Docket #0033 Date Filed: 12/27/2018

12/27/2018 Allowed. The 01/03/19 hearing is continued pending further order of the court.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

In Re:	)	Chapter 11
	)	
TELEXFREE, LLC,	)	Case No. 14-40987-MSH
TELEXFREE, INC., and	)	Case No. 14-40988-MSH
TELEXFREE FINANCIAL, INC.,	)	Case No. 14-40989-MSH
	)	
Debtors.	)	Jointly Administered
	)	
STEPHEN DARR, AS HE IS THE TRUSTEE OF THE CHAPTER 11 ESTATES OF EACH OF THE DEBTORS,	)	
	)	Adv. Proc. No. 18-04091
Plaintiff and Counterclaim Defendant,	)	Judge Melvin S. Hoffman
	)	
v.	)	
	)	
UNITED STATES OF AMERICA, DEPARTMENT OF THE TREASURY, INTERNAL REVENUE SERVICE,	)	
	)	
Defendant and Counterclaim Plaintiff.	)	

MOTION FOR A STAY OF THE HEARING SET FOR JANUARY 3, 2019 IN LIGHT OF LAPSE OF APPROPRIATIONS

The Defendant/Counterclaim Plaintiff United States of America hereby moves to stay the hearing scheduled for January 3, 2019, at 11:00 a.m., on the cross motions for partial summary judgment (*see* Doc. Nos. 18-1 and 24) in the above-captioned case.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies, including the Internal Revenue Service. The Department does not know when funding will be restored by Congress.

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2. Absent an appropriation, Department of Justice attorneys and employees of the Internal Revenue Service are prohibited from working, even on a voluntary basis, except in limited circumstances, including "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 therefore requests a stay of the hearing on the cross motions for partial summary judgment until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department.

5. Opposing counsel assents to the relief requested in this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of hearing scheduled for January 3, 2019, at 11:00 a.m. in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted,

RICHARD E. ZUCKERMAN
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/s/ Carl L. Moore
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CERTIFICATE OF SERVICE

I certify that on December 26, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF-registered participants.

/s/ Carl L. Moore
CARL L. MOORE
Trial Attorney, Tax Division
U.S. Department of Justice