

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

IN RE: )  
 )  
RENEWED ADOPTION OF )  
REVISED INTERIM BANKRUPTCY )  
RULE 1020 )

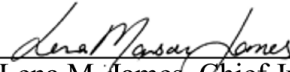
STANDING ORDER

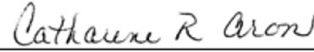
On January 9, 2020, this Court adopted several interim bankruptcy rules (the “Interim Rules”), including Interim Rule 1020, to facilitate the uniform implementation of the Small Business Reorganization Act of 2019 (the “SBRA”). On March 27, 2020, Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”) was signed into law. The CARES Act made several temporary changes to the Bankruptcy Code (the “Code”). Those changes prompted the Court to adopt a revised Interim Rule 1020 (“Revised Interim Rule 1020”) on April 21, 2020. The Court’s adoption of Revised Interim Rule 1020 was also temporary.


On March 27, 2021, the COVID-19 Bankruptcy Relief Extension Act of 2021 was signed into law (the “Bankruptcy Relief Act of 2021”). The Bankruptcy Relief Act of 2021 has extended those temporary changes to the Code that necessitated the Court’s adoption of Revised Interim Rule 1020. As a result, the Court again finds cause to adopt Revised Interim Rule 1020.

NOW, THEREFORE, pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Bankruptcy Procedure, and Rule 9029 of the Federal Rules of Bankruptcy Procedure, Revised Interim Rule 1020, as attached, is adopted in its entirety without change by the judges of this Court and shall be in effect pending further order of the Court. Application of Revised Interim Rule 1020 shall supersede application of currently adopted Interim Rule 1020. While in effect, Revised Interim Rule 1020 shall be read in conjunction with the Local Rules of this Court (the “Local Rules”) and the other Interim Rules of the Court, with the exception of currently adopted Interim Rule 1020; in the event of a conflict between the Local Rules and Revised Interim Rule 1020, Revised Interim Rule 1020 shall control.

SO ORDERED, this 20th day of April 2021.

  
Lena M. James, Chief Judge  
United States Bankruptcy Court

  
Catharine R. Aron, Judge  
United States Bankruptcy Court

  
Benjamin A. Kahn, Judge  
United States Bankruptcy Court

## INTERIM RULES OF BANKRUPTCY PROCEDURE

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

(a) DEBTOR DESIGNATION. In a voluntary chapter 11 case, the debtor shall state in the petition whether the debtor is a small business debtor or a debtor as defined in § 1182(1) of the Code and, if the latter, whether the debtor elects to have subchapter V of chapter 11 apply. In an involuntary chapter 11 case, the debtor shall file within 14 days after entry of the order for relief a statement as to whether the debtor is a small business debtor or a debtor as defined in § 1182(1) of the Code and, if the latter, whether the debtor elects to have subchapter V of chapter 11 apply. The status of the case as a small business case or a case under subchapter V of chapter 11 shall be in accordance with the debtor's statement under this subdivision, unless and until the court enters an order finding that the debtor's statement is incorrect.

## INTERIM RULES OF BANKRUPTCY PROCEDURE

(b) OBJECTING TO DESIGNATION. The United States trustee or a party in interest may file an objection to the debtor's statement under subdivision (a) no later than 30 days after the conclusion of the meeting of creditors held under § 341(a) of the Code, or within 30 days after any amendment to the statement, whichever is later.

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