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10 **UNITED STATES DISTRICT COURT**
FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 **SAN FRANCISCO DIVISION**

12 UNITED STATES OF AMERICA,

13 *Plaintiff,*

14 v.

15 BAZAARVOICE, INC.

16 *Defendant.*

Case No. 13-cv-00133 WHO

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

Judge: William H. Orrick
Complaint Filed: January 10, 2013
Trial Date: September 23, 2013

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19 The United States of America hereby moves for a recess of the proceedings in the above-
20 captioned case.

21 At the end of the day on September 30, 2013, the appropriations act that had been
22 funding the Department of Justice expired and appropriations to the Department lapsed. The
23 Department does not know when funding will be restored by Congress.

24 Absent an appropriation, Department of Justice attorneys and employees are generally
25 prohibited from working, even on a voluntary basis, except in very limited circumstances,
26 including “emergencies involving the safety of human life or the protection of property.” 31
27 U.S.C. § 1342. This is creating difficulties for the Department to perform the functions
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1 necessary to support its litigation efforts and, accordingly, the Department's policy is to seek a
2 stay in all pending civil litigation.

3 Undersigned counsel for the United States therefore respectfully requests a recess of the
4 proceedings in this case until Congress has restored appropriations to the Department.

5 If this motion for a recess is granted, undersigned counsel will notify the Court as soon as
6 Congress has appropriated funds for the Department. If the Court denies the request and orders
7 the trial to continue, the government will comply with the Court's order, which will constitute
8 express legal authorization for the activity to continue.

9 Opposing counsel has authorized counsel for the government to state that defendant
10 Bazaarvoice opposes this motion.

11 Therefore, although we greatly regret any disruption caused to the Court and the other
12 litigants, the government hereby moves for a recess of proceedings in this case until funding is
13 restored and Department of Justice attorneys and employees are permitted to resume their usual
14 civil litigation functions.

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16 Respectfully submitted:

17 Dated: October 1, 2013

/s/ Peter K. Huston

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