

Adversary Proceeding Opening

This module will demonstrate the steps to take to open an Adversary Proceeding in the CM/ECF system. Opening an Adversary Proceeding involves entering the necessary information regarding the plaintiff and defendant and basic statistical data. The lead event is incorporated into this process and will not need to be docketed separately.

- STEP 1** Click the Adversary hypertext link on the CM/ECF main menu bar.
- STEP 2** The **Adversary Events** screen displays.
- Click the Open AP Case hypertext link.
- STEP 3** The **Case Data** screen displays.
- The **Case Type** defaults to **ap**. This is the only option. No action is necessary
 - The current date is displayed in the **Date Filed** box. This date cannot be altered. The filed date of the adversary will be the current date.
 - The **Complaint** field defaults to **y**. This field indicates whether a Complaint is the lead event for this proceeding. If a Complaint initiated this proceeding, leave this field set to **y**. If another document, such as a Notice of Removal, was filed instead, select **n** by clicking on the – and highlighting “n”.
 - Click **[Next]**.
- STEP 4** The **Associated Cases** screen displays.
- Enter the **Lead Bankruptcy Case Number** in yy-nnnnn format, including the hyphen.

NOTE: If the case number is invalid or if the lead case does not

reside on this database, an error message, “**YY-NNNNN is not a valid case. Please enter a valid value.**” is generated. You will not be able to proceed with the case opening process. Research the reason for the error.

NOTE: If you do not enter any number in the **Lead Case Number** field the system **will** allow you to proceed with case opening. (DO NOT PROCEED!!)

- Select the default of Adversary as the **Association Type**.
- Click **[Next]** to continue.

STEP 5 The **Case Assignment** screen displays.

- Based on the lead Bankruptcy case the default case assignment, division assignment and Judge assignment are made.
- Click on **[Next]** to continue.

STEP 6 The **Search for a Party** screen displays.

The database must always be searched to see if the party exists before a new party may be added.

- Type the Social Security Number and/or Last Name
OR
Type the Tax Identification Number and/or Business Name.
- Click **[Search]** to continue.

Search Hints

- Format Social Security Number or Tax ID with hyphens.
- Search is *not* case sensitive. (Smith or smith)
- Include punctuation. (O'Brien)
- Try alternate search clues if your first search is not successful.
- Partial names can be entered.
- Wild Cards (*) are not required at the end of search strings.
- Wild Cards (*) (?) may be used before or within search strings (*son, Gr*y, Gr?y)

STEP 7 The **Party Search Results** screen displays.

If the system does not locate the party in the database, a message will be displayed: **No person found.**

- Click [**Create new party**] to add the plaintiff/defendant into the system.
- Proceed to **STEP 8.**

If the system does locate the party in the database, a **Party search results** list will display.

- Click the – arrow to scroll the entire list of search results, if necessary.
- Highlight the party's name if it appears on the list.
- The **Person Address** box displays.
- If you cannot locate the information for your party click [**Create new party**] and proceed to **STEP 8.**
- If this is your party (name and/or social security number match; address could be different), click [**Select name from list**].

STEP 8 The **Party Information** screen displays.

- Review the information outlined in the screen. Make any necessary changes (address change, phone number change, etc..)
- If you are **creating a new party**, enter the following information as shown on the cover sheet (Plaintiff's/Defendant's last name and/or Social Security Number will be reflected from the party search):
 - Plaintiff's/Defendant's **First name**
 - Plaintiff's/Defendant's **Middle name**
 - Plaintiff's/Defendant's **Generation**, if applicable (Jr., Sr., III, etc.)
 - The Office box may be used to indicate the office name of a business. (This field is used infrequently.)
 - Use **Address 1**, **Address 2**, and **Address 3** lines to type the

Plaintiff's/Defendant's mailing address as shown on the cover sheet. (Do not list the residence address if different from the mailing address).

- Type **City**, **State**, and **Zip** information.
- Click the – arrow to reveal the list of **County** options. Click to highlight the county shown on the petition.
- It is not necessary to enter a country name unless the country of Plaintiff's/Defendant's residence is not the United States of America.
- Phone, Fax, and E-Mail information of the debtor is optional.
 - The **Pro Se** box automatically defaults to 'n' for no, meaning that the Plaintiff/Defendant is not representing himself.
 - The **Role** type **MUST** be entered. Click on the down arrow and select "**Plaintiff**" for all plaintiff's. Select "**Defendant**" for all defendants. (Plaintiff and Defendant should be the only Role Types used when opening an Adversary Proceeding. The Role Type of Debtor is not applicable and should *not* be used.)
 - Party Text may be used to add additional information to the Plaintiff's/Defendant's name. For example: If the Plaintiff/Defendant was *General Foods Store* in the **Last name** field, and enter *a division of General Motors Corporation* in the Party text field.
 - Do Not add an alias for a Plaintiff or a Defendant. This information is not necessary in Adversary Proceedings.

STEP 9 Click on **[Add Attorney]** for the Plaintiff's **ONLY**.

NOTE: An attorney is *never* associated with the Defendant at the time the adversary is opened. The attorney for the Defendant will be added to the case at the time the answer is filed by the Defendant.

- The Search For An Attorney screen displays.
- Search for the attorney for the plaintiff by entering the attorneys Bar ID or Last Name.
- The Attorney Search Results screen displays.
- Click the – arrow to scroll the entire list of search results, if necessary.

