

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO

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IN RE:

Debtor(s).

Case No.

U.S. BANKRUPTCY COURT
DISTRICT OF COLORADO

Richard A. Wieland,
United States Trustee, Region 19,

Plaintiff

v.

Defendant(s)

Adversary No.

**THE UNITED STATES TRUSTEE'S
MOTION FOR OMNIBUS ORDER STAYING DEADLINES
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States Trustee for Region 19 moves under 11 U.S.C. § 105, Fed. R. Bankr. P. 9013 and 9006(b), and all other applicable statutes and rules, for a stay of all deadlines applicable to the United States Trustee for the matters identified herein in all bankruptcy cases and adversary proceedings currently pending or filed during the cessation of ordinary operations in the United States Bankruptcy Court for the District of Colorado. In support hereof, the United States Trustee states as follows:

1. At the end of the day on September 30, 2013, appropriations to the Department of Justice lapsed. The United States Trustee is a Justice Department official, 28 U.S.C. § 581. The United States Trustee and his staff perform their duties from appropriations. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and staff, including the United States Trustee's staff, are prohibited from working, even on a voluntary basis, "except for emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice, through the United States Trustee, therefore requests a stay of all the United States Trustee's deadlines for the below identified matters in all bankruptcy cases and adversary proceedings. The requested length of the stay would be commensurate with the duration of the lapse in appropriations and until seven (7) calendar days after United States Trustee attorneys are permitted to resume their usual civil

litigation functions. The United States Trustee requests that his deadlines be stayed for the following matters:

Objections to motions to employ or applications for compensation (11 U.S.C. §§ 327, 328, 329, 330, and 331).

Objections to motions or applications made pursuant to 11 U.S.C. §§ 363, 364, and 365.

Objections to claim of exemption (11 U.S.C. § 522).

Objections to discharge pursuant to 11 U.S.C. § 727.

Motions to dismiss pursuant to 11 U.S.C. § 707(a) or (b)(3).

Objections to Chapter 11 disclosure statements (11 U.S.C. § 1125).

Objections to Chapter 11 plans or confirmation of Chapter 11 plans (11 U.S.C. § 1129).

Motions seeking the Court's reconsideration of an order converting a case to another chapter.

Any deadline (e.g., response, discovery, briefing, etc.) in any contested matter, adversary proceeding, or miscellaneous proceeding in which the United States Trustee is a party.

4. The United States Trustee requests that the Court grant such stay without prejudice. If the United States Trustee believes that an additional extension of time for any deadline is necessary in a particular case, the United States Trustee will file a motion making such request in the particular case or adversary proceeding within seven (7) calendar days after appropriation of funds for the Department is restored and United States Trustee attorneys are permitted to resume their usual civil litigation functions.

5. The United States Trustee requests that the Court enter a single omnibus order to effectuate the requested stay and to make it applicable in all bankruptcy cases and adversary proceedings in this District. The United States Trustee makes this request, in part, to alleviate the use of Court resources that would otherwise occur were the United States Trustee to file a separate motion in each pertinent bankruptcy case and adversary matter.

6. If this omnibus motion for a stay is granted, the undersigned counsel will notify the Court via the Clerk of the Court as soon as Congress has appropriated funds for the Department and United States Trustee attorneys are permitted to resume their usual civil litigation functions.

WHEREFORE, although the United States Trustee greatly regrets any disruption caused to the Court and the other litigants, the United States Trustee hereby moves for an omnibus order granting a stay of all his deadlines noted above until seven (7) calendar days after Congress has restored appropriations to the Department and United States Trustee attorneys are permitted to resume their usual civil litigation functions.

Dated: October 1, 2013

RICHARD A. WIELAND
UNITED STATES TRUSTEE

/s/ 

By: Gregory M. Garvin, MO#38460

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