

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WAZEE STREET OPPORTUNITIES  
FUND IV LP, *et al.*,

Plaintiffs,

v.

THE FEDERAL HOUSING FINANCE  
AGENCY, *et al.*,

Defendants.

Civil Action No. 2:18-cv-3478-NIQA

**UNOPPOSED MOTION FOR A STAY OF PROCEEDINGS  
IN LIGHT OF LAPSE OF APPROPRIATIONS**

Defendant, the United States Department of the Treasury (“Treasury”), hereby moves for a stay of proceedings – including Defendants’ current February 8, 2019 deadline to file replies in support of their motions to dismiss and oppositions to Plaintiffs’ motion for summary judgment – 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 Treasury. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of Treasury 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. Undersigned counsel for the Department of Justice therefore requests a stay of proceedings – including Defendants’ current February 8, 2019 deadline to file replies in support

of their motions to dismiss and oppositions to Plaintiffs' motion for summary judgment – until Congress has restored appropriations to the Department.

4. 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 remaining duration of the lapse in appropriations.

5. Opposing counsel has authorized undersigned counsel to state that the Plaintiffs have no objection to this motion. Counsel for Treasury's co-defendants, the Federal Housing Finance Agency and its director, has also authorized undersigned counsel to state that the co-defendants 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 a stay of proceedings until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated: January 24, 2019

Respectfully submitted,

JOSEPH H. HUNT  
Assistant Attorney General

DIANE KELLEHER  
Assistant Branch Director

*/s/ R. Charlie Merritt*  
R. CHARLIE MERRITT  
Trial Attorney (VA Bar No. 89400)  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
919 East Main Street, Suite 1900  
Richmond, VA 23219  
(202) 616-8098  
robert.c.merritt@usdoj.gov

*Counsel for the U.S.  
Department of the Treasury*