

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

and

STATE OF NEW YORK,

*Plaintiffs,*

v.

TWIN AMERICA, LLC, et al.

*Defendants.*

Civil Action No.  
12-cv-8989 (ALC) (GWG)

**ECF CASE**

**PLAINTIFF UNITED STATES’S UNOPPOSED MOTION FOR STAY IN LIGHT OF  
LAPSE OF FEDERAL APPROPRIATIONS AND PROPOSED ORDER**

Plaintiff United States of America, by its undersigned counsel, hereby moves on consent of all parties for a stay of the proceedings in the above-captioned case.

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 Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees are generally 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. This is creating difficulties for the Department to perform the functions necessary to support its litigation efforts and, accordingly, the Department’s policy is to seek a stay in all pending civil litigation.

3. Undersigned counsel for the Department of Justice therefore respectfully requests a stay of all proceedings in this case 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 United States requests that, at that point, all current deadlines for the parties generally be reset and extended day-for-day with the duration of the lapse in appropriations. As soon as practicable after the lifting of the stay, the parties will submit an amended proposed scheduling order reflecting revised deadlines.

5. If the Court denies this motion for a stay, Plaintiff United States will comply with the Court's order, which would constitute express legal authorization for the activity to continue.

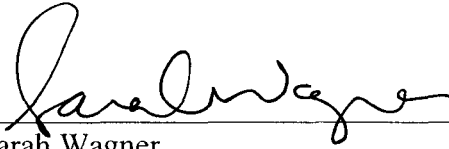
6. Plaintiff United States contacted counsel for Plaintiff State of New York and for each of the Defendants on September 30, 2013 and all parties consented to the entry of a stay in this action.

7. Therefore, although Plaintiff United States greatly regrets any disruption caused to the Court and the other litigants, Plaintiff United States hereby moves for a stay of all proceedings in this case until funding is restored and Department of Justice attorneys are permitted to resume their usual civil litigation functions.

8. A proposed order granting the requested stay is attached as Attachment 1.

Dated: October 1, 2013

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sarah Wagner", written over a horizontal line.

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*For Plaintiff United States*