

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 TO HOLD APPEAL IN ABEYANCE 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 Court hold this appeal in abeyance in light of the lapse of appropriations.

1. The government's opening brief is currently due October 17, 2013, as extended by this Court.

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 that the Court hold this appeal in abeyance 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 consent to an extension for the government's opening brief of up to 30 days, to and including November 4, 2013, if such an extension is needed due to the lapse in appropriations.

Respectfully submitted,

MARK B. STERN

/s/ Alisa B. Klein

ALISA B. KLEIN
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Civil Division
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Room 7235
Washington, D.C. 20530

October 4, 2013

CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2013, I filed and served the foregoing motion on the counsel of record through this Court's CM/ECF system.

/s/ Alisa B. Klein

Alisa B. Klein