

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA

IN RE:

REVISION TO INTERIM
BANKRUPTCY RULE 1020

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GENERAL ORDER 20-0007

ORDER

By General Order 20-0001, this Court adopted the Interim Rules required to implement the Small Business Reorganization Act of 2019 (“SBRA”).

With the recent enactment of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), edits to Interim Rule 1020 are required to capture the new definition of “debtor” for determining eligibility to proceed under subchapter V of Title 11.

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 revised Interim Rule 1020 is adopted in its entirety without change by the judges of this Court to be effective April 21, 2020. For cases and proceedings not governed by the SBRA or the CARES Act, the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, other than the Interim Rules, shall apply.

This general order and revised Interim Rule 2020 shall remain in effect until one year after the date of enactment of the CARES Act.

Date: April 21, 2020


ROBYN L. MOBERLY
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.