

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

IN RE:	)	
	)	
RENEWED ADOPTION OF	)	STANDING ORDER 22-03
REVISED INTERIM BANKRUPTCY	)	(SECOND AMENDED)
RULE 1020	)	

On January 9, 2020, this Court adopted several interim bankruptcy rules (the “Interim Rules”), including Interim Rule 1020, to facilitate the uniform implementation of the Small Business Reorganization Act of 2019 (the “SBRA”). On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”) was signed into law. The CARES Act made several temporary changes to the Bankruptcy Code (the “Code”). Those changes prompted the Court to adopt a revised Interim Rule 1020 (“Revised Interim Rule 1020”) on April 21, 2020.

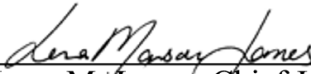
On March 27, 2021, the COVID-19 Bankruptcy Relief Extension Act of 2021 was signed into law (the “Bankruptcy Relief Act of 2021”). The Bankruptcy Relief Act of 2021 extended those temporary changes to the Code that necessitated the Court’s adoption of Revised Interim Rule 1020. As a result, the Court again adopted Revised Interim Rule 1020, via its April 20, 2021, Standing Order Regarding the Renewed Adoption of Revised Interim Rule 1020.

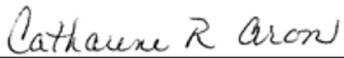
On March 27, 2022, the temporary changes to the Code that necessitated the Court’s renewed adoption of Revised Interim Rule 1020 expired. Shortly thereafter, the Court issued Standing Order 22-02, amending its April 20, 2021, standing order to clarify that, pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Bankruptcy Procedure, and Rule 9029 of the Federal Rules of Bankruptcy Procedure, Revised Interim Rule 1020, applied in its entirety, without change, only to cases filed from March 27, 2020, through March 27, 2022.

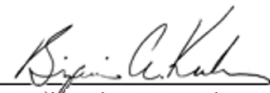
On June 21, 2022, the Bankruptcy Threshold Adjustment and Technical Corrections Act was signed into law (the “Corrections Act”). The Corrections Act again necessitates that the court adopt Interim Rule 1020, with retroactive application to cases filed from March 27, 2020, to June 20, 2022, and still pending as of June 21, 2022, and to those cases commenced on or after June 21, 2022.

NOW, THEREFORE, the Court hereby amends Standing Order 22-02 to clarify that, pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Bankruptcy Procedure, and Rule 9029 of the Federal Rules of Bankruptcy Procedure, Revised Interim Rule 1020, as attached, applies in its entirety, without change, to cases filed from March 27, 2020, through June 20, 2022, and still pending as of June 21, 2022; and cases filed on or after June 21, 2022, until further order of the court. Where applicable, Revised Interim Rule 1020 will be read in conjunction with the Local Rules of this Court (the “Local Rules”) and the other Interim Rules of the Court, with the exception of Interim Rule 1020; in the event of a conflict between the Local Rules and Revised Interim Rule 1020, Revised Interim Rule 1020 controls.

SO ORDERED, this 21st day of June 2022.

  
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Lena M. James, Chief Judge  
United States Bankruptcy Court

  
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Catharine R. Aron, Judge  
United States Bankruptcy Court

  
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Benjamin A. Kahn, Judge  
United States Bankruptcy Court

INTERIM RULES OF BANKRUPTCY PROCEDURE

**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.

## INTERIM RULES OF BANKRUPTCY PROCEDURE

(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.