

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF IDAHO**

IN RE:

**ADOPTION OF LOCAL
PROCEDURES ESTABLISHING
PROOF OF CLAIM BAR DATE AND
1111(b) ELECTION DATE IN SMALL
BUSINESS CASES FILED UNDER
SUBCHAPTER V OF CHAPTER 11**

GENERAL ORDER NO. 358

On August 23, 2019, the Small Business Reorganization Act of 2019 (the “SBRA”) was enacted into law. The SBRA makes many substantive and procedural changes to the Bankruptcy Code and requires amendments to both the Federal Rules of Bankruptcy Procedure and this District’s Local Bankruptcy Rules to implement those changes. However, the February 19, 2020 effective date of the SBRA occurs before the Local Bankruptcy Rules can be amended.¹

Accordingly, in cases governed by the SBRA, the following procedures and local practices apply and shall remain in effect until further Order of the Court:

Time to File Proof of Claim in a Subchapter V, Chapter 11 case.

The last day to file proofs of claim in a small business, subchapter V, chapter 11 case shall be seventy (70) days after the date of the order for relief. A claim of a governmental unit shall be filed before one hundred eighty (180) days after the date of the order for relief, except as otherwise provided in the Federal Rules of Bankruptcy Procedure. The clerk shall notify all creditors and parties in interest of such bar date.

¹ The Advisory Committee on Bankruptcy Rules drafted and recommended interim rules to supplement the Federal Rules of Bankruptcy Procedure and implement those changes required by the SBRA. The Court has separately adopted those interim rules in General Order 357.

Nothing herein shall alter the claims bar dates in other chapter 11 cases established by Local Bankruptcy Rule 3003.1.

Election under § 1111(b) by Secured Creditor in a Subchapter V, Chapter 11 Case.

In all small business, subchapter V, chapter 11 cases, an election of application of 11 U.S.C. § 1111(b)(2) by a class of secured creditors may be made at any time prior to fourteen (14) days before the date of the hearing on confirmation of the small business plan or within such other time as the court may fix. Nothing herein shall alter the deadlines established for other chapter 11 cases set forth in Federal Rule of Bankruptcy Procedure 3014.

IT IS SO ORDERED.

DATED this 31st day of January, 2020.



The Honorable Joseph M. Meier
Chief Bankruptcy Judge