

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA



IN RE:)
)
ADOPTION OF AMENDED)
INTERIM BANKRUPTCY RULE)
1020 APPROVED FOR THE) 20-GO-04
IMPLEMENTATION OF THE)
CORONAVIRUS AID, RELIEF,)
AND ECONOMIC SECURITY ACT.)

GENERAL ORDER

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act") was enacted into law. The CARES Act makes certain substantive and procedural changes to the Bankruptcy Code, including a temporary change to the definition of "debtor" under Subchapter V of Chapter 11 of the Bankruptcy Code. See 11 U.S.C. § 1182(1), enacted as part of the Small Business Reorganization Act of 2019 ("SBRA"). In order to implement the CARES Act's amendments to SBRA, the Advisory Committee on Bankruptcy Rules drafted, and the Judicial Conference Committee of Rules of Practice and Procedure approved, the amendment of Interim Rule 1020, one of the Interim Bankruptcy Rules previously adopted by this Court to implement SBRA. See 20-GO-01.

NOW THEREFORE, pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure, and Rule 9029 of the Federal Rules of Bankruptcy Procedure, the attached **Amended Interim Rule 1020** is adopted in its entirety without change by the judges of this Court.

Amended Interim Rule 1020 is effective immediately¹ and shall remain in effect until the CARES Act amendment to 11 U.S.C. § 1182(1) sunsets on March 26, 2021.

SO ORDERED this 22nd day of April, 2020.

FOR THE COURT:


DANA L. RASURE, CHIEF JUDGE
UNITED STATES BANKRUPTCY COURT

BY THE COURT:


TERRENCE L. MICHAEL
UNITED STATES BANKRUPTCY JUDGE

¹ For cases and proceedings not governed by SBRA, the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, other than the Interim Rules, shall apply.

AMENDED INTERIM RULE 1020

1 **Rule 1020. Chapter 11 Reorganization Case for Small**
2 **Business Debtors or Debtors Under Subchapter V**

3 (a) ~~SMALL—BUSINESS—DEBTOR~~
4 DESIGNATION. In a voluntary chapter 11 case, the debtor
5 shall state in the petition whether the debtor is a small
6 business debtor or a debtor as defined in § 1182(1) of the
7 Code and, if the latter so, whether the debtor elects to have
8 subchapter V of chapter 11 apply. In an involuntary chapter
9 11 case, the debtor shall file within 14 days after entry of the
10 order for relief a statement as to whether the debtor is a small
11 business debtor or a debtor as defined in § 1182(1) of the
12 Code and, if the latter so, whether the debtor elects to have
13 subchapter V of chapter 11 apply. The status of the case as
14 a small business case or a case under subchapter V of chapter
15 11 shall be in accordance with the debtor's statement under
16 this subdivision, unless and until the court enters an order
17 finding that the debtor's statement is incorrect.

18 (b) OBJECTING TO DESIGNATION. The United
19 States trustee or a party in interest may file an objection to
20 the debtor's statement under subdivision (a) no later than 30
21 days after the conclusion of the meeting of creditors held

22 under § 341(a) of the Code, or within 30 days after any
23 amendment to the statement, whichever is later.

24 (c) PROCEDURE FOR OBJECTION OR
25 DETERMINATION. Any objection or request for a
26 determination under this rule shall be governed by Rule 9014
27 and served on: the debtor; the debtor’s attorney; the United
28 States trustee; the trustee; the creditors included on the list
29 filed under Rule 1007(d) or, if a committee has been
30 appointed under § 1102(a)(3), the committee or its
31 authorized agent; and any other entity as the court directs.

Committee Note

The interim rule is amended in response to the enactment of the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”), Pub. L. No. 116-136, 134 Stat. 281. That law provides a new definition of “debtor” for determining eligibility to proceed under subchapter V of chapter 11. Subdivision (a) of the rule is amended to reflect that change. This amendment to the Code will terminate one year after the date of enactment of the CARES Act.