

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

IN RE: ADOPTION OF INTERIM
BANKRUPTCY RULES IMPLEMENTING
THE SMALL BUSINESS REORGANIZATION ACT
OF 2019 AND THE BANKRUPTCY THRESHOLD
ADJUSTMENT AND TECHNICAL CORRECTIONS
ACT (BTATC ACT)

GENERAL ORDER
Misc. 21-401

By General Order dated February 7, 2020, this Court adopted the Interim Bankruptcy Rules implementing the Small Business Reorganization Act of 2019. On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was signed into law. Section 1113 of that legislation made several temporary changes to the Bankruptcy Code to provide financial assistance during the coronavirus crisis. By General Order dated April 21, 2020, this Court amended Interim Bankruptcy Rule 1020 to correspond to the temporary changes to the Bankruptcy Code, which expired on March 27, 2022.

By General Order dated April 1, 2022, this Court amended Interim Bankruptcy Rule 1020 to remove the CARES Act provisions from that rule. On June 21, 2022, the Bankruptcy Threshold Adjustment and Technical Corrections Act (BTATC Act) was signed into law, which retroactively reinstates the debt limit for

determining eligibility to proceed under subchapter V of chapter 11 to the debt limit in effect under the CARES Act. The Court is now amending Interim Bankruptcy Rule 1020 as follows:

Interim Rule 1020. Chapter 11 Reorganization Case for Small Business Debtors or Debtors under Subchapter V

(a) ~~SMALL-BUSINESS~~ 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 ~~se~~ 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 ~~se~~ 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.

(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.

NOW THEREFORE, 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 above amendments to Interim Bankruptcy Rule 1020 are adopted.

IT IS SO ORDERED.

Dated: July 27, 2022

/e/ Katherine A. Constantine

Katherine A. Constantine
Chief United States Bankruptcy Judge

/e/ Michael E. Ridgway

Michael E. Ridgway
United States Bankruptcy Judge

/e/ William J. Fisher

William J. Fisher
United States Bankruptcy Judge

/e/ Kesha L. Tanabe

Kesha L. Tanabe
United States Bankruptcy Judge