

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA

In Re:)
)
ADOPTION OF REVISED INTERIM)
BANKRUPTCY RULE 1020)
)

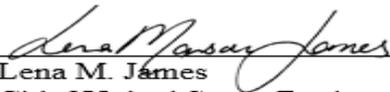
STANDING ORDER

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, the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”) was signed into law. Section 1113 of the CARES Act made several temporary changes to the Bankruptcy Code in response to the COVID-19 pandemic. Those changes have necessitated corresponding temporary changes to Interim Rule 1020.

Inasmuch as revisions to Interim Rule 1020 need to be in place, and in fact must sunset long before the Bankruptcy Rules can be amended under the three-year process required by the Rules Enabling Act, the Judicial Conference has authorized distribution of a revised Interim Rule 1020 (“Revised Interim Rule 1020”) to courts for adoption locally.

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, Revised Interim Rule 1020, as attached, is adopted in its entirety without change by the judges of this Court, and shall be in effect from April 21, 2020 through and including March 26, 2021. Application of Revised Interim Rule 1020 shall supersede application of currently adopted Interim Rule 1020 during this time. 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.

IT IS SO ORDERED this 21st day of April, 2020.



Lena M. James
Chief United States Bankruptcy Judge



Catharine R. Aron
United States Bankruptcy Judge



Benjamin A. Kahn
United States Bankruptcy Judge

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.