

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

In re: )  
 )  
Adoption of Interim Bankruptcy )  
Rule 1020 )  
 )

**General Order 22-09**

The Bankruptcy Threshold Adjustment and Technical Corrections Act (“BTATC Act”) was signed into law on June 21, 2022. The BTATC Act temporarily changed the Bankruptcy Code retroactively to cases commenced on or after March 27, 2020. The BTATC Act sunsets on June 21, 2024, unless extended by Congress.

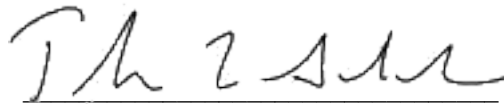
The BTATC Act requires amendments to Interim Bankruptcy Rule 1020. The Committee on Rules of Practice and Procedure of the Judicial Conference of the United States approved amendments to Interim Rule 1020, and the Judicial Conference authorized the amendments be distributed for adoption.

General Order 20-01, effective February 19, 2020, previously adopted interim rules to implement the Small Business Reorganization Act, including amendments to Interim Rule 1020. On December 1, 2022, amendments to the Federal Rules of Bankruptcy Procedure went into effect, which obviate the need for General Order 20-01.

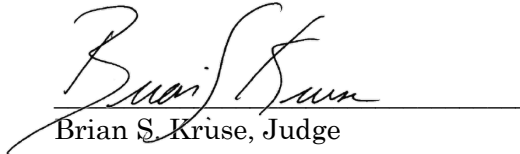
IT IS THEREFORE ORDERED, General Order 20-01 is rescinded effective December 1, 2022.

IT IS FURTHER ORDERED, under 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 amendments to Interim Bankruptcy Rule 1020 are adopted in their entirety effective retroactively to cases commenced on or after March 27, 2020. These amendments to Interim Bankruptcy Rule 1020 are effective until the BTATC Act sunsets or until further order of this court.

Dated: December 2, 2022



Thomas L. Saladino, Chief Judge



Brian S. Kruse, Judge

1 **Interim Rule 1020. Chapter 11 Reorganization Case for**  
2 **Small 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 Bankruptcy Threshold Adjustment and Technical Correction Act (the “BTATC Act”), Pub. L. No. 117-151, \_\_\_ Stat. \_\_\_\_\_. The BTATC reinstates the definition of “debtor” for determining eligibility to proceed under subchapter V of chapter 11 that was in effect from March 27, 2020 through March 27, 2022, under the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, 134 Stat. 281, as amended. Subdivision (a) of the rule is amended to reflect that change. This Interim Rule will terminate two years after the date of enactment of the BTATC, unless the Act is extended.