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UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

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CLERK, U.S. BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA
BY: Montyue DEPUTY

IN THE MATTER OF) G.O. _____
THE FEDERAL LAPSE)
IN APPROPRIATIONS)

TEMPORARY GENERAL ORDER

Before the Court is the matter of a lapse in appropriations currently impacting the Department of Justice and the United States Attorney's Office for the Western District of Oklahoma.

1. At midnight on December 21, 2018, funding for the Department of Justice expired and appropriations to the Department lapsed. Many other Executive agencies are also experiencing a lapse in appropriations.

2. Absent funding, Assistant U.S. Attorneys and support staff assigned to the Civil Division of the U.S. Attorney's Office funded by direct appropriations may not lawfully provide uncompensated services on behalf of the Government.

An officer or employee of the United States Government . . . may not accept voluntary services . . . exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property . . . [T]he term "emergencies involving the safety of human life or the protection of property" does not include ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property.

31 U.S.C. § 1342. As a result, on December 24, 2018, non-supervisory Assistant U.S. Attorneys and support staff assigned to the Civil Division of the U.S. Attorney's Office funded by direct appropriations will be in furlough status. Furlough means the placing of

an employee in a temporary status without duties because of lack of work or funds or other nondisciplinary reasons. 5 U.S.C. § 7511(a)(5). If the funding situation does not change, some Assistant U.S. Attorneys may be called back from furlough status, but only on a critical need basis to protect life or property.

3. The United States Attorney's Office has sought a stay of all Chapter 7 and 13 cases within the Western District of Oklahoma wherein the United States or an agency, corporation, officer or employee of the United States is a party until Congress restores appropriations to the Department of Justice. The United States is not seeking a stay of Chapter 11 and 12 cases. Further, the United States Attorney's Office has requested that the Court extend all current deadlines commensurate with the duration of the lapse in appropriations.

4. Based on the number of cases involved, consulting all parties to all litigation in which the United States or an agency, corporation, officer or employee of the United States is a party is impracticable. Likewise, requesting individual extensions of time or stays in cases, at a time when U.S. Attorney's Office personnel may not lawfully work is impracticable.

5. To preserve the status quo until restoration of funding, all Chapter 7 and 13 cases within the Western District of Oklahoma wherein the United States or an agency, corporation, officer or employee, deemed or otherwise, of the United States is a party are stayed. All deadlines, due dates and cut-off dates are extended for a period of time commensurate with the duration of the lapse in appropriations.

6. Chapter 7 and 13 Bankruptcy hearings involving the United States or an agency, corporation, officer or employee, deemed or otherwise, of the United States will be reset at a time after the lapse in appropriations. This Order shall not impact Chapter 11 and 12 cases.

7. This Order does not alter, vacate, or stay any obligation of individuals to pay amounts previously lawfully determined to be owed to the United States or to an agency or office of the United States.

8. This Order does not prohibit, in any manner, the ability of parties to file claims or commence actions against the United States. However, the cases or matters commenced while there is a lapse in appropriations will be immediately stayed, pending restoration of appropriations. All deadlines, response dates, due dates, or cut-off dates in such cases will be extended for a period of time commensurate with the duration of the lapse in appropriations.

9. The United States Attorney's Office shall notify the Court when Congress restores appropriations to the Department of Justice, and the Court shall enter additional instructions and guidance at that time.

IT IS SO ORDERED this 22nd day of December, 2018.



HONORABLE JANICE D. LOYD
CHIEF JUDGE
UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT
OF OKLAHOMA