

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE**

**In Re: CONTINUED OPERATION OF THE  
UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT  
OF TENNESSEE IN THE ABSENCE  
OF AN APPROPRIATION BILL OR  
CONTINUING RESOLUTION BY THE  
UNITED STATES CONGRESS**

**Misc. Proceeding Order No. 13-8001**

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In light of the fact that an appropriations bill or continuing resolution funding the operations of the United States Courts has not been passed by Congress and signed by the President prior to the expiration of the current continuing resolution funding the United States Courts, which expired at 11:59 PM, Monday, September 30, 2013, and in the event that there is a lapse in funding, regardless of the reason, for failing to provide such funding to the U.S. Courts, this Order shall be effective.

**I. CONTINUATION OF ARTICLE I DUTIES.**

The United States Bankruptcy Court for the Western District of Tennessee shall continue to perform its Constitutional duty to hear and decide cases and proceedings without interruption. All sessions of the Court will be held in accordance with the Court's previously adopted schedule, and special sessions may be scheduled as necessary during any such lapse in appropriations. All cases and proceedings shall continue to be processed according to normal schedules and priorities. To this end, the United States Attorney, the United States Trustee, Chapter 13 Trustees, Chapter 7 Panel Trustees, other attorneys handling matters set before this Court and litigants involved in matters before this Court are hereby notified that court cases and proceedings will continue as currently scheduled.

**II. OPERATING BANKRUPTCY COURTS DURING A LAPSE IN APPROPRIATIONS.**

**A. Retention of Personnel.**

The guidelines governing the operation of United States Courts without appropriations are set forth in the *Guide to Judiciary Policy*, Vol. 13, Finance and Budget, Ch. 2 §§220.30, *et seq.* These guidelines leave the actual decisions for retention of personnel to each local court, and each local court is to exercise its discretion in deciding which court-related activities are sufficiently related to the performance of essential court functions and therefore need to be continued during an appropriation lapse.

**B. Designation of Court Staff as Essential Personnel.**

Based on the foregoing exercise of discretion by the Court, it has been determined that all court employees of the United States Bankruptcy Court for the Western District of Tennessee, are hereby deemed to be essential personnel for the continued operation of the Bankruptcy Court and are hereby declared to be such until such time that this determination is modified by the Court or, if so delegated by the Court, modified by the Clerk of Court. It is therefore,

**ORDERED** that all court employees of the United States Bankruptcy Court for the Western District of Tennessee shall report for duty as normally scheduled and that all regular operations in support of essential court functions shall continue until further order. In the event of an extended lapse in appropriations for the Judiciary, the level of necessary staff and operations will be reviewed on a periodic basis by the Court and/or the Clerk of Court and may be subject to further order, including subsequent designations of which court employees will be considered to be essential personnel and which, if any, might be deemed as non-essential and subject to being furloughed.

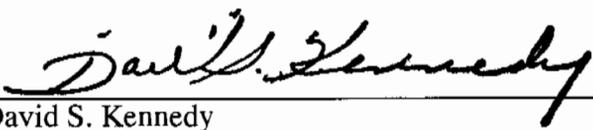
**III. BANKRUPTCY JUDGES AND THEIR STAFF**

In accordance with the above Guidelines for operation of United States Courts in the absence of appropriations, each Bankruptcy Judge shall determine the necessary level of service of chambers support staff and designate which chambers employees will be considered as essential personnel and which, if any, will be subject to furlough.

**IV. RESTRICTIONS ON EXPENDITURES NOT RELATED TO THE RESOLUTION OF CASES OR OTHERWISE ABSOLUTELY NECESSARY.**

During any lapse in funding for the judiciary, no new obligations, such as acquisition of equipment, shall be made unless absolutely essential to the resolution of cases or unless expressly authorized by the Clerk of Court as to Bankruptcy Court expenditures. Travel and other miscellaneous expenses utilizing appropriated funds, other than those necessary to hear cases, shall be avoided unless expressly absolutely necessary and as approved by the Clerk of Court, the Chief Judge or his designee.

FOR THE COURT this 1<sup>st</sup> day of October, 2013.

  
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David S. Kennedy  
Chief United States Bankruptcy Judge