

1 UNITED STATES BANKRUPTCY COURT
2 EASTERN DISTRICT OF CALIFORNIA



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8 In re:)
9)
10 ADOPTION OF INTERIM)
11 BANKRUPTCY RULES)
12 _____)

General Order 20-01.1
May 8, 2020 Amendments

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14 On August 23, 2019, the Small Business Reorganization Act of 2019 (the SBRA)
15 was enacted into law. As requested by the Advisory Committee on Bankruptcy Rules
16 (the Advisory Committee) this court has adopted Interim Rules to facilitate uniform
17 implementation of the changes mandated by the SBRA.

18 On March 27, 2020, the President of the United States signed into law the
19 Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), which in Section
20 1113 of the CARES Act several amendments are made to the Bankruptcy Code. These
21 amendments necessitates the amendment of the existing Interim Rule 1020 previously
22 advanced by the Advisory Committee on Bankruptcy Rules of the Judicial Conference
23 for enacted as emergency local bankruptcy rules.

24 Additionally, Interim Local Bankruptcy Rule 3003-2 establishing deadlines for
25 filing proofs of claims or interests in Subchapter V cases is amended to be consistent
26 with the provisions of Federal Rule of Bankruptcy Procedure 3002(c) and 9006(c)(2).

27 **THEREFORE**, pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of
28 Civil Procedure, and Rule 9029 of the Federal Rules of Bankruptcy Procedure;

1 **IT IS ORDERED** that the attached Amended Interim Rule 1020 for Subchapter V
2 bankruptcy cases is adopted, effective immediately for application in all pending and to
3 be filed Subchapter V cases. For cases and proceedings not governed by the SBRA,
4 the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, other
5 than the Interim Rules, shall apply.

6 **IT IS FURTHER ORDERED** that Amended Interim Local Bankruptcy Rule 3003-2
7 stated herein is adopted in this District as necessary for the proper implementation of
8 the Attached Interim Rules and Subchapter V of Chapter 11:

9 **Interim Local Rule 3003-2**

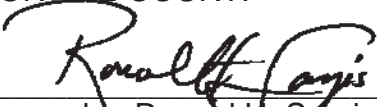
10 **Filing Proofs of Claim in Subchapter V Chapter 11**
11 **Small Business Debtor Reorganization Cases**

12 Unless otherwise ordered by the Court, and except as provided in Fed. R. Bankr.
13 P. 3003(c)(3), a proof of claim or interest in a case filed under Subchapter V of Chapter
14 11 must be filed within 70 days after the date of the order for relief in the case, unless
15 the claimant is a governmental unit, in which case a proof of claim shall be filed before
16 180 days after the date of the order for relief or such later time as the Federal Rules of
17 Bankruptcy Procedure may provide for filing a proof of claim or interest in a Subchapter
18 V case.

19 The forgoing Interim Rules shall remain in effect until further order of the Court.

20 DATED: May 8, 2020

21 FOR THE COURT:

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24 Honorable Ronald M. Sargis
25 Chief Bankruptcy Judge
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1 **AMENDED INTERIM RULE 1020**

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3 **Rule 1020. Chapter 11 Reorganization Cases for Small**
4 **Business Debtor or Debtors Under Subchapter V**

5 (a) DEBTOR DESIGNATION. In a voluntary chapter 11 case, the debtor shall
6 state in the petition whether the debtor is a small business debtor or a debtor as defined in §
7 1182(1) of the Code and, if the latter, whether the debtor elects to have subchapter V of chapter
8 11 apply. In an involuntary chapter 11 case, the debtor shall file within 14 days after entry of the
9 order for relief a statement as to whether the debtor is a small business debtor or a debtor as
10 defined in § 1182(1) of the Code and, if the latter, whether the debtor elects to have subchapter V
11 of chapter 11 apply. The status of the case as a small business case or a case under subchapter V
12 of chapter 11 shall be in accordance with the debtor's statement under this subdivision, unless
13 and until the court enters an order finding that the debtor's statement is incorrect.

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