

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**GENERAL ORDER 20-4**

**ADOPTION OF AMENDED INTERIM BANKRUPTCY RULE 1020  
ADOPTED IN RESPONSE TO PASSAGE OF THE CARES ACT AND  
PERTAINING TO SMALL BUSINESS REORGANIZATION ACT OF 2019**

In recognition of the enactment of the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”) which, for a period of one year, amends § 1181 of the Bankruptcy Code by modifying the definition of “debtor” for determining eligibility to proceed under subchapter V of Chapter 11. Given that the effective date of the CARES Act precludes the use of the normal procedure for adoption of amendments to the Federal Rules of Bankruptcy Procedure with appropriate public notice and comment, and in recognition that the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States has prepared an amended Interim Bankruptcy Rule 1020 to implement this change of limited duration and has recommended adoption of the temporary change in Interim Bankruptcy Rule 1020 by the authority granted to local bankruptcy courts to adopt local rules pursuant to Rule 9029 of the Federal Rules of Bankruptcy Procedure,

**IT IS THEREFORE ORDERED** that Interim Bankruptcy Rule 1020, as has been amended by the Advisory Committee on Bankruptcy Rules and approved by the Committee on Rules of Practice and Procedure of the Judicial Conference of the United

States, in order to address the temporary statutory changes invoked by the CARES Act, and as attached hereto as *Exhibit A*,<sup>1</sup> is hereby **ADOPTED** without change, effective immediately until such time as this General Order is rescinded.

SIGNED this the 23<sup>rd</sup> day of April, 2020.



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BILL PARKER  
CHIEF UNITED STATES BANKRUPTCY JUDGE

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<sup>1</sup> Exhibit B is a red-lined copy of the Rule as temporarily amended. Parties should also note the changes to Official Forms 101, 122A-1, 122B, 122C-1, and 201 to reflect these temporary amendments. Such forms are available at [www.uscourts.gov/forms/bankruptcy-forms](http://www.uscourts.gov/forms/bankruptcy-forms).

# EXHIBIT A

## 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.

(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.

# EXHIBIT B

## 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  
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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.