- Highlight the appropriate attorney's name.
- The **Person Address** box displays.
- If this is the correct attorney (Name and Bar ID number match; address could be different), click **[Select name from list]**.
- The Attorney Information screen displays. On the screen the attorney's address can be changed. It will only change the address for this one case.

NOTE: If the attorney has a new address for all cases, a Notice of Attorney Address Change must be submitted to the U.S. Bankruptcy Court, Clerk's Office.

- Click [Add Attorney], to add the attorney to this plaintiff.

NOTE: IF YOU CANNOT LOCATE THE ATTORNEY'S NAME, PLEASE DO ANOTHER SEARCH. IF THE ATTORNEY'S NAME STILL DOES NOT APPEAR, CONTACT THE HELP DESK. DO NOT CREATE NEW ATTORNEYS IN CM/ECF.

STEP 10 **Party Information** screen displays again.

- Click **[Submit]** to submit all information for this party.

STEP 11 Refer back to STEPS 6 - 9 as many times as necessary in order to add the following:

- Add each Plaintiff's information and Plaintiff's Attorney information.
- Add each Defendant's information. (No attorney)

STEP 12 When all parties (Plaintiffs and Defendants) have been added, Click **[End Party Selection]**

STEP 13 The system will then display the **Adversary Statistical** screen.

- Click on the – arrow to reveal the **Party Code** options. Make the appropriate selection from the list below.
- Click on the – arrow to reveal the **Nature of Suit** options. Click to highlight the appropriate Nature of Suit from the drop-down list. If there are multiple natures of suit in the proceeding, select only one.

NOTE: If one of the multiple suits is a 727 Objection to Discharge, it is important to choose **424** as your selection.

- The **Origin** code defaults to **1 Original Proceeding**. This setting is normally correct.
- The **Transfer date** field is normally left blank. Enter a Transfer date only if the case has been transferred in from another district.
- The default for the **Rule 23 (class action)** field is **n**. Select **y** if the proceeding is a class action.
- The default for the **Jury Demand** field is **None**. Click on the – arrow to view other options.
- **Dollar Demand.** If there is a dollar demand, enter the amount in thousands to the nearest thousand. For example, if the Dollar Demand is \$4550, \$5,000, or \$5499, you would enter 5 for \$5000, leaving off the 000.
- When this screen is correct, click **[Next]**.

STEP 14 The **Select the PDF Document** screen displays.

- To associate the imaged document with this entry, select the PDF filename of the complaint you are filing.
 - Click **[Browse]**, then navigate to the directory where the appropriate PDF file is located and select it with your mouse.
 - To make certain you are about to associate the correct PDF file for this entry, right click on the filename with your mouse and select **Open**.

- This will launch the Adobe Acrobat Reader displaying the contents of the imaged document. Verify that the document is correct.
 - Close or minimize the Adobe application and if that is the correct file, click Open on the File Upload dialogue box.
- Click **[Next]** to continue.

STEP 15 The **Receipt and Fee Information** screen displays.

- If the receipt number has been provided, enter it here.
- Otherwise, for receipt number enter **CC** for Credit Card Payment, or **O** for Other Payment.
- Click **[Next]** to continue

STEP 16 The **Docket Text: Modify Text** screen displays.

- Verify all docket text information is correct.
- There is a text box on this screen that allows you to add any additional information pertinent to the Adversary.
For Example: If you are filing a Plaintiff's Complaint to Compel Turnover, you would enter what the Plaintiff is requesting be turned over; 1990 Ford Pick Up Truck, Monies, etc...
- Click **[Next]** to continue.

STEP 17 The **Docket Text: Final Text** screen displays.

- Verify all docket text information is correct.
- Click **[Next]** to finalize opening the Adversary Proceeding.

NOTE: When an adversary is opened, the complaint information will spread over to the main bankruptcy case.

STEP 18 The **Notice of Electronic Filing** screen displays.

- Scroll down to see participants who have and have not registered for electronic noticing on this case.
- You may also save the notice through the browser **File/Save** option.
- This screen will indicate the Adversary Number that was assigned to this Adversary Proceeding.

Notice of Electronic Filing:

Date and time stamp information

Case Title

Case number hyperlink to Pacer

Docket text

- Annotated text in italics
- Text produced from docket event
- Attachment type, description and attachment number which is a hyperlink to the PDF file of the attached document if there is one.

Associated (PDF) documents:

Document description: Defaults to Main Document being docketed.

Original filename: Filer's full directory path from firm or court's hard drive or network.

Electronic document stamp: Unique identifying name of the document being filed for security purposes. Key file of the court used for encryption

Notice will be electronically mailed to:

Any party on the case who has registered their e-mail address with the court will be listed here with their current e-mail address, not their street address.

Notice will not be electronically mailed to:

Name and address of other parties on the case who have not furnished their e-mail address with the court.

NOTE: Participants in a case are billed for all pages accessed in CM/ECF, except when they receive a Notice of Electronic Filing via email. If they click on the hyperlink to the document which was filed, they will not be asked to log in and will not be billed for this first view. This free view is only available during the first 30 days after the docket entry is made. If they access the same document again, they will have to log and will be charged; to avoid additional charges, they should download the document during the first (free) viewing. The free view is also available to those who receive email notification but are not participants in the case.

NEXT: Refer to instructions for:
Adversary Proceeding Cover Sheet