UNITED STATES BANKRUPTCY COURT DISTRICT OF DELAWARE

In re:)
)
Adoption of Cares Act Changes)
To Interim Bankruptcy Rule 1020)
)

INTERIM ORDER

WHEREAS, 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 to provide financial assistance during the coronavirus crisis. These changes necessitate a change to Interim Bankruptcy Rule 1020.

NOW THEREFORE, IT IS SO 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 Rule is adopted in its entirety without change by the judges of this court to be effective April 20, 2020.

The Interim Rule shall remain in effect until further order of the Court.

Christopher S. Sontchi

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Chief United States Bankruptcy Judge

Dated: April 20, 2020

Attachment

1	Rule 1020. Chapter 11 Reorganization Case for Small
2	Business Debtors <u>or Debtors Under Subchapter V</u>
3	(a) <u>SMALL</u> <u>BUSINESS</u> 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
- amendment to the statement, whichever is later.
- 24 (c) PROCEDURE FOR OBJECTION OR
- 25 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
- 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.