

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION) CASE NO. 1:17-MD-2804
OPIATE LITIGATION)
)
) JUDGE DAN A. POLSTER
)
) MAGISTRATE JUDGE DAVID A. RUIZ
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)
) MOTION FOR STAY

The United States of America hereby moves for a stay of all discovery involving the United States for fourteen (14) days in the above-captioned case.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies, including the federal agencies, which have received third party subpoenas in this matter. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and certain employees of the federal agencies 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.

3. On December 26, 2018, the Chief Judge of the Northern District of Ohio issued General Order No. 2018-15, which holds in abeyance all civil matters involving the United States as a party during the Government shutdown for fourteen (14) days.

4. Undersigned counsel for the Department of Justice therefore requests a stay of all discovery involving the United States for fourteen (14) days. If at the end of that period,

Congress has not restored appropriations to the Department, the United States may seek a further extension of discovery deadlines pertaining to the third party federal agencies.

5. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of fourteen (14) days in this case until Department of Justice attorneys and other federal agency employees are permitted to resume their usual civil litigation functions.

Respectfully submitted,

AVA DUSTIN-ROTELL
Executive Assistant United States Attorney
Northern District of Ohio
Acting Under Authority Conferred by
28 U.S.C. § 51

By: /s/ Lynne H. Buck
JAMES R. BENNETT II (OH #0071663)
LYNNE H. BUCK (OH #0014166)
Assistant U.S. Attorneys
Carl B. Stokes U.S. Courthouse
801 West Superior Avenue, Suite 400
Cleveland, Ohio 44113-1852
Telephone: (216) 622-3600
Facsimile: (216) 522-4982
E-mail: James.Bennett4@usdoj.gov
E-mail: Lynne.buck@usdoj.gov

Attorneys for United States Department of Justice,
Drug Enforcement Administration

CERTIFICATE OF SERVICE

I certify that, on December 26, 2018, I filed a copy of the foregoing electronically. The Court's electronic filing system will send notice of this filing to all parties. Parties may access this filing through the Court's system.

/s/ Lynne H. Buck

LYNNE H. BUCK

Assistant U.S. Attorney