

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

IN RE:

**ADOPTION OF INTERIM
BANKRUPTCY RULE 1020 UNDER
THE BANKRUPTCY THRESHOLD
ADJUSTMENT AND TECHNICAL
CORRECTIONS ACT**

**GENERAL ORDER NO.
2022-3**

On June 21, 2022, the Bankruptcy Threshold Adjustment and Technical Corrections Act (BTATC) was enacted into law. The BTATC reinstates the debt limit for determining eligibility to proceed under Subchapter V of Chapter 11 that was in effect from March 27, 2020, until March 27, 2022, under the CARES Act, as amended. (See also 2021 Amended General Order No. 5 and 2020 General Order No. 1 from this Court). The BTATC restores the \$7,500,000 limit retroactively for cases commenced on or after March 27, 2020, which sunsets two years after the date of enactment of the BTATC.

NOW, THEREFORE, 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 Interim Rule is adopted in its entirety without change by the judges of this Court effective June 21, 2022. This General Order supplements 2020 General Order No. 1 with respect to Interim Rule 1020 through June 21, 2024.

IT IS SO ORDERED.

DATED: July 28, 2022

/s/ Brian T. Fenimore
Chief Bankruptcy Judge

/s/ Dennis R. Dow
Bankruptcy Judge

/s/ Cynthia A. Norton
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.