

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

)	No. 1:12-mc-00100-EGS
U.S. DEPARTMENT OF THE)	
TREASURY,)	
)	
Petitioner,)	
)	
v.)	
)	
PENSION BENEFIT GUARANTY)	
CORPORATION,)	
)	
Interested Party,)	
)	
v.)	
)	
DENNIS BLACK, et al.,)	
)	
Respondents.)	
)	

**PETITIONER'S UNOPPOSED MOTION FOR EXTENSION OF TIME IN LIGHT OF
LAPSE OF APPROPRIATIONS**

Petitioner U.S. Department of the Treasury (Treasury) hereby moves for an order vacating the current briefing schedule for its renewed motion to quash (ECF No. 15) and directing Treasury and respondents Dennis Black, Charles Cunningham, Kenneth Hollis, and the Delphi Salaried Retirees Association to file a joint status report with proposed deadlines for the remainder of the briefing schedule within two business days after Department of Justice attorneys are permitted to resume their usual civil litigation functions.

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 same is true for most Executive agencies, including Treasury. The Department of Justice does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys 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. By minute order dated October 1, 2013, this Court directed respondents to file their opposition to Treasury’s renewed motion to quash (ECF No. 15) by no later than October 10, 2013, and directed Treasury to file its reply in support of its renewed motion by no later than October 28, 2013.

4. Because of the lapse in appropriations, Treasury hereby requests that the current briefing schedule for its renewed motion to quash be vacated and that Treasury and respondents be directed to file a joint status report with proposed deadlines for the remainder of the briefing schedule within two business days after Department of Justice attorneys are permitted to resume their usual civil litigation functions.

5. Counsel for respondents has authorized undersigned counsel for Treasury to state that respondents have no objection to this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, Treasury hereby moves for an order vacating the current briefing schedule for its renewed motion to quash (ECF No. 15) and directing Treasury and respondents to file a joint status report with proposed deadlines for the remainder of the briefing schedule within two business days after Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted,

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s/ David M. Glass

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Attorneys for Petitioner

Dated: October 9, 2013

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2013, I served the within motion and proposed order on all counsel of record by filing them with the Court by means of its ECF system.

s/ David M. Glass

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

<hr/>)	No. 1:13-cv-00206-ABJ
GAIL C. SWEENEY ESTATE)	
MARITAL TRUST,)	
)	
Plaintiff,)	
)	
v.)	
)	
U.S. DEPARTMENT OF THE)	
TREASURY, <i>et al.</i>,)	
)	
Defendants.)	
<hr/>)	

ORDER

Upon the unopposed motion of petitioner U.S. Department of the Treasury (Treasury) for extension of time and good cause having been shown, it is hereby ordered as follows:

1. Treasury's aforesaid motion is hereby granted.
2. The current briefing schedule for Treasury's renewed motion to quash (ECF No. 15) is hereby vacated.
3. Treasury and respondents Dennis Black, Charles Cunningham, Kenneth Hollis, and the Delphi Salaried Retirees Association are hereby directed to file a joint status report with proposed deadlines for the remainder of the briefing schedule for Treasury's renewed motion to quash within two business days after Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated: _____

UNITED STATES DISTRICT JUDGE