

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN THE MATTER OF:	:	GENERAL ORDER 20-09
	:	
GENERAL ORDER ADOPTING AMENDMENTS TO INTERIM BANKRUPTCY RULE 1020 TO IMPLEMENT THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT	:	
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GENERAL ORDER

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 24th, 2020 and shall remain in effect until further order of this Court.

IT IS FURTHER ORDERED that notice is given that the Judicial Conference's Advisory Committee on Bankruptcy Rules has approved conforming one-year technical changes to five bankruptcy forms (Official

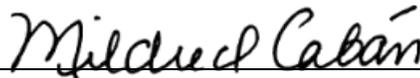
Forms 101, 122A-1, 122B, 122C-1, and 201) considering CARES Act amendments to the Bankruptcy Code. The Official Forms are posted at:

<https://www.uscourts.gov/forms/bankruptcy-forms>

and the Committee Notes to the Official Forms explain the significant changes to these forms.

BY ORDER OF THE COURT.

In San Juan, Puerto Rico this 24th day of April, 2020.



Mildred Cabán Flores, Chief U.S. Bankruptcy Judge



Enrique S. Lemoutte, U.S. Bankruptcy Judge



Brian K. Tester, U.S. Bankruptcy Judge



Edward A. Godoy, U.S. Bankruptcy Judge

Attachment

1 **Rule 1020. Chapter 11 Reorganization Case for Small**
2 **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
10 order for relief a statement as to whether the debtor is a small
11 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
13 subchapter V of chapter 11 apply. The status of the case as
14 a small business case or a case under subchapter V of chapter
15 11 shall be in accordance with the debtor's statement under
16 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
27 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 Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”), Pub. L. No. 116-136, 134 Stat. 281. That law provides a new definition of “debtor” for determining eligibility to proceed under subchapter V of chapter 11. Subdivision (a) of the rule is amended to reflect that change. This amendment to the Code will terminate one year after the date of enactment of the CARES Act.

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.