

Dear Ms. Gans,

I tried to log in to ECF, but the software asked me for an older version of java. I was warned by a dialogue box that this might not be safe.

I am therefore faxing Farklun's motion for stay, to remand, and response to Clerk's order to show cause.

I am serving opposing counsel via US mail.

Please ensure that these are filed as part of the Record on ECf.

*Robert*

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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Jill Clark, Esq. (196988)

2005 Aquila Av. N.

Golden Valley, MN 55427

UNITED STATES COURT OF APPEAL

FOR THE EIGHTH CIRCUIT

SERVICE OF PARTIES ON ECF

*via us mail*

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

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Jill Clark, Esq.