

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

In re
ADOPTION OF INTERIM
BANKRUPTCY RULE 1020
UNDER THE CARES ACT

**GENERAL ORDER NO. 5
AMENDED**

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (“the CARES Act”) was enacted into law. The CARES Act made several temporary changes to the Bankruptcy Code and required changes to the Federal Rules of Bankruptcy Procedure to implement those changes, some of which were extended by the COVID-19 Bankruptcy Relief Extension Act of 2021. Accordingly, the Committee on Rules of Practice and the Executive Committee have recommended courts enter a general order adopting the changes to Interim Rule 1020 of the Federal Rules of Bankruptcy Procedure to insure uniform implementation under the CARES Act.

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 Interim Rule is adopted in its entirety without change by the judges of this Court effective March 29, 2021. This General Order supplements 2020 General Order No. 1 with respect to Interim Rule 1020 through March 26, 2022.

IT IS SO ORDERED.

Dated: March 29, 2021

/s/ Brian T. Fenimore
Brian T. Fenimore, Chief Bankruptcy Judge

/s/ Dennis R. Dow
Dennis R. Dow, Bankruptcy Judge

/s/ Cynthia A. Norton
Cynthia A. Norton, Bankruptcy Judge

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.