

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

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

IT APPEARING the Coronavirus Aid, Relief, and Economic Security Act ("the CARES Act"), which made several temporary changes to the Bankruptcy Code to provide financial assistance during the coronavirus crisis, was enacted into law on March 27, 2020; and

IT FURTHER APPEARING the bankruptcy provisions of the CARES Act are of limited duration, but require additional amendments to Interim Rule 1020 of the Federal Rules of Bankruptcy Procedure; and

IT FURTHER APPEARING the Committee on Rules of Practice and Procedure and the Executive Committee acting on an expedited basis on behalf of the Judicial Conference have recommended courts enter an appropriate general order adopting the CARES Act-related amendments to Interim Rule 1020 of the Federal Rules of Bankruptcy Procedure to facilitate uniform implementation of the CARES Act; now, therefore,

IT IS HEREBY 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 of the Federal Rules of Bankruptcy Procedure is adopted in its entirety without change in this district effective April 20, 2020 and shall remain in effect until further order of this Court.

So ordered: April 20, 2020.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Charles L. Nail, Jr.", is written over the printed name.

Charles L. Nail, Jr.
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.