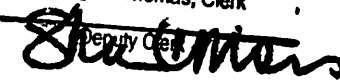


AUG - 8 2022

M. Regina Thomas, Clerk

By:  Deputy Clerk

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA**

**IN RE:** :  
:   
:   
**ADOPTION OF AMENDED** :   
**BANKRUPTCY RULE 1020 TO** :   
**REFLECT THE BANKRUPTCY** : **GENERAL ORDER NO. 48-2022**   
**THRESHOLD AND TECHNICAL** :   
**CORRECTIONS ACT (BTATCA)** :   
**IMPLEMENTATION** :

**ORDER**

On June 21, 2022, the Bankruptcy Threshold and Technical Corrections Act (“BTATCA”) was signed into law. BTATCA reinstated the total debt limit for determining the eligibility of a debtor to proceed under subchapter V of chapter 11 to \$7,500,000 – the amount previously in effect under the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).

The Court previously entered General Order 30-2020 on February 5, 2020, which made the Interim Rules with respect to subchapter V cases applicable until further order of the Court. The Court entered Amended and Restated General Order 30-2020 on December 10, 2020, which reaffirmed the existing General Order but added requirements for the Notice of Chapter 11 Bankruptcy Case to include a deadline for election under 11 U.S.C. §1111(b). Subsequently, the temporary changes under the CARES Act on which Interim Rule 1020 was based, expired on March 27, 2022.

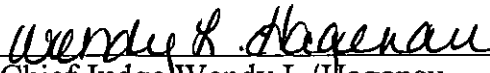
BTATCA restored the \$7,500,000 debt limit retroactively for cases commenced on or after March 27, 2020, and still pending as of June 21, 2022; and applies to cases filed

on or after June 21, 2022, for two years after the enactment of BTATCA. Interim Rule 1020 has been amended accordingly, and the Advisory Committee on Rules recommends that courts adopt revised Interim Rule 1020 while the BTATCA subchapter V debt limit is in effect. 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, it is

ORDER that, until further order of the Court:

1. Interim Rule 1020 with the BTATCA amendments as reflected in attached Exhibit A (“Revised Interim Rule 1020”) applies in its entirety to cases filed from March 27, 2020, through June 20, 2022, and still pending as of June 21, 2022; and cases filed on or after June 21, 2022, until further order of the court.
2. Where applicable, Revised Interim Rule 1020 will be read in conjunction with the Local Rules of the Court and the Federal Rules of Bankruptcy Procedure.
3. This Order only supersedes Amended and Restated General Order 30-2020 to the extent inconsistent therewith. All other provisions of Amended and Restated General Order 30-2020 remain unchanged.

It is SO ORDERED this 8<sup>th</sup> day of August, 2022.

  
\_\_\_\_\_  
Chief Judge Wendy L. Hagenau  
For the Court

1 **Interim Rule 1020. Chapter 11 Reorganization Case for**  
2 **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  
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.

**Exhibit A**

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 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.