UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

SAN JUAN CITIZENS ALLIANCE et al.,)
Plaintiffs,)
) Unopposed Motion for Stay Pending
v.) Lapse in Appropriations
)
UNITED STATES BUREAU OF LAND)
MANAGEMENT et al.,)
Defendants.)
)

Defendants respectfully move to stay briefing and negotiations regarding Equal Access to Justice Act ("EAJA") fees and costs pending the lapse in appropriations.

- 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 Defendants Department of the Interior and the Bureau of Land Management. The Department of Justice does not know when funding will be restored by Congress.
- 2. Absent an appropriation, Department of Justice attorneys and employees of the Department of the Interior and the Bureau of Land Management 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. Per the Court's November 30, 2018 Order, ECF No. 44, briefing on Plaintiffs' November 26, 2018 petition for Attorneys' Fees and Costs, ECF No. 41, is stayed through January 25, 2019. By January 25, 2019, the parties must file a fee and cost agreement with the

Court, request an additional continuance and stay if good faith settlement negotiations continue, or propose a briefing schedule on fees.

4. Because of the lapse in appropriations, Defendants have been unable to engage in settlement negotiations with Plaintiffs. Accordingly, Defendants respectfully ask the Court to stay the deadlines in the November 30, 2018 Order, ECF No. 44, pending the lapse in appropriations. Plaintiffs consent to this request. The parties respectfully suggest that the new deadline for the parties to file a fee and cost agreement with the Court, request an additional continuance and stay if good faith settlement negotiations continue, or propose a briefing schedule should be thirty days after the lapse in appropriations ends.

Respectfully submitted this 16th day of January, 2019,

JEAN E. WILLIAMS Deputy Assistant Attorney General

/s/ Rebecca Jaffe

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2019, I filed through the United States District Court ECF System the foregoing Motion for Stay to be served by CM/ECF electronic filing on all counsel of record.

/s/ Rebecca Jaffe
Rebecca Jaffe
U.S. Department of Justice