

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

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Nancy Jewell
US BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE

DEC 21 2018

IN RE: DECEMBER 22, 2018, LAPSE OF
GOVERNMENT APPROPRIATIONS

Administrative Order 2018- 3

**ORDER HOLDING IN ABEYANCE BANKRUPTCY MATTERS INVOLVING
THE UNITED STATES AS A LITIGANT OR CREDITOR**

This matter is before the Court due to the lapse of congressional appropriations funding the federal government, including the Department of Justice and the United States Attorney's Office for the Middle District of Tennessee. Absent an appropriation, the United States represents that certain Department of Justice attorneys and employees of the federal government 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. Therefore, the lapse in appropriations requires a reduction in the workforce of the United States Attorney's Office for the Middle District of Tennessee and other federal agencies, particularly with respect to participation in bankruptcy cases. The Court, in response, and with the intent to avoid any default or prejudice to the United States as a litigant or creditor occasioned by the lapse in funding, *sua sponte* enters this Order. As a result of the cited workforce reductions, it is hereby:

ORDERED, effective December 22, 2018, the participation of the United States, its agencies, officers, and employees as litigants or as creditors in all pending bankruptcy proceedings under Title 11 of the United States Code is immediately suspended, postponed and held in abeyance from the date of entry of this Order. This Order shall not apply to the participation of the United States in bankruptcy cases through the Office of the United States Trustee. The Court may renew or modify this Order depending on developments in the stay period. This Order suspends and continues, during the stay, any and all events and deadlines in the affected bankruptcy proceedings (whether established by order, rule, or agreement), including but not limited to any scheduled proceedings, hearings, and/or discovery and pleading dates. This Order shall not stay the United States' participation in bankruptcy cases through the U.S. Trustee's

Office. The Court warns litigants that this Order does not purport to affect rights to or deadlines concerning appeal from any decision of this Court, which will continue to operate and issue orders in the normal course.

Any litigant affected by this Order may seek relief from the order by motion. The Court may, in any particular case, vary the effect or operation of this Order by a separate ruling. Absent an order granting a motion seeking relief from this Order in a particular case, all case management deadlines in effect at the time this Order is entered shall be extended commensurate with the duration of the lapse in appropriations.

The Court shall distribute this Order by posting the Order on the Court's public website.

If requested by motion filed by any party, the Court will clarify the status of case schedules upon expiration of the stay and dependent on the timing of the funding resolution.

FOR THE COURT



MARIAN F. HARRISON
CHIEF BANKRUPTCY JUDGE

DEC 21 2018

Dated: _____