

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

**ALL MATTERS IN THE UNITED
STATES BANKRUPTCY COURT FOR
THE MIDDLE DISTRICT OF
PENNSYLVANIA**

Case No.: **1-19-mp-00002 RNO**

**ORDER EXTENDING GOVERNMENTAL PROOF OF CLAIM BAR DATE, STAYING
PLAN CONFIRMATION ORDERS AND EXTENDING ADVERSARY DEADLINES**

After due consideration of a Motion filed by the United States Attorney for the Middle District of Pennsylvania (“Motion”), the Court makes the following findings:

1. At the end of the day on December 21, 2018, the appropriations act that funded many of the Departments of the United States of America expired and appropriations lapsed.
2. The lapse in funding resulted in the furloughing of numerous federal employees, and those employees are prohibited from working, even on a voluntary basis, except in the limited emergency circumstances set forth in 31 U.S.C. § 1342.
3. The Court further finds that it is presently unknown when funding will be restored by the U.S. Congress.
4. Some of the furloughed employees’ duties include preparation and filing of proofs of claim on behalf of the United States of America (“USA”).
5. Some of the furloughed employees’ duties include decisions concerning the USA filing objections to the confirmation of plans in bankruptcy cases.
6. The Court further finds that the USA, and its Departments and agencies, is a unitary creditor for purposes of bankruptcy. *In re Turner*, 84 F.3d 1294 (10th Cir. 1996) (USA is a unitary creditor for setoff purposes). In light of the foregoing findings, it is

ORDERED that the Motion is GRANTED; and,

FURTHER ORDERED that the governmental proof of claim bar date is extended, in all cases, as to the USA, 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.) until twenty-eight (28) days after the restoration of funding to the USA and the return of its furloughed employees to work in the federal government (“Funding Restoration”); and,

FURTHER ORDERED that a stay is entered barring the entry of any order confirming a plan filed under any chapter of the Bankruptcy Code until twenty-eight (28) days after Funding Restoration; and,

FURTHER ORDERED that the USA shall be allowed twenty-one (21) days after the Funding Restoration to file any objection to confirmation of any plan; and,

FURTHER ORDERED that the USA is granted an extension of any deadline in all adversary proceedings or contested matters, to which it is a party, until twenty-eight (28) days after Funding Restoration; and,

FURTHER ORDERED that the United States Attorney for the Middle District of Pennsylvania shall notify the Court, in a written filing, the date on which such Governmental funding and employment activity have resumed (“Restoration Notice”); and,

FURTHER ORDERED that twenty-eight (28) days after the filing of the Restoration Notice, the limited extension of the governmental claims bar date, the stay against the entry of confirmation orders and the deadline extension in adversary proceedings and contested matters shall all terminate and no longer be in effect.

By the Court,



Robert N. Opel, II, Chief Bankruptcy Judge (BI)

January 8, 2019