

**UNITED STATES BANKRUPTCY COURT  
FOR THE  
NORTHERN DISTRICT OF NEW YORK**

**ADMINISTRATIVE ORDER 20-04  
ADOPTING AMENDED INTERIM BANKRUPTCY RULE 1020**

By Administrative Order 20-01 dated January 10, 2020, this court adopted Interim Rules to govern cases filed pursuant to the Small Business Reorganization Act of 2019 ("SBRA").<sup>1</sup> Subsequent legislation, the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"),<sup>2</sup> which made several temporary changes to the Bankruptcy Code to provide financial assistance during the coronavirus crisis, necessitates that Interim Rule 1020 be further amended.

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, it is hereby

ORDERED that the attached Interim Rule 1020 is adopted by this court, effective April 22, 2020, and it is further

ORDERED that Interim Rule 1020, as hereby adopted, shall be included in the definition of Interim Rules as used in Administrative Order 20-01; and it is further

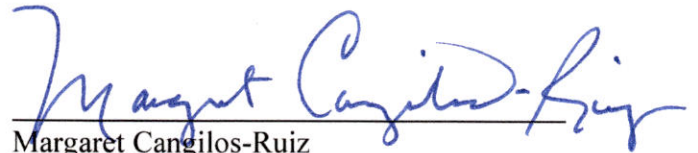
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<sup>1</sup> "Interim Rules" include Interim Bankruptcy Rules 1007, 1020, 2009, 2012, 2015, 3010, 3011, 3014, 3016, 3017.1, 3017.2, 3018 and 3019.

<sup>2</sup> See Section 1113 of the CARES Act.

ORDERED that this Administrative Order amends Administrative Order 20-01 only to the extent of adopting the change to Interim Rule 1020 and that all other provisions of Administrative Order 20-01, not inconsistent herewith, remain in full force and effect.

Dated: April 23, 2020  
Syracuse, New York

  
Margaret Cangilos-Ruiz  
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.