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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
ENERGY, *et al.*,

Defendants.

Case No. 6:25-cv-01458-MTK

**DEFENDANTS' MOTION FOR A
STAY OF CASE IN LIGHT OF
LAPSE OF APPROPRIATIONS**

LR 7-1 CERTIFICATION

Counsel for the Defendants certify that the parties conferred regarding this motion and have been unable to resolve this issue. The Plaintiffs oppose the relief sought herein.

MOTION FOR STAY

The United States of America hereby moves for a stay of the case in the above-captioned case.

1. Pursuant to this Court's Order (Docket No. 73), Plaintiffs are to file a proposed order for the Court today (October 8, 2025). Defendants' response is currently due October 15, 2025.

2. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and those appropriations to the Department lapsed. The same is true for the majority of other Executive agencies, including the federal Defendants. The Department does not know when such funding will be restored by Congress.

3. Absent an appropriation, Department of Justice attorneys and employees of the federal Defendants 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.

4. Undersigned counsel for the Department of Justice therefore requests a stay of the case until Congress has restored appropriations to the Department.

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. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations – i.e., each deadline would be extended by the total number of days of the lapse in appropriations.

6. Opposing counsel has authorized counsel for the Government to state that the Plaintiffs’ oppose the relief sought herein.

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

Dated: October 8, 2025

Respectfully submitted,

BRETT A. SHUMATE
Assistant Attorney General

SCOTT E. BRADFORD
United States Attorney

KIRK T. MANHARDT
Director
Commercial Litigation Branch

MARC S. SACKS
Deputy Director

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Assistant Director

s/ Michael S. Tye

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: October 8, 2025

s/ Michael S. Tye

Michael S. Tye