

THE HONORABLE THOMAS S. ZILLY

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**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON**

NORTHWEST CENTER FOR
ALTERNATIVES TO PESTICIDES, *et al.*,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Defendant.

and

CROPLIFE AMERICA; WASHINGTON
FRIENDS OF FARMS AND FORESTS;
OREGONIANS FOR FOOD AND
SHELTER; RESPONSIBLE INDUSTRY
FOR A SOUND ENVIRONMENT; DOW
AGROSCIENCES, LLC; and
WILLIPA/GRAY'S HARBOR OYSTER
GROWERS ASSOCIATION,

Defendant-Intervenors.

CASE NO. 10-cv-01919-TSZ

**JOINT STIPULATION AND [PROPOSED]
ORDER TO STAY THIS CASE IN
LIGHT OF LAPSE OF APPROPRIATIONS**

**NOTE ON MOTION CALENDAR:
October 1, 2013**

1 The United States, Plaintiffs, and Defendant-Intervenors, hereby stipulate to the
2 following stay in the above-captioned case.

3 1. At the end of the day on September 30, 2013, the appropriations act that had been
4 funding the Department of Justice expired and appropriations to the Department lapsed. The
5 same is true for most Executive agencies, including the federal Environmental Protection
6 Agency (“EPA”). The Department of Justice does not know when funding will be restored by
7 Congress.

8 2. Absent an appropriation, Department of Justice attorneys and employees of the
9 EPA are prohibited from working, even on a voluntary basis, except in very limited
10 circumstances, including “emergencies involving the safety of human life or the protection of
11 property.” 31 U.S.C. § 1342.

12 3. The United States, Plaintiffs, and Defendant-Intervenors therefore stipulate to a
13 stay of this case until Congress has restored appropriations to the Department of Justice.

14 4. If the Court adopts this stipulation, undersigned counsel for the United States will
15 notify the Court as soon as Congress has appropriated funds for the Department. The United
16 States, joined by Plaintiffs and Defendant-Intervenors, request that, at that point, all current
17 deadlines for the parties be extended commensurate with the duration of the lapse in
18 appropriations.

19 Therefore, although the Government greatly regrets any disruption caused to the Court
20 and the other litigants, the parties request that the Court enter this stipulation to stay this case
21 until Department of Justice attorneys are permitted to resume their usual civil litigation
22 functions.

23 Dated: October 1, 2013.
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Respectfully Submitted,

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IT IS SO ORDERED

U.S. District Court Judge
Thomas S. Zilly