

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS**

STANDING ORDER 2019-01

**REGARDING THE STAY OF CERTAIN PROCEEDINGS AND TOLLING OF
CERTAIN DEADLINES WITH RESPECT TO THE UNITED STATES DUE TO LAPSE
OF APPROPRIATIONS**

Upon consideration of 1) the Joint Motion for Stay of Certain Proceedings and Tolling of Certain Deadlines in Light of Lapse of Appropriations (the “Motion”) filed by the Office of the United States Trustee (the “USTO”) and the United States Attorney’s Office (the “USAO”) on behalf of the United States, through the United States Trustee for Region 1, William K. Harrington, and the United States Attorney for the District of Massachusetts, Andrew E. Lelling, respectively, in Miscellaneous Proceeding 19-00101; 2) the lapse of funding on December 22, 2018, to the United States Department of Justice and its agencies, including the USTO and USAO; 3) the necessity of the efficient management the Court’s docket in cases, contested matters, and adversary proceedings in which the United States, or its departments, agencies, or instrumentalities (collectively, “United States”), including without limitation the USTO and those acting through the USAO, are parties in interest, 4) the Court’s jurisdiction and authority in each case, matter, and proceeding affected by this Standing Order; 5) just cause appearing for the relief set forth herein; 6) the provisions of 11 U.S.C. § 105(a), Fed R. Bankr. P. 3002(c)(1), 9006, and 9029; and, 7) notice of this order being provided as a Standing Order of this Court,

Now, therefore, it is hereby **ORDERED** that, effective immediately, absent any order entered to the contrary by the assigned judge in a case or adversary proceeding after the date of this Standing Order:

1. All adversary proceedings in which the United States is a party as of or after the date of this Standing Order are hereby stayed until seven (7) business days after the date established by further order of this Court (which may be entered before or after a budget appropriations act that restores Department of Justice funding is enacted into law) (the “End Stay Date”). All deadlines applicable in such adversary proceedings are tolled until and extended to the later of (i) twenty-one (21) days after the End Stay Date or (ii) twenty-one (21) days after the original deadline. Fed. R. Bankr. P. 9006 shall apply to the calculation of all deadlines under this Standing Order.


2. All motions, claims objections, or applications pending as of or after the date of this Standing Order in which the United States is either the moving party, has filed an opposition, has filed a claim to which an objection has been filed, or has been served with a discovery request (collectively, “Active Matters”) are hereby stayed until seven (7) business day after the End Stay Date, and all deadlines applicable in such Active Matters are tolled until and extended to the later of (i) twenty-one (21) days after the End Stay Date or (ii) twenty-one (21) days after the original deadline.

3. All unexpired deadlines applicable to bar dates for the filing of proofs of claim by the United States, requests for the payment of administrative expenses by the United States, and objections to final applications for approval of professional fees in chapter 11 cases are hereby extended to the later of (i) twenty-one (21) days after the End Stay Date or (ii) twenty-one (21) days after the original deadline.

4. Nothing in this Standing Order shall modify any statutes of limitation, deadlines for assertion of counterclaims, or other deadlines not expressly referenced herein or extend any deadlines applicable to a trustee appointed in any case under the Bankruptcy Code. Neither Chapter 12 Trustees nor Chapter 13 Trustees shall submit a proposed order confirming a plan prior to the time within which the United States must file a proof of claim.
5. With respect to all other motions, applications, or proceedings, nothing in this Order shall preclude the United States from applying to the assigned judge for a stay of such a matter or any extension of deadlines on a case by case basis.
6. In any adversary proceeding which is stayed or in any case in which any motion or application is stayed and deadlines are tolled pursuant to this Standing Order, any party in interest may file a motion requesting that the assigned judge enter an order granting relief from or modifying this Standing Order as may be applicable in that case or adversary proceeding.
7. The USTO and the USAO shall file a notice in Miscellaneous Proceeding 19-00101 immediately after restoration of Department of Justice funding.
8. The Clerk of Court shall promptly send notice of entry of this Standing Order to all Registered Users of this Court's CM/ECF filing system and shall post a copy of this order at each Division office and with other standing orders on the Court's website. The Clerk

shall also post notice of entry of this Standing Order on the home page of the Court's website. To the extent that either the USTO or the USAO becomes aware that a pro se party with whom either is engaged in active litigation does not have notice of this Standing Order, the USTO or the USAO, as applicable, shall provide notice of this Standing Order and file a Certificate of Service in any such case or adversary proceeding.


By the Court,



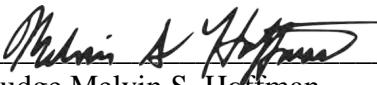
Christopher J. Panos, Chief Judge



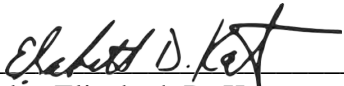
Judge Joan N. Feeney



Judge Frank J. Bailey



Judge Melvin S. Hoffman



Judge Elizabeth D. Katz

Dated: January 23, 2019