

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

In re: :
Stay of Civil Matters Involving :
the United States as a Party : **Standing Order No. 18-4**

This matter is before the Court due to the lapse of congressional appropriations funding the federal government, including the Department of Justice and the United States Attorney's Office for the District of New Jersey (the "United States Attorney's Office"). Absent an appropriation, the United States represents that certain Department of Justice attorneys and employees of the federal government 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. Therefore, the lapse in appropriations requires a reduction in the workforce of the United States Attorney's Office and other federal agencies, particularly with respect to prosecution and defense of civil cases. The Court, in response, and with the intent to avoid any default or prejudice to the United States or other civil litigants occasioned by the lapse in funding, enters this Order. As a result of the cited workforce reductions, it is hereby

ORDERED, effective 12/27/18 that all civil litigation, with the exception of *Federal Trade Commission v. Gerber*, Civil Action No. 14-6771(SRC) and all pending Social Security cases, in the United States District Court for the District of New Jersey involving as a party the United States of America, its agencies, its officers or employees (whether in their individual or official capacity and whether current or former employees), and/or any other party represented by

the Department of Justice or the United States Attorney's Office is immediately suspended, postponed and held in abeyance continuing either (1) until the federal government is funded through congressional appropriation or (2) for a period of thirty (30) days from the date of entry of this Order, whichever comes sooner. The Court may renew or modify this Order depending on developments during the stay period. The Court intends "civil litigation" to include all pending non-criminal cases in which the United States, its agencies, its officers or employees (whether in their individual or official capacity and whether current or former employees) is in any way a named party and any non-criminal cases in which the United States Attorney's Office or the Department of Justice is counsel of record. This Order includes, without further limitation, all other cases seeking monetary or equitable relief in which the United States is involved as a civil litigant.

This Order suspends and continues, during the stay, any and all events and deadlines in the affected civil litigation (whether established by order, rule, or agreement), including but not limited to any scheduled proceedings, hearings, discovery and pleading dates, and/or compliance and administration of consent orders. No party will be required to take any steps in civil litigation affected until expiration of the stay. The Court warns litigants that this Order does not purport to affect rights to or deadlines concerning appeal from any decision of this Court, which will continue to operate and issue orders in the normal course.

Any litigant affected by this Order may seek relief from the Order by motion. The Court may, in any particular case, vary the effect or operation of this Order by a separate ruling.

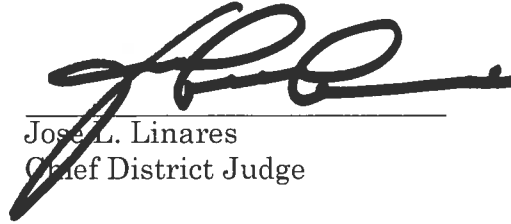
The Court shall distribute this Order:

- (a) by electronic service to all registered CM/ECF users;
- (b) by first-class mail to unregistered civil litigants, including pro se litigants, and to attorneys pending pro hac vice admission; and

(c) by posting the Order on the Court's public website.

The Court shall clarify the status of case schedules upon expiration of the stay and dependent on the timing of the funding resolution.

ENTER:
FOR THE COURT



Jose L. Linares
Chief District Judge

Dated in Newark, New Jersey this 27th day of Dec, 2018