

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

**SUPPLEMENTAL STANDING ORDER ADOPTING REVISIONS TO INTERIM
FEDERAL RULE OF BANKRUPTCY PROCEDURE 1020**

WHEREAS, on January 31, 2020, this Court entered *Standing Order Adopting Interim Rules of Bankruptcy Procedure Implementing the Small Business Reorganization Act of 2019* adopting certain interim changes to the Federal Rules of Bankruptcy Procedure (“Interim Rules”) in response to the enactment of the Small Business Reorganization Act of 2019 (“SBRA”); and

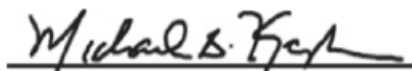
WHEREAS, on March 27, 2020, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law to provide financial assistance during the coronavirus (COVID-19) crisis; and

WHEREAS, under the CARES Act, the definition of “debtor” for purposes of § 1182(1) under the Bankruptcy Code was amended to include a separate definition of “debtor” for subchapter V purposes; and

WHEREAS, the Advisory Committee on Bankruptcy Rules (“Advisory Committee”) has determined that the implementation of the CARES Act requires revisions to Interim Rule 1020;

IT IS hereby on this 1st day of May 2020 **ORDERED**:

- 1) 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 Advisory Committee’s revisions to attached Interim Rule 1020 are adopted in their entirety by this Court.
- 2) Interim Rule 1020 shall remain in effect until further order of this Court.



MICHAEL B. KAPLAN
CHIEF U.S. BANKRUPTCY JUDGE
DISTRICT OF NEW JERSEY

Attachment

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.