

APR 27 2020

UNITED STATES BANKRUPTCY COURT  
WESTERN DIVISION

KATHLEEN A. FORD  
CLERK OF COURT  
WESTERN DISTRICT OF TENN.

STANDING ORDER ADOPTING INTERIM BANKRUPTCY RULE 1020  
AS AMENDED TO CONFORM TO CARES ACT

**No. 20-0002**

Based upon the accompanying April 20, 2020, Memorandum from Judge David G. Campbell, Chair of the Judicial Conference Committee on Rules of Practice and Procedure, and Judge Dennis R. Dow, Chair of the Judicial Conference Advisory Committee on Bankruptcy Rules, the Bankruptcy Court hereby adopts the annexed temporary revision to Interim Bankruptcy Rule 1020 to conform to the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act"), signed into law March 27, 2020.

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 amendment to Interim Rule 1020 is adopted by the judges of this Court effective immediately. The amendment shall terminate one year after the effective date of the CARES Act.

IT IS SO ORDERED this 27th day of April, 2020.

\s\ David S. Kennedy  
David S. Kennedy,  
Chief United States Bankruptcy Judge

## Attachment

1 **Rule 1020. Chapter 11 Reorganization Case for Small**  
2 **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 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.