

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: :
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AMENDMENT TO LOCAL BANKRUPTCY :
RULE 1073-1 RELATING TO ASSIGNMENT : General Order M-581
OF MEGA CHAPTER 11 CASES :
: :
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WHEREAS, 28 U.S.C. § 154(a) provides that the division of business in a multi-bankruptcy-judge district shall be determined by a majority vote of the bankruptcy judges absent direction of the district court;

WHEREAS, Rule 1073-1(a) of the Local Bankruptcy Rules for the Southern District of New York (“Local Bankruptcy Rule 1073-1”) instructs the Clerk to assign cases to Judges sitting in courthouses located in New York County, Westchester County, and Dutchess County based on the debtor’s principal place of business as indicated on the bankruptcy petition;

WHEREAS, mega chapter 11 cases in which the debtor(s) assets or liabilities exceed \$100 million require greater judicial resources than the typical bankruptcy case; and

WHEREAS, the Judges of the United States Bankruptcy Court for the Southern District of New York have determined that random assignment of mega chapter 11 cases irrespective of the courthouse in which the case is filed will result in a more balanced utilization of judicial resources.¹

NOW, THEREFORE, IT IS ORDERED that, effective December 1, 2021, Local Bankruptcy Rule 1073-1 is amended to include new subdivision (f) providing for the random assignment of mega chapter 11 cases to the Judges irrespective of the courthouse in which the case is filed. A copy of the amended rule is appended hereto.

Dated: November 30, 2021
New York, NY

/s/ Cecelia G. Morris
CECELIA G. MORRIS
Chief United States Bankruptcy Judge

¹ The Judge assigned to the Poughkeepsie courthouse will take all Chapter 13 cases assigned in the district and will not, at this time, be assigned mega cases.

Rule 1073-1

**ASSIGNMENT OF CASES AND PROCEEDINGS - Amended
December 1, 2021**

- (a) *Cases.* Where the principal place of business in the District of the debtor set forth on the petition is in (i) New York County or Bronx County, the Clerk shall assign the case to a Judge sitting in New York County; (ii) Rockland County or Westchester County, the Clerk shall assign the case to a Judge sitting in Westchester County; or (iii) Dutchess County, Orange County, Putnam County, Sullivan County, Ulster County or Greene County, the Clerk shall assign the case to a Judge sitting in Dutchess County. No case assignment will be based upon a post office box address. Where more than one Judge is sitting in a county, cases, other than chapter 13 cases, shall be assigned by random selection so that each Judge shall be assigned approximately the same number of cases. The Judges may direct that chapter 13 cases be referred to the same Judge or Judges. The Clerk shall have no discretion in determining the Judge to whom any case is assigned; the action shall be solely ministerial.
- (b) *Cases Involving Affiliates.* Cases involving debtors that are affiliates shall be assigned to the same Judge.
- (c) *Proceedings.* Except as otherwise provided in the Bankruptcy Code or Bankruptcy Rules, the assignment of a case to a Judge includes the assignment of all proceedings arising under title 11 or arising in, or related to, a case under title 11.
- (d) *Adversary Proceedings or Contested Matters in Cases Pending Outside of this Court.* An adversary proceeding or contested matter that does not arise out of a case pending in this Court shall be designated by the Clerk to an office of the Clerk in New York County, Westchester County or Dutchess County. In making the designation, the Clerk shall take into consideration the residence of the defendant, the convenience of litigants, counsel and witnesses, and the place where the cause of action arose. Unless the Court orders otherwise, the county designated by the Clerk shall be the place of trial and all other proceedings. The designation shall be made at the time of commencement or transfer of the adversary proceeding or contested matter, and the Clerk shall give prompt notice thereof to the parties or their counsel. After the designation, the adversary proceeding or contested matter shall be assigned to a Judge in the manner provided in subdivision (a) of this rule. Objections, if any, to the designation shall be made on notice to opposing counsel, before the Judge to whom the adversary proceeding or contested matter has been assigned.
- (e) *Assignments and Reassignments.* The Chief Judge shall supervise and rule upon all assignments and reassignments of cases, adversary proceedings, contested matters and actions.

- (f) *Mega Chapter 11 Cases.* Notwithstanding subdivision (a) of this rule, the Clerk shall assign a mega chapter 11 case to a Judge in the District by random selection irrespective of the courthouse in which the case is filed. A chapter 11 case qualifies as a mega chapter 11 case if the assets or liabilities of the debtor are equal to or greater than \$100 million. A multi-debtor chapter 11 case qualifies as a mega chapter 11 case if the cumulative assets or cumulative liabilities of the filing debtors are equal to or greater than \$100 million.

Comment

This rule is derived from Former Local Bankruptcy Rule 5. This rule was amended in 2004 to eliminate the use of a post office box address as the basis for case assignment.

This rule was amended in 2017 to eliminate the reference to venue and assignment of removed actions that do not arise from cases pending in this Court.

This rule was amended in 2021 to provide for the random assignment of mega chapter 11 cases irrespective of the courthouse in which the case is filed.