

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**



**IN RE:**

**ADOPTION OF INTERIM BANKRUPTCY  
RULE 1020 APPROVED FOR THE  
IMPLEMENTATION OF THE  
BANKRUPTCY THRESHOLD  
ADJUSTMENT AND TECHNICAL  
CORRECTIONS ACT.**

**22-GO-04**

**GENERAL ORDER**

On June 21, 2022, the Bankruptcy Threshold Adjustment and Technical Corrections Act (the “BTATC”) was signed into law by the President. The BTATC introduced changes to subchapter V of Chapter 11 and also Chapter 13 of Title 11 of the United States Code. Additionally, it made some technical corrections to the Bankruptcy Administration Improvement Act of 2020.

Specifically, the BTATC amended 11 U.S.C. §§ 101(51D) and 1182(1) to clarify that the exclusion in the definitions of “small business debtor” and “debtor” applies to an affiliate of a corporation subject to the reporting requirements under section 13 or 15(d) of the Securities Exchange Act of 1934, rather than an affiliate of “an issuer.” It also temporarily reinstated the debt limit threshold amount for subchapter V of Chapter 11, which was originally provided for in the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”). The amended definition of debtor and the reinstated debt limit threshold amount of \$7,500,000 are retroactive for cases filed after March 27, 2022, and shall remain in effect for an additional two years before expiring.

**THEREFORE**, in order to implement BTATC’s modified definition of debtor and the restored debt limit threshold of \$7,500,000 for cases commenced on or after March 27, 2020,

through June 21, 2024, the Advisory Committee on Bankruptcy Rules has recommended that courts adopt the attached revised Interim Rule 1020, as a local rule while the BTATC's modified definition of debtor and the increased debt limit threshold are in effect.

**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 redline version of Interim Rule 1020 is adopted in its entirety without change by this Court.

**IT IS ORDERED** that the attached redline version of Interim Rule 1020 is effective immediately and shall replace and abrogate this Court's General Order 20-GO-04.

**IT IS FURTHER ORDERED**, that the attached redline version of Interim Rule 1020 shall remain in effect until the BTATC amendments to 11 U.S.C. §§ 101(51D) and 1182(1) sunsets on **June 21, 2024**, unless extended by this Court.

DATED this 26th day of July, 2022.

BY THE COURT:



TERRENCE L. MICHAEL, CHIEF JUDGE  
UNITED STATES BANKRUPTCY COURT

1 **Interim Rule 1020. Chapter 11 Reorganization Case for**  
2 **Small 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 Bankruptcy Threshold Adjustment and Technical Correction Act (the “BTATC Act”), Pub. L. No. 117-151, \_\_\_ Stat. \_\_\_\_\_. The BTATC reinstates the definition of “debtor” for determining eligibility to proceed under subchapter V of chapter 11 that was in effect from March 27, 2020 through March 27, 2022, under the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, 134 Stat. 281, as amended. Subdivision (a) of the rule is amended to reflect that change. This Interim Rule will terminate two years after the date of enactment of the BTATC, unless the Act is extended.