FILED

UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF OKLAHOMA

JUL 20 2022

DC	OUGLAS E. WE	EDGE
CLERK/J	S. BANKRUP DISTRICT OF	TCY COURT
WESTER	DISTRICT OF	OKLAHOMA
BY:	Y .	DEPUTY

IN RE:)	
)	General Order 22-03
INTERIM BANKRUPTCY RULE 1020)	
)	

The Bankruptcy Threshold Adjustment and Technical Corrections Act (BTATC Act), Pub. L. No. 117-151 (2022), signed into law by the President on June 21, 2022, temporarily increases the debt threshold in subchapter V of chapter 11. Previously, effective March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) modified the definition of "debtor" for determining eligibility to proceed under subchapter V of chapter 11 and increased the debt threshold to \$7,500,000. This CARES Act provision expired on March 27, 2022. The BTATC Act restores the \$7,500,000 limit retroactively for cases commenced on or after March 27, 2020, which sunsets two years after the date of the enactment of the BTATC Act.

This General Order adopts Interim Bankruptcy Rule 1020 while the BTATC Act subchapter V limit is in effect. A redline version of Interim Bankruptcy Rule 1020 is attached to this Order.

SO ORDERED this day of July, 2022.

SARAH A. HALL

CHIEF U.S. BANKRUPTCY JUDGE

- Interim Rule 1020. Chapter 11 Reorganization Case for
 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
- 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
- 12 Code and, if the latter so, 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
- 15 11 shall be in accordance with the debtor's statement under
- 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
- 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.