

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

STANDING ORDER 22-8

**ORDER RESCINDING STANDING ORDER 21-6 DUE TO EXPIRATION OF THE COVID-19
BANKRUPTCY RELIEF EXTENSION ACT OF 2021 AS TO CARES ACT-RELATED
TERMINATION DATE CHANGES TO INTERM BANKRUPTCY RULE 1020(a)**

PUBLIC NOTICE

Notice hereby is given that the Court has entered the attached Standing Order 22-8, which rescinds Standing Order 21-6.

The Court's Standing Order No. 20-16 initially adopted a temporary revision to Interim Bankruptcy Rule 1020(a), as to an extension of the termination date set forth therein through the CARES Act (Pub. L. No. 116-136, 134 Stat. 281). That extension period was further extended through the March 27, 2021, enactment into law of the COVID-19 Bankruptcy Relief Extension Act ("Extension Act") of 2021 (Pub. L. No. 117-5, 135 Stat. 249). The Extension Act amended the CARES Act (to extend the termination date for the definition of a Bankruptcy Code chapter 11 Subchapter V small business debtor, and for other purposes). Unless further extended by an Act of Congress, the Extension Act was due to expire one year after its date of enactment—that is, after March 27, 2022. That Act's expiration date, however, was not extended by Congress. Accordingly, pursuant to the entry of Standing Order 22-8, Standing Order 21-6, which effected the Court's adoption of the temporary amendment to Interim Bankruptcy Rule 1020(a), terminated after that date. For this reason, Standing Order 21-6 is rescinded. This means that through the entry of Standing Order 22-8, Interim Bankruptcy Rule 1020(a) reverts to its pre-CARES Act status. For Bankruptcy Code chapter 11 Subchapter V petition filings, the debt limit also reverts back from \$7,500,000 to \$2,725,625. On April 1, 2022, however, that debt limit will increase to \$3,024,725, per the referenced Bankruptcy Code Section 101(51D) definition of small business debtor adjustment set forth in the attachment to the [Clerk of Court's March 10, 2022, Public Notice](#). Standing Order 22-8 is being incorporated into Exhibit 12, which follows the Court's Local Bankruptcy Rules.

Standing Order 22-8 also provides information of interest regarding the status Official Bankruptcy Form 201.

William C. Redden
Clerk of Court

March 30, 2022

Attachment

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

In re)
)
Expiration of COVID-19 Bankruptcy) Standing Order 22-8
Relief Extension Act of 2021 as to)
CARES Act-related Termination)
Date Changes to Interim Bankruptcy)
Rule 1020(a))

**ORDER RESCINDING STANDING ORDER 21-6 DUE TO EXPIRATION OF THE
COVID-19 BANKRUPTCY RELIEF EXTENSION ACT OF 2021 AS TO CARES ACT-
RELATED TERMINATION DATE CHANGES TO
INTERIM BANKRUPTCY RULE 1020(a)**

Standing Order No. 20-16 initially adopted a temporary revision to Interim Bankruptcy Rule 1020(a), as to an extension of the termination date set forth therein through the CARES Act (Pub. L. No. 116-136, 134 Stat. 281). That extension period was further extended through the March 27, 2021, enactment into law of the COVID-19 Bankruptcy Relief Extension Act (“Extension Act”) of 2021 (Pub. L. No. 117-5, 135 Stat. 249). The Extension Act amended the CARES Act (to extend the termination date for the definition of a Bankruptcy Code chapter 11 Subchapter V small business debtor, and for other purposes). Unless further extended by an Act of Congress, the Extension Act was due to expire one year after its date of enactment—that is, after March 27, 2022. Accordingly, Standing Order 21-6, which effected the Court’s adoption of the temporary amendment to Interim Bankruptcy Rule 1020(a), terminated after that date, and must be rescinded.

NOW THEREFORE, IT IS ORDERED that:

1. Through the Court’s entry of Standing Order 21-6, the amendment made to Interim Bankruptcy Rule 1020(a), which adopted that Rule amendment as a local rule of this Court, would expire one year after its enactment into law—that is, after March 27, 2022. By virtue of that Order’s paragraph 2, therein, the Order be and the same is hereby rescinded due to its termination.

2. Standing Order No. 20-2, adopting the pre-COVID 19 Interim Bankruptcy Rules, shall remain in effect until further order of the Court.
3. This Order shall be incorporated into Exhibit 12 following the Court's Local Bankruptcy Rules.
4. In part, Federal Rule of Bankruptcy Procedure 5005(a)(1) states: "The clerk shall not refuse to accept for filing any petition or other paper presented for the purpose of filing solely because it is not presented in proper form as required by these rules or any local rules or practices." In this regard, the Administrative Office of the United States Courts has advised that,

Official Form 201 is the only form that is affected by both the expiring CARES Act provisions and the triennial adjusted dollar amounts effective April 1, 2022. To minimize any confusion resulting from two forms changes in a short period, Official Form 201 will be updated on April 1, 2022, with the adjusted dollar amounts and will contain the pre-CARES Act language if the CARES Act provisions expire OR will contain the current CARES Act language if the CARES Act provisions are extended.

The Clerk of the Court shall accept Official Form 201 for filing and, if it appears the filed form is inconsistent with this Order, shall so advise the presiding Bankruptcy Judge who may determine if: (a) any amended documents are required of the filer, or (b) such other judicial action is required.

FOR THE COURT:



FRANK J. SANTORO

Chief United States Bankruptcy Judge

Date: March 30, 2022