

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re

ADOPTION OF INTERIM BANKRUPTCY
RULE 1020 TO IMPLEMENT
PROVISIONS OF CARES ACT

GENERAL ORDER NO. 20-4

On August 23, 2019, the Small Business Reorganization Act of 2019 (the “SBRA”) was enacted into law. The SBRA made many substantive and procedural changes to the Bankruptcy Code and required changes to the Federal Rules of Bankruptcy Procedure to implement those changes. On February 3, 2020, this court issued General Order 20-1 adopting a number of interim bankruptcy rules (the “Interim Rules”), including Interim Bankruptcy Rule 1020, related to the SBRA. The SBRA became effective on February 19, 2020.

On March 27, 2020, the Coronavirus Aid, Relief and Economic Security Act (the “CARES Act”) was signed into law. Section 1113 of the CARES Act made several

temporary changes to the Bankruptcy Code. These changes require an amendment to Interim Bankruptcy Rule 1020.

THEREFORE, IT IS HEREBY ORDERED that 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 Interim Bankruptcy Rule 1020 is adopted without change by the judges of this court to be effective April 22, 2020. For cases and proceedings not governed by the SBRA, the Federal Rules of Bankruptcy Procedure and the Local Rules of this court, other than the Interim Rules, shall continue to apply.

The Interim Rules, including Interim Bankruptcy Rule 1020, shall remain in effect until further order of the court or adoption of the Interim Rules on a national basis.

Dated: April 24, 2020



Trish M. Brown
Chief Bankruptcy Judge

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.