

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA

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DOUGLAS E. WEDGE, CLERK
U.S. BANKRUPTCY CLERK
WESTERN DISTRICT OF OKLAHOMA

IN RE:

PLAN FOR LAPSE IN
APPROPRIATIONS.

Miscellaneous Order 25-07

Pursuant to Volume 13, Chapter 2, §230.50 of the *Guide to Judiciary Policy*, the Court adopts the following plan for operating during a lapse in appropriations for the Judiciary.

1. Declaration of Policy. The United States Bankruptcy Court for the Western District of Oklahoma is constitutionally and statutorily required to continue to exercise judicial power regardless of the status of appropriations. The Court, however, is bound by the strictures of the Anti-Deficiency Act, 31 U.S.C. §§ 1341-1342, in the event of a lapse of appropriations.

a. In accordance with the Act, the Court is required to limit its activities only to recognized exceptions to the Act, such as

- i. activities necessary to support the exercise of the judiciary's constitutional functions (i.e., resolution of cases in which there is a constitutional or statutory grant of jurisdiction);
- ii. activities addressing emergency circumstances, such that the suspense of the function would threaten the safety of human life or the protection of property; and
- iii. activities otherwise authorized by law, either expressly or by necessary implication, including
 - (A) Constitutional guarantees;
 - (B) operating entitlement programs; and
 - (C) executing activities needed for an orderly shutdown of other official functions.

- b. In accordance with these limitations, the Court will continue to:
- i. hear and decide cases without interruption;
 - ii. properly and promptly process all filings, motions, orders, emergency applications, and other court documents;
 - iii. accept and process bankruptcy petitions, adversary proceedings, and documents filed in bankruptcy cases in the usual manner, including but not limited to, the timely entry of discharge orders and the timely closing of cases;
 - iv. collect and deposit fees into the Treasury;
 - v. disburse registry funds pursuant to Court order;
 - vi. produce reports required by Judges for the performance of their duties;
 - vii. maintain a complete docket of cases and proceedings and provide public access to same, including but not limited to, the certification of copies of filed documents;
 - viii. complete the month-end financial reconciliation process, including the preparation of the monthly AO 274, AO 274S, and AO 183 reports;
 - ix. process incoming mail and accept packages from couriers, which may include case filings, filing fees, and property in need of safeguarding;
 - x. maintain IT systems necessary to perform excepted activities (e.g., CM/ECF, CMAssist, JIFMS, HRMIS, email, courtroom technology, the Court's network, and IT security);
 - xi. coordinate with local United States Marshals Service, Federal Protective Service, and General Services Administration staff to adequately protect the safety of human life and property; and

xii. train staff to execute these excepted activities.

c. The Court suspends the following activities:

- i. hiring employees;
- ii. purchasing equipment, supplies, and contractual services¹;
- iii. entering into new contractual obligations unless they are required to perform an excepted activity;
- iv. non-essential training;
- v. non-essential travel;
- vi. supporting public and private non-adjudicative functions such as bar organization meetings and functions;
- vii. attendance of judicial officers at public functions/appearances requiring security personnel;
- viii. property management, including updating our inventory records and disposing of excess property; and
- ix. making all payments not qualifying as excepted activity, including the issuance of payments to bankruptcy trustees and unclaimed fund payees.

d. Those employees performing tasks essential to the constitutional and statutory mission of the Court are deemed to be excepted employees. Excepted employees must report to work during any lapse of appropriations. Leave is not available during a lapse in appropriations; accordingly, if an excepted employee needs to be temporarily absent, they must coordinate coverage of their excepted duties with their supervisor. Furloughed

¹ Even if a contract is currently in place, any actions that would result in further expenses under the contract will be curtailed unless the activities are clearly in support of designated essential activities. Further, payment on any goods and services acquired during a lapse in appropriations will have payment delayed until funds become available. The Court's Procurement Officer will notify contractors prior to an appropriation lapse as directed by the Procurement Management Division.

employees are not permitted to work or volunteer to perform non-excepted activities for the judiciary. Employees may rotate in and out of furlough status to ensure excepted activities are performed to the extent required by law. Employees will not receive regular salary payments. Once Congress enacts an appropriation ending the appropriations lapse, all employees (whether furloughed or excepted) will be paid at the earliest date possible.

2. Judges and Their Staff

a. Judges are mandated by federal statute to continue working despite a lapse of appropriations. Each Judge may employ staff, such as law clerks and judicial assistants, who are essential to the resolution of cases. Each Judge can furlough members of the judicial staff on a rotating basis, and the reduced staff will perform excepted activities. The judge will notify the Clerk of Court when a staff member is placed in furlough status.

b. During any lapse in appropriations, chambers staff may only perform functions essential to the constitutional and statutory mission of the Court. Accordingly, chambers staff may not work on ancillary projects, such as preparing materials for an article or speech, or perform non-essential administrative tasks.

3. Clerk's Office

a. Clerk's Office staff perform functions that are essential to the Court's constitutional and statutory mission, including many of the tasks listed in Section 1(b) of this Miscellaneous Order.

b. The employees performing these functions are listed by title below.

i. Administration and Oversight of Office's Statutory Duties

(A) Clerk of Court

(B) Chief Deputy Clerk

ii. Court Operations

(A) Operations Supervisor

(B) Courtroom Deputies

(C) Case Administrators

iii. Financial and Administrative Court Support

(A) Financial Administrative Supervisor

(B) Financial Specialist

iv. IT Support

(A) IT Manager

(B) Programmer/Systems Administrator

(C) Network Administrator II

(D) Data Quality Analyst/Trainer

c. The Clerk of Court will determine the employees needed to perform excepted activities. Due to increasing case filings and being understaffed, we anticipate all employees will be needed to complete excepted activities.

SO ORDERED this 20th day of October, 2025.

s/Sarah A. Hall
Sarah A. Hall, Chief
United States Bankruptcy Judge