

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

**NOTICE TO THE BAR AND PUBLIC CONCERNING
STANDING ORDER FOR RENEWED ADOPTION
OF INTERIM BANKRUPTCY RULE 1020**

Please be advised that due to enactment of the Bankruptcy Threshold Adjustment and Technical Corrections Act (BTATC Act) on June 21, 2022, the attached *Standing Order for Renewed Adoption of Interim Bankruptcy Rule 1020* has been entered.

Dated: July 20, 2022

Jeanne A. Naughton, Clerk

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

**STANDING ORDER FOR RENEWED ADOPTION
OF INTERIM BANKRUPTCY RULE 1020**

WHEREAS, on January 31, 2020, this Court entered *Standing Order Adopting Interim Rules of Bankruptcy Procedure Implementing the Small Business Reorganization Act of 2019* adopting certain interim changes to the Federal Rules of Bankruptcy Procedure (Interim Rules) in response to the enactment of the Small Business Reorganization Act of 2019 (SBRA); and

WHEREAS, on May 1, 2020, this Court entered *Supplemental Standing Order Adopting Revisions to Interim Federal Rule of Bankruptcy Procedure 1020* in response to the enactment of the Coronavirus Aid, Relief, and Economic Security (CARES) Act on March 27, 2020; and

WHEREAS, on April 7, 2022, in light of the expiration of the CARES Act on March 27, 2022,¹ this Court entered *Rescission of Supplemental Standing Order Relating to Expiration of the Cares Act*, which rescinded *Supplemental Standing Order Adopting Revisions to Interim Federal Rule of Bankruptcy Procedure 1020*; and

WHEREAS, on June 21, 2022, the Bankruptcy Threshold Adjustment and Technical Corrections Act (BTATC Act) was signed into law, which again necessitates that the Court adopt Interim Rule 1020, with retroactive application to cases filed on or after March 27, 2020.

IT IS hereby on this 20th day of July 2022 **ORDERED** that:

- 1) Interim Bankruptcy Rule 1020, with the BTATC Act revisions attached, is adopted in its entirety by this Court.
- 2) Interim Bankruptcy Rule 1020 remains in effect until further order of the Court.²

¹ The CARES Act was signed into law on March 27, 2020. A year later, on March 27, 2021, the President signed into law an *amended* version of the Act which extended the provisions in section 1113 of the CARES Act for an additional year to March 27, 2022.

² The increased debt thresholds in the BTATC Act sunset two years after enactment on June 21, 2024.

Michael B. Kaplan

Michael B. Kaplan, Chief Judge
U.S. Bankruptcy Court
District of New Jersey

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.