

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK**

---

In Re:

ADOPTION OF TEMPORARY  
CHANGES TO INTERIM  
BANKRUPTCY RULE 1020  
DUE TO THE CARES ACT

**GENERAL ORDER**

---

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was enacted and became immediately effective. Section 1113 of that legislation made several changes to the Bankruptcy Code, most of them temporary, to provide financial assistance during the coronavirus crisis.

The CARES Act modifies the definition of “debtor” for determining eligibility to proceed under subchapter V of Chapter 11. Section 1182(1) of Chapter 11 of the U.S. Bankruptcy Code was amended to include a separate definition of “debtor” for subchapter V purposes that is identical to the definition of “small business debtor” in all respects except that the debt limitation is \$7,500,000. The definition of “debtor” in Section 1182(1) will revert to its prior version one year after the effective date of the CARES Act.

In response to the CARES Act changes, Interim Rule 1020, which was adopted for use in this District by General Order dated February 5, 2020, must be modified for one year to include references to “a debtor as defined in Section 1182(1) of the Code.”

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 one-year amendment to Interim Rule 1020 is adopted in its entirety by this Court without change, effective immediately.

Unless otherwise ordered by this Court, upon the expiration of the one-year modifications enacted by the CARES Act, this one-year amendment to Interim Rule 1020 shall also expire and shall revert to the Interim Rule 1020 as adopted by this District on February 5, 2020.

**IT IS SO ORDERED.**

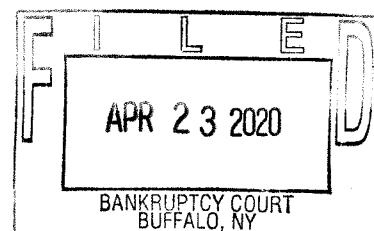
Dated: \_\_\_\_\_

APR 23 2020



**HONORABLE CARL L. BUCKI**

Chief Judge, United States Bankruptcy Court



**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.