

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

IN RE:)
)
ALL MATTERS IN THE UNITED)
STATES BANKRUPTCY COURT FOR)
THE DISTRICT OF DELAWARE)
_____)

**GENERAL ORDER EXTENDING UNITED STATES’ PROOF OF CLAIM BAR
DATES, EXTENDING ADVERSARY AND OTHER DEADLINES,
AND PROVIDING RELATED RELIEF**

This matter is before the Court due to the lapse of congressional appropriations funding the federal government, including the Department of Justice. Absent an appropriation, certain Department of Justice attorneys and employees of other federal agencies 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, the Civil Division, the Tax Division, the Environment and Natural Resources Division, the Civil Rights Division and many federal agencies, particularly with respect to prosecution and defense of civil cases, including bankruptcy cases and proceedings. It is unknown when funding will be restored. Some of the furloughed employees’ duties include the preparation and filing of proofs of claim on behalf of the federal government. Other furloughed employees’ duties include making decisions on behalf of the government regarding the filing of objections to the confirmation of plans in bankruptcy cases. With the intent to avoid any default or prejudice to the United States or other civil litigants occasioned by the lapse in funding, the Court *sua sponte* enters this General Order.¹ It is hereby

¹ For the avoidance of doubt unless otherwise specifically provided, the provisions of this Order shall *not* apply to proceedings involving the Office of the United States Trustee.

ORDERED that, absent other direction or order from the Court, all pending and future adversary proceedings, contested matters, or litigation related to the United States' claims and in which the United States, its agencies, or its employees (other than the Office of the United States Trustee) are direct parties to such proceeding are hereby stayed until the business day after the President signs into law a budget appropriation that restores the Department of Justice funding ("Funding Restoration"); and it is

FURTHER ORDERED that the governmental proof of claim bar date and administrative expense bar date are hereby tolled in all cases, as to the United States, including, without limitation, all its Departments and agencies (such as the U.S. Internal Revenue Service, the U.S. Small Business Administration, the U.S. Department of Agriculture, etc.) and extended thereafter for a period of time equal to the number of calendar days between December 22, 2018, and Funding Restoration. By way of example, if the Court had set a governmental bar date of April 1, 2019, prior to the government shutdown, and the government shutdown lasts thirty (30) days, pursuant to the terms of this Order, the new governmental bar date would be May 1, 2019; and it is

FURTHER ORDERED that the United States Attorney for the District of Delaware shall notify the Court in writing upon Funding Restoration; and it is

FURTHER ORDERED with respect to all other motions, applications, or proceedings, nothing in this Order shall preclude the United States, the Office of the United States Trustee, or any party from applying to the assigned bankruptcy judge for a stay of such motion, application, or proceeding on a case-by-case basis. For purposes of this Order, formal motion practice shall not be required to request a hearing or status

conference with the Court pursuant to 11 U.S.C. § 105(d): parties are encouraged to contact Chambers directly to request and arrange for such hearing or status conference. The Judges of the Court are further encouraged to promptly consider and accommodate such requests where feasible and where the requested stay would not unfairly prejudice or harm other parties-in-interest or the orderly administration of justice.



Christopher S. Sontchi
Chief Judge
United States Bankruptcy Court

Dated: January 25, 2019