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UNITED STATES BANKRUPTCY COURT

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA**

GENERAL ORDER NUMBER 2020-2

Regarding Temporary CARES Act Changes to Interim Bankruptcy Rule 1020

On February 12, 2020, this Court issued General Order Number 2020-1 adopting interim bankruptcy rules (the “Interim Rules”) implementing the Small Business Reorganization Act of 2019, Pub. L. No. 116-54. On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136 (the “CARES Act”) was signed into law. Section 1113 of the CARES Act made several temporary changes to title 11 of the United States Code (the “Bankruptcy Code”) to provide financial assistance during the coronavirus crisis. In pertinent part, the CARES Act amended 11 U.S.C. § 1182(1) and § 103(i) to modify the definition of the term “debtor” for cases filed under subchapter V beginning on March 27, 2020, and ending one year thereafter. These changes necessitate a corresponding amendment to Interim Rule 1020.

IT IS ORDERED that the amended Interim Rule 1020, as set forth on Attachment A of this General Order, shall apply in its entirety to cases governed by subchapter V of chapter 11 of the Bankruptcy Code filed on or after March 27, 2020; further, the amended Interim Rule 1020 shall remain in effect until the earlier of the adoption of permanent Federal Rule of Bankruptcy Procedure 1020 or further order of this Court.

Dated this 22nd day of April, 2020.

Edward J. Coleman, III
Chief United States Bankruptcy Judge

Attachment A

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.

(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.