

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA

**ORDER ADOPTING AMENDMENTS TO INTERIM BANKRUPTCY RULE 1020
IMPLEMENTING THE
CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT**

In March 2020, Congress enacted the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). The Cares Act changed several substantive and procedural provisions of the Bankruptcy Code, requiring revision to Interim Fed. R. Bankr. P. 1020. The Committee on Rules of Practice and Procedure and the Executive Committee, acting on an expedited basis on behalf of the Judicial Conference, approved amended Interim Rule 1020 and recommended courts enter an appropriate general order adopting amended Interim Rule 1020. Accordingly,

IT IS ORDERED:

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 amended Interim Rule 1020 is adopted in its entirety without change in this district effective April 22, 2020, and shall remain in effect until the Interim Rule is included in the Federal Rules of Bankruptcy Procedure.

Dated this 22nd day of April, 2020.

A handwritten signature in black ink that reads "Shon Hastings". The signature is written in a cursive, flowing style.

SHON HASTINGS, 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.