

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No. 12-1863

Trisha Farkarlun,

Appellant,

v.

Deputy Hannig, et al,

Appellees.

MOTION FOR STAY AND/OR FOR REMAND AND RESPONSE TO CLERK'S ORDER TO SHOW CAUSE

This Court has been patient and responsive to the medical issues of Appellant counsel. Despite her best intentions, Appellant counsel was again hospitalized, and was unable to file the brief by August 17, 2012. Given that the Eighth Circuit is not in session, and a delay does not appear that it will prejudice any party, and in light of the August 29, 2012 opinion issued in *Beaulieu v. Ludeman* (No. 11-1845), Appellant seeks the following:

To stay these appellate proceedings until the District Court has an opportunity to rule on Farkarlun's motion for an indicative ruling under Fed.R.Civ.P. 60.1 (which is being filed today); and

If the District Court indicates it will re-open the matter, to stay the appeal until such proceedings are concluded; or

If the District Court determines it will not re-open the matter, to set a briefing schedule following the ruling of the District Court.

Appellant counsel apologizes for any inconvenience she has caused the Court or the parties. And she respectfully requests that the Clerk's order to show cause be set aside, given the severity of her medical condition.

September 3, 2012

ATTORNEY FOR APPELLANT

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UNITED STATES COURT OF APPEAL

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SERVICE OF PARTIES ON ECF

This certifies that all parties are on ECF, and were served September 3, 2012 with Trisha Farkarlun's motion to stay or to remand and in response to the Clerk's order to show cause.

September 3, 2012

Jill Clark, Esq.