

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GUN OWNERS OF AMERICA, Inc.
et al.

Plaintiffs,

v.

MATTHEW WHITAKER,
et al.

Defendants.

Case No. 1:18-cv-01429
Hon. Paul L. Maloney

**MOTION FOR A STAY OF ALL PROCEEDINGS
IN LIGHT OF LAPSE OF APPROPRIATIONS**

Defendants hereby move for a stay of proceedings in the above-captioned case. In support of this request, undersigned counsel highlights the following:

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice, including the Bureau of Alcohol, Tobacco, Firearms, and Explosives, expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the 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. Counsel for the Civil Division of the Department of Justice, to whom this case has been assigned, are therefore required to request a stay of proceedings in all pending matters 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 Defendants have consulted with Plaintiffs' counsel regarding this Motion, and Plaintiffs oppose the requested stay, noting the "time sensitive nature of this issue" and the fact that, notwithstanding the partial lapse in federal appropriations, the Federal Register published the Final Rule titled "Bump-Stock-Devices" that is the subject of this action, thereby initiating a 90-day countdown to the effective date of that Rule. *See* 83 FR 66514 (Dec. 26, 2018).

Nevertheless, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of proceedings in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

A proposed order is attached.

Dated: December 28, 2018

Respectfully submitted,

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/s/
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Dated: December 28, 2018

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