

JAN 18 2019

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE: DECEMBER 22, 2018, LAPSE OF  
GOVERNMENT APPROPRIATIONS                      Administrative Order 2019-1

ORDER RESCINDING ADMINISTRATIVE ORDER 2018-3  
REGARDING MATTERS INVOLVING THE UNITED STATES AS  
A LITIGANT OR CREDITOR AND ESTABLISHING NEW PROCEDURES  
FOR SUCH MATTERS INVOLVING THE UNITED STATES

This Court entered Administrative Order 2018-3 on December 21, 2018, to address the lapse of congressional appropriations funding the federal government. That order was an attempt to deal with the potential that the lapse in funding could affect the participation by the United States and its agencies (“United States”) as creditors or litigants in bankruptcy cases. However, as the lapse in funding has lasted for several weeks with no immediate end in sight, the Court has determined that the procedures set forth in Administrative Order 2018-3 are no longer practical, and the adverse impact on non-government parties, including debtors in bankruptcy, is too great for the Court to continue under that arrangement. Accordingly, it is ordered as follows:

1. Administrative Order 2018-3 is hereby rescinded.
2. Pending further order of the Court, the new procedures set forth herein are effective as of the date of this order:
3. **Adversary Proceedings.** With regard to any adversary proceeding in which the United States is a defendant:
  - (a) if a deadline for any response or action has arisen while Administrative Order 2018-3 was in effect, the deadline is hereby extended to March 1, 2019.
  - (b) any pretrial conference that was scheduled for a date during the time Administrative Order 2018-3 was in effect shall be reset by the Court for a date after March 1, 2019.

(c) any trial scheduled to occur during the remainder of January and February 2019 shall be rescheduled by the Court for a date after March 1, 2019.

(d) any new summonses and preliminary pretrial orders for new adversary proceedings will include a pretrial conference date not earlier than March 1, 2019.

(e) if an answer or other responsive pleading becomes due between the date of this order and March 1, 2019, such deadline is hereby extended to March 1, 2019.

2. **Claim Objections.** Any hearing that has already been set on an objection to a claim or request to disallow a claim of the United States shall be rescheduled for a date not sooner than February 20, 2019. Any deadline to respond to such an effort to disallow a claim of the United States that arose during the time Administrative Order 2018-3 was in effect or arises between the entry of this order and February 13, 2019, is hereby extended to February 13, 2019.

3. **All Other Matters.** With regard to any other matter in which the United States is potentially affected by virtue of being a creditor, movant, objecting party or is otherwise a participant in some manner, no modification of the Court's normal procedures shall be made, notwithstanding any potential impact on the United States. However, modified procedures may be sought by the United States by motion in any particular matter. Further, the Court may *sua sponte* continue any hearing if deemed appropriate under the circumstances.

4. This order is without prejudice to any effort that the United States may make under 11 U.S.C. Section 502(j), Bankruptcy Rules 9023 and 9024, or any other statute or rule that allows a party to seek relief from an order or judgment, and this Court will attempt to set a prompt hearing on any such request

IT IS SO ORDERED.

FOR THE COURT:



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Marian F. Harrison  
Chief Bankruptcy Judge