

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:13-cv-00563-RBJ-BNB

W.L. (BILL) ARMSTRONG;  
JEFFREY S. MAY;  
WILLIAM L. (WIL) ARMSTRONG III;  
JOHN A. MAY;  
DOROTHY A. SHANAHAN; and  
CHERRY CREEK MORTGAGE CO., INC., a Colorado corporation;

Plaintiffs,

v.

KATHLEEN SEBELIUS, in her official capacity as Secretary of the United States Department of Health and Human Services;  
THOMAS E. PEREZ, in his official capacity as Secretary of the United States Department of Labor;  
JACOB LEW, in his official capacity as Secretary of the United States Department of the Treasury;  
UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES;  
UNITED STATES DEPARTMENT OF LABOR;  
UNITED STATES DEPARTMENT OF THE TREASURY;

Defendants.

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**MOTION FOR A STAY OF CASE IN LIGHT OF LAPSE OF APPROPRIATIONS**

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The United States of America hereby moves for a stay of the above-captioned case, including the deadline for defendants to respond to plaintiffs' motion for summary judgment, which was filed on September 27, 2013.

1. At the end of the day on September 30, 2013, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for most Executive agencies, including the federal defendants. 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 this case, including the deadline for defendants to respond to plaintiffs’ motion for summary judgment, 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. Opposing counsel has authorized counsel for the Government to state that plaintiffs take no position on this motion. The parties agree that this motion, and any stay entered by the Court, has no effect on the preliminary injunction entered by the Court on September 17, 2013.

6. Defendants reserve the right to seek a further stay of this case pending the Supreme Court’s disposition of the government’s petition for a writ of certiorari in *Hobby Lobby v. Sebelius* and, if the petition is granted, the Supreme Court’s decision, once Congress has restored appropriations to the Department.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of this case, including the deadline for defendants to respond to plaintiffs’ motion for summary judgment, until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted this 1st day of October, 2013,

STUART F. DELERY  
Assistant Attorney General

JOHN F. WALSH  
United States Attorney

JENNIFER RICKETTS  
Director

SHEILA M. LIEBER  
Deputy Director

/s/ Michelle R. Bennett  
MICHELLE R. BENNETT (CO Bar No. 37050)  
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Attorneys for Defendants.

**CERTIFICATE OF SERVICE**

I hereby certify that on October 1, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notice of such filing to all parties.

/s/ Michelle R. Bennett  
MICHELLE R. BENNETT  
Trial Attorney