

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

BECKWITH ELECTRIC CO., INC., and  
THOMAS R. BECKWITH, Chief  
Executive Officer and Controlling  
Shareholder of Beckwith Electric Co.,  
Inc.,

Plaintiffs-Appellees

v.

KATHLEEN SEBELIUS, Secretary of  
Health & Human Services, et al.,  
Defendants-Appellants

No. 13-13879-AA

**MOTION FOR A STAY OF BRIEFING SCHEDULE  
IN LIGHT OF LAPSE OF APPROPRIATIONS**

**CERTIFICATE OF INTERESTED PERSONS  
AND CORPORATE DISCLOSURE STATEMENT**

Pursuant to 11th Cir. R. 26.1-1, the undersigned counsel certifies that, to the best of our knowledge, the following persons, firms, and associations may have an interest in the outcome of this case:

ACLU of Florida

Association of Christian Schools International

Association of Gospel Rescue Missions

Beckwith Electric Co., Inc.

Beckwith, Thomas R.

Brinkmann, Beth C.

C12 Group

Christian Legal Society

Delery, Stuart F.

Ethics & Religious Liberty Commission of the Southern Baptist Convention

Fowler White Boggs P.A.

Gannam, Roger K.

Gershengorn, Ian Heath

Institutional Religious Freedom Alliance

Jed, Adam C.

Kayanan, Maria

Kenneth, Michael

Kovachevich, Elizabeth A. (district court judge)

Klein, Alisa B.

Lew, Jacob J., as Secretary of the Treasury

Lieber, Sheila

Lindell & Farson, P.A.

MacMillan, Yvette Acosta

Mersino, Erin Elizabeth

National Association of Evangelicals

O'Neill, Robert E.

Perez, Thomas E., as Secretary of Labor

Pizzo, Mark A. (magistrate judge)

Pizzo, Paul R.

Pollack, Michael C.

Prison Fellowship Ministries

Richards, Scott

Ricketts, Jennifer

Sebelius, Kathleen, as Secretary of Health & Human Services

State of Florida, Office of the Attorney General

Stern, Mark B.

Thomas More Law Center

Thompson, Richard

United States Department of Health & Human Services

United States Department of Justice

United States Department of Labor

United States Department of the Treasury

Winship, Blaine H.

/s/ Alisa B. Klein  
Alisa B. Klein  
Counsel for the Appellants

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For the reasons discussed below, the government respectfully requests that the briefing schedule be stayed in light of the lapse of appropriations.

1. The government's opening brief is currently due October 7, 2013. On September 19, 2013, the government filed an unopposed motion for a 10-day extension of time in which to file its opening brief. This Court has not acted on that motion.

2. Appellants are represented by counsel from the Department of Justice. 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 agency clients with whom the Department attorneys must coordinate their filings. The Department does not know when funding will be restored by Congress.

3. Absent an appropriation, Department of Justice attorneys 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. We therefore requests a stay of the briefing schedule until Congress has restored appropriations to the Department.

4. If this stay is granted, we 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. Plaintiffs' counsel has authorized us to state that plaintiffs consent to an extension of up to 30 days for the government's opening brief, if such an extension is needed due to the lapse in appropriations.

Respectfully submitted,

MARK B. STERN

/s/ Alisa B. Klein

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U.S. Department of Justice  
950 Pennsylvania Ave., N.W.  
Room 7235  
Washington, D.C. 20530

October 2, 2013

**CERTIFICATE OF SERVICE**

I hereby certify that on October 2, 2013, I filed and served the foregoing motion on the counsel of record through this Court's CM/ECF system.

/s/ Alisa B. Klein

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Alisa B. Klein