

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA

In re:

**COURT OPERATIONS
DURING A LAPSE IN
APPROPRIATION OR
CONTINUING RESOLUTION**

GENERAL ORDER NO. 2019-1

At midnight on December 21, 2018, the continuing resolution that had funded nine Departments and several independent agencies of the United States of America expired and the appropriation to the Department of Justice and these other federal departments and agencies lapsed, leading to a partial shutdown of the United States Government (“Partial Shutdown”). The Partial Shutdown affects the Department of Justice, including the Office of the United States Trustee and United States Attorney’s offices, as well as various federal government agencies.

Since that time, no appropriation bill or continuing resolution has been passed that would restore funding. Absent an appropriation or continuing resolution, Department of Justice attorneys and employees and employees of eight other federal Departments and several agencies who may have matters before the Court, are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involved the safety of human life or the protection of property.” 31 U.S.C. § 1342.

The Court finds that because of the Partial Shutdown, many federal governmental units may be temporarily unable to meet pending deadlines in bankruptcy cases, contested matters, and/or adversary proceedings before the Court.

IT IS THEREFORE ORDERED that, to the extent authorized under the Bankruptcy Code; the Federal Rules of Bankruptcy Procedure; or the Local Bankruptcy Rules:

1. Any and all deadlines imposed by the Code, the Rules, the Local Rules, or by an order of this Court that apply to a governmental unit of the United States, including but not limited to the Office of the United States Trustee are extended 14 days after the end of the Partial Shutdown, unless the Court orders otherwise upon a finding of compelling circumstances. This extension applies only to governmental units of the United States, including the United States Trustee;
2. Absent other direction or order from the Court, all adversary proceedings or contested matters in which the United States, its agencies, or its employees are parties to such proceeding, and are represented by the United States Attorney's Office, are hereby stayed until the business day after the President signs into law a budget appropriation that restores Department of Justice funding;
3. Absent other direction or order from the Court, all bar dates for the filing of proofs of claim or requests for the payment of administrative expenses are hereby tolled with respect to the United States and its agencies during the duration of the Partial Shutdown and extended thereafter for a period of time equal to the number of calendar days between December 22, 2018, and the date the President signs into law a budget appropriation that restores funding to the United States and/or such executive branch agencies;

IT IS FURTHER ORDERED that this Order is subject to modification or amendment should circumstances so warrant.

New Orleans, Louisiana, January 23, 2019.


Hon. Elizabeth W. Magner
U.S. Bankruptcy Judge