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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

QUALCOMM INCORPORATED, a Delaware corporation,

Defendant.

Case No. 5:17-cv-00220-LHK-NMC

FEDERAL TRADE COMMISSION'S MOTION FOR STAY IN LIGHT OF UNITED STATES GOVERNMENT CESSATION

Plaintiff Federal Trade Commission ("FTC" or "Commission") hereby moves for a stay of all proceedings in the above-captioned case.

1. At 11:59 p.m. on January 19, 2018 the continuing resolution that had been funding the FTC expired and appropriations to the Commission lapsed. The Commission does not know when funding will be restored by Congress.
2. Absent an appropriation, FTC attorneys are prohibited from working, even on a voluntary basis, "except for emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342. Accordingly, the Commission's policy is to seek a stay of all pending litigation.
3. Undersigned counsel for the FTC therefore respectfully requests this Court stay all proceedings in this case until Congress has restored appropriations to the FTC.
4. If this motion for a stay is granted, undersigned counsel will notify the Defendant and the Court as soon as Congress has appropriated funds for the Commission. The Commission requests that, at that point, the parties promptly meet and confer to propose new deadlines as appropriate based on the duration of the lapse in appropriations. If the Court denies this motion, the FTC will comply with the Court's order, which would constitute express legal authorization for the activity to continue.
5. Opposing counsel has authorized counsel for the FTC to state that the Defendant takes no position on this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the FTC hereby moves for a stay of all proceedings until FTC attorneys are permitted to resume their usual civil litigation functions.

Dated: January 22, 2018

Respectfully Submitted,

/s/ Jennifer Milici

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