




CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

**The following constitutes the ruling of the court and has the force and effect therein described.**

**Signed December 2, 2022**

  
**United States Bankruptcy Judge**

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

**IN RE:**

**VACATING GENERAL ORDER 2020-01  
AND ADOPTING AMENDMENTS TO  
INTERIM BANKRUPTCY RULE 1020**

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**GENERAL ORDER 2022-05**

When the Small Business Reorganization Act of 2019 (the “SBRA”) was enacted into law, this Court adopted Interim Bankruptcy Rules approved by the Judicial Conference to facilitate uniform implementation of the changes mandated by the SBRA in General Order 2020-01.

New rules and amendments to the Federal Rules of Bankruptcy Procedure took effect on December 1, 2022, and supersede the Interim Bankruptcy Rules adopted by the Court, with the exception of Interim Rule 1020 (Chapter 11 Reorganization Case for Small Business Debtors or Debtors Under Subchapter V) which was amended and extended by the Bankruptcy Threshold Adjustment and Technical Corrections Act of 2022 (“BTATC Act”).

The BTATC Act made several temporary changes to the Bankruptcy Code effective retroactively to cases commenced on or after March 27, 2020. The BTATC Act sunsets on June 21, 2024, unless extended by Congress. The Committee on Rules of Practice and Procedure of the

Judicial Conference of the United States approved the attached amendments to Interim Rule 1020, and the Judicial Conference authorized distribution to courts and recommended adoption as a local rule to facilitate implementation of the changes mandated by the BTATC Act.

Accordingly, it is

**ORDERED** that General Order 2020-01 is hereby vacated; and it is further

**ORDERED** that the attached amendments to Interim Bankruptcy Rule 1020 are hereby adopted in their entirety without change by this Court, effective retroactively to cases commenced on or after March 27, 2020.

###END OF ORDER###

1 **Interim Rule 1020. Chapter 11 Reorganization Case for**  
2 **Small 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 Bankruptcy Threshold Adjustment and Technical Correction Act (the “BTATC Act”), Pub. L. No. 117-151, \_\_\_ Stat. \_\_\_\_\_. The BTATC reinstates the definition of “debtor” for determining eligibility to proceed under subchapter V of chapter 11 that was in effect from March 27, 2020 through March 27, 2022, under the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, 134 Stat. 281, as amended. Subdivision (a) of the rule is amended to reflect that change. This Interim Rule will terminate two years after the date of enactment of the BTATC, unless the Act is extended.