

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
AMENDED GENERAL ORDER NO. 2019-01**

**AMENDMENT TO GENERAL ORDER HOLDING IN ABEYANCE
CIVIL MATTERS INVOLVING THE UNITED STATES AS A PARTY**

On January 4, 2019, the Court entered General Order No. 19-1 due to the lapse of congressional appropriations funding the federal government, including the Department of Justice and the United States Attorney's Office for the Western District of Kentucky. The Court indicated that it could renew or modify General Order No. 19-1 depending on developments in the stay period.

Absent an appropriation, the United States represents that certain Department of Justice attorneys and employees of the federal government are prohibited from working, even on a voluntary basis, except in very limited circumstances, including "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342. Therefore, the lapse in appropriations requires a reduction in the workforce of the United States Attorney's Office for the Western District of Kentucky and other federal agencies, particularly with respect to prosecution and defense of civil cases.

The Court, in response and because of the cited workforce reductions, and with the intent to avoid any default or prejudice to the United States or other civil litigants occasioned by the lapse in funding, amends General Order No. 19-1 as follows:

IT IS HEREBY ORDERED that because of the lapse of appropriations needed to fund the Office of the United States Attorney for the Western District of Kentucky and other federal agencies, the stay implemented by General Order No. 19-1 beginning January 4, 2019, is extended. All proceedings in civil litigation involving as a party the United States of America, its agencies, its officers or employees (whether in their individual or official capacity and whether current or

former employees), and/or any other party represented by the Department of Justice or the United States Attorney's Office are stayed until such time that Congress has restored appropriations to the Department of Justice and the United States Attorney's Office for the Western District of Kentucky. The Court intends "civil litigation" to include all non-criminal cases in which the United States, its agencies, its officers or employees (whether in their individual or official capacity and whether current or former employees) is in any way a named party and any non-criminal cases in which the United States Attorney's Office for the Western District of Kentucky or the Department of Justice is counsel of record. This includes, without limitation, all pending Social Security cases and all cases seeking monetary or equitable relief in which the United States is involved as a civil litigant. This General Order does not affect *habeas corpus* cases pending or filed under Chapter 153 of Title 28.

General Order No. 19-1, as amended, suspends and continues, during the stay, any and all events and deadlines in the affected civil litigation (whether established by order, rule, or agreement), including but not limited to any scheduled proceedings, hearings, and/or discovery and pleading dates. No party will be required to take any steps in civil litigation affected until expiration of the stay. The Court warns litigants that General Order No. 19-1, as amended, does not purport to affect rights to or deadlines concerning appeal from any decision of this Court, which will continue to operate and issue orders in the normal course.

IT IS FURTHER ORDERED that the United States Attorney's Office for the Western District of Kentucky shall forthwith notify the Court in writing when Congress has appropriated funding for that Office and the date upon which its attorneys and employees will be able to resume their duties in normal fashion; and

IT IS FURTHER ORDERED that all current deadlines in civil cases affected by General Order No. 19-1, as amended, shall be extended for a period of time commensurate with the duration of this stay or as otherwise directed by the judge overseeing the case.

The Court shall distribute General Order No. 19-1 and this amendment:


- (a) by electronic service to all registered CM/ECF users; and
- (b) by posting the General Order No. 19-1 and this amendment on the Court's public website.

Any litigant affected by General Order No. 19-1, as amended, may seek relief from the order by motion. The Court may, in any particular case, vary the effect or operation of this General Order by a separate ruling.

ENTERED

JAN 17 2019

VANESSA L. ARMSTRONG
BY  DEPUTY CLERK


Greg N. Stivers, Chief Judge
United States District Court

January 17, 2019