropriations. The Court has reviewed the Motion for Stay and hereby GRANTS the Motion. The deadline for Federal Defendants’ response to the Motion to Intervene is stayed until Congress has appropriated funds for the Department of Justice and Federal Defendants. Upon the appropriation of funds, counsel for Federal Defendants shall notify the Court and thereafter file their response to the Motion to Intervene within the time commensurate with the duration of the lapse in appropriations.

AND IT IS SO ORDERED.

Richard Mark Gergel
United States District Judge

December ____, 2018
Charleston, South Carolina