



U.S. Department of Justice

DOC # 1

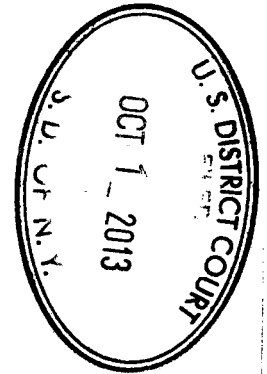
United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

October 1, 2013

**BY ELECTRONIC MAIL**

Hon. Loretta A. Preska  
Chief Judge  
United States District Court  
United States Courthouse  
500 Pearl Street  
New York, New York 10007



Re: Application for an Order Staying Certain Civil Cases  
Pending the Restoration of Department of Justice Funding

Dear Chief Judge Preska:

In light of the lapse in funding to the Department of Justice at the end of the day on September 30, 2013, we write respectfully to request that the Court enter the attached proposed order, which would: (1) stay all civil cases in which this Office has appeared as counsel of record for the United States, its agencies, and/or its employees until the business day after Department of Justice funding is restored; and (2) toll all court deadlines in those cases for a period of time equal to the number of calendar days between the lapse and the restoration of funding.

At the end of the day on September 30, 2013, the continuing resolution that had been funding the Department of Justice expired, and appropriations to the Department lapsed. As a result of the funding lapse, almost all of the Assistant United States Attorneys and staff members in the Civil Division of this Office have been furloughed. The same is true for most of the client agencies represented by this Office in civil litigation. Only a small number of Assistants and staff have been "excepted" from the furlough, along with a handful who are paid from non-appropriated funds. Among those "excepted" from the furlough are the members of the trial team in *United States v. Countrywide Financial Corporation, et al.*, 12 Civ. 1422 (JSR). The Department of Justice has instructed that, under the law, furloughed Assistants and staff are prohibited from working during the shutdown, even as volunteers. As a result, with the exception of the trial team in the above-referenced case, nearly all Civil Division Assistants and staff will be unable to work on cases or meet existing Court deadlines until Congress restores funding. Civil Division Assistants will therefore also not be able to attend conferences before the Court during the period of the shutdown.

Given the severe constraints imposed upon the Civil Division by the funding lapse, we respectfully request that the Court enter the attached proposed Order staying all civil cases in which this Office has appeared as counsel of record and tolling all court deadlines, as described above.

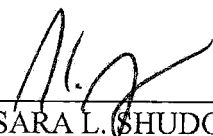
In the event any District Judge in a case handled by this Office determines that a matter affected by the Court's order cannot be stayed or that the appearance or continued work of counsel for the United States is essential during the shutdown, we respectfully ask that the District Judge notify the undersigned Chief of the Civil Division, and we will make every effort to find a way to address the situation.

We thank the Court for its consideration of this application, and we regret any disruption caused to the Court and other litigants.

Respectfully,

PREET BHARARA  
United States Attorney  
Southern District of New York

By:

  
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