

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

XIAOXING XI, *et al.*,

Plaintiffs,

v.

Civil Action No. 17-2132

FBI SPECIAL AGENT ANDREW  
HAUGEN, *et al.*,

Defendants.

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

The United States of America, Special Agent Andrew Haugen, and all other defendants (collectively, “the Federal Defendants”) hereby move for a stay of briefing in the above-captioned case.

1. At midnight on January 19, 2018, the continuing resolution that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for most Executive agencies, including all the federal defendants. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation or continuing resolution, Department of Justice attorneys and 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.

3. In the event of a lapse in appropriations, the Department’s Civil Division follows these procedures:

\* Civil litigation will be curtailed or postponed to the extent that this can be done without compromising to a significant degree the safety of human life or the protection of property.

\* Civil litigating attorneys are to approach the courts and request that active cases be postponed until funding is available, except for those cases in which postponement would compromise to a significant degree the safety of human life or the protection of property.

\* If a court denies such a request and orders a case to continue, the Government will comply with the court's order.

4. Undersigned counsel for the Department of Justice therefore requests a stay of briefing 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 or enacted another continuing resolution. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

6. Counsel for the Federal Defendants contacted opposing counsel today regarding this request and has not received a response.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Federal Defendants hereby move for a stay of briefing in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions. A proposed order is attached.

Dated: January 22, 2018

Respectfully submitted,

CHAD A. READLER  
Acting Assistant Attorney General  
Civil Division

C. SALVATORE D'ALESSIO, Jr.  
Acting Director, Torts Branch

RICHARD MONTAGUE  
Senior Trial Counsel

/s/ Paul E. Werner  
PAUL E. WERNER  
(MD Bar, under LCvR 83.5(e))  
Trial Attorney  
United States Department of Justice  
Civil Division, Torts Branch  
P.O. Box 7146  
Washington, D.C. 20044  
(202) 616-4152 (phone)  
(202) 616-4314 (fax)  
E-mail: Paul.Werner@usdoj.gov

Attorneys for Special Agent Haugen and  
the United States of America

ANTHONY J. COPPOLINO  
Deputy Branch Director, Federal Programs Branch

ELIZABETH M. TULIS  
Trial Attorney  
United States Department of Justice  
Civil Division, Federal Programs Branch  
P.O. Box 883  
Washington, D.C. 20044  
(202) 514-9237 (phone)  
(202) 616-8470 (fax)  
Elizabeth.Tulis@usdoj.gov

Attorneys for the Defendants Christopher A. Wray,  
Jefferson B. Sessions III, and Adm. Michael S.  
Rogers