

Below is the Order of the Court.





Marc Barreca
U.S. Bankruptcy Judge

(Dated as of Entered on Docket date above)

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON**

In re:

ADOPTION OF AMENDED INTERIM
BANKRUPTCY RULE 1020

General Order No. 2020-5

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) was enacted. Section 1113 of the CARES Act makes several temporary changes to the Bankruptcy Code to provide financial assistance during the coronavirus crisis. Those changes necessitate a corresponding amendment to Interim Rule of Bankruptcy Procedure 1020, which was adopted by this Court on January 27, 2020 under General Order No. 2020-1. The CARES Act took effect immediately, well before the Federal Rules of Bankruptcy Procedure could be amended under the three-year process required by the Rules Enabling Act. Accordingly, the Advisory Committee on Bankruptcy Rules drafted and approved the amended Interim Rule of Bankruptcy Procedure 1020 for distribution to the courts. The Committee on Rules of Practice and Procedure approved the amended Interim Rule of Bankruptcy Procedure 1020, and the Executive Committee acting on an expedited basis on behalf of the Judicial Conference of the United States authorized distribution of the amended Interim Rule of

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1 Bankruptcy Procedure 1020 to courts for adoption locally to facilitate uniform implementation of
2 the changes mandated by the CARES Act.

3 The General Order Authorizing Bankruptcy Judges to Make and Amend Local Rules of
4 Practice and Procedure, issued by the United States District Court, Western District of
5 Washington, on November 21, 2005, and Federal Rule of Bankruptcy Procedure 9029(a)
6 authorize the bankruptcy judges of this district to make and amend rules of practice and
7 procedure governing all bankruptcy cases and proceedings in this District, subject to the
8 limitations set forth therein.

9 Now, therefore, it is hereby **ORDERED** that, effective upon entry of this Order, the
10 Judges of this Court adopt the amended Interim Rule of Bankruptcy Procedure 1020 attached
11 to this Order as Exhibit A. The amended Interim Rule of Bankruptcy Procedure 1020
12 supersedes the version of Interim Rule of Bankruptcy Procedure 1020 adopted under General
13 Order No. 2020-1. The amended Interim Rule of Bankruptcy Procedure 1020 shall remain in
14 effect until further Order of this Court.

15 ///End of Order///
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Exhibit A

4 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.

(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.