

Adversary Case Opening

For Attorneys / Trustees

Opening an Adversary proceeding involves entering the necessary information regarding the plaintiff, defendant, and basic statistical data. The complaint is incorporated into this process and will not need to be docketed separately. At this time when the filer is the attorney, he/she **must also be added as a party to the case**. This is the only time this process is required. (Refer to Step 7.)

- STEP 1** Click the [Adversary](#) hyperlink on the CM/ECF main menu bar. (See Figure 1.)



Figure 1

- STEP 2** Click on the [Open an AP/MP Case](#) hyperlink displayed on the **ADVERSARY EVENTS** screen. (See Figure 2.)

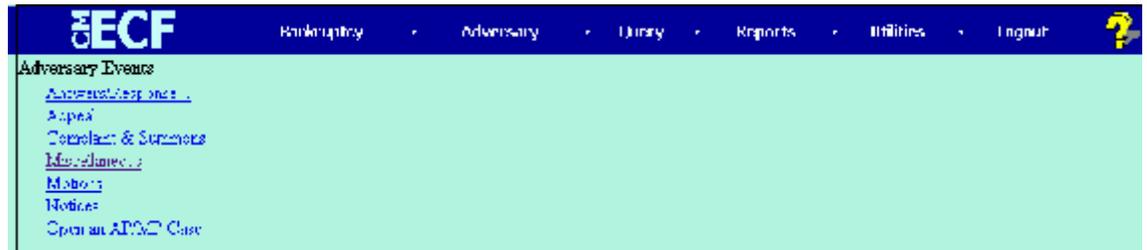


Figure 2

STEP 3 The **CASE DATA** screen displays. (See Figure 3.)

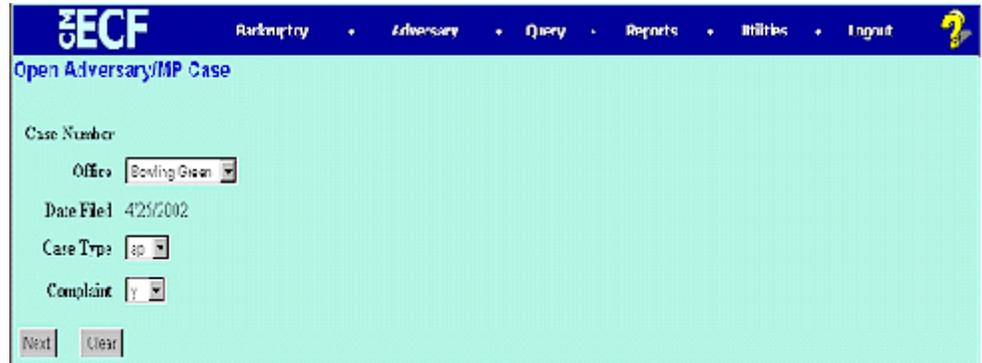


Figure 3

- ◆ The case number will be generated at the end of this process. Make sure you take note of it on the final screen.
- ◆ Select the **Office** from the pick list by clicking on the ▼ arrow and highlighting your selection.
- ◆ The current date is displayed next to **Date Filed**.
- ◆ The **Case Type** values are ap for adversary proceeding and mp for miscellaneous proceeding. Miscellaneous cases are an internal court function. **Always** accept the default of ap.
- ◆ The Complaint field signifies the lead event for this proceeding. If you are filing something other than a complaint such as a Notice of Removal, select **(n)** for no.
- ◆ Click [**Next**].

STEP 4 The **PARTY SEARCH** screen appears. (See Figure 4.)

Figure 4

- ◆ Before adding a party, it is recommended that one search the database for the filer. One can search by Social Security Number, Tax Identification Number, Last Name or Business Name.
 - Enter the last name of the party to be searched. If this is a business filing, enter the first word of the name to search the database. The entire business name is stored in the **Last/Business name** field. The field size is 80 characters

Search Hints:

- Enter one field of data for each search.
- Format Social Security Number or Tax ID with hyphens.
- Searching is case sensitive. (Smith, not smith)
- Include punctuation. (O'Brien, Zeta-Jones)
- 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)

- ◆ Enter the plaintiff's last name or other search clue and click **[Search]**. In Figure 4 we have entered the first word or the plaintiff's name (Financial).

NOTE: Do not use the asterisk * by itself as search criteria. If just the asterisk is used, the entire database will be searched

and require unnecessary systems resources and may degrade response time.

STEP 5 The **SEARCH RESULTS** screen appears. (See Figure 5.)



The screenshot shows the ECF Party Search Results screen. The header is blue with the ECF logo and navigation links: Bankruptcy, Adversary, Query, Reports, Utilities, Logout, and a help icon. Below the header, there is a search section with the text "Search for a party". It contains two input fields: "SSN" and "Tax id", followed by a "Last/Business name" field. Below these fields are "Search" and "Clear" buttons. The search results section shows "Party search results" and "No parties found." at the bottom, with a "Create new party" button.

Figure 5

- NOTE:** If the designated party was already on the database, the Party Search Results screen would provide a listing of parties matching your search criteria. In that situation you would select the party by highlighting the name with your mouse and click on the **[Select Name From List]** button.
- ◆ Since our party, Photo Express is not on the list, click the **[Create New Party]** button.

- STEP 6** The **PARTY INFORMATION** screen appears. (See Figure 6.)
- ◆ Enter the plaintiff's **Name** and **Tax ID** or **SSN** information in the appropriate boxes.

The screenshot shows the 'Party Information' form in the CM/ECF system. The form is set against a light green background. At the top, there is a navigation bar with the CM/ECF logo and menu items: Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. The form fields are arranged in two columns. The first column includes: Last name (Photo Estate), Middle name, SSN (22-31-0294), Office, Address 2, City, County, Phone, E-mail, and Party text. The second column includes: First name, Generation, Title, Tax ID (11-2038-0191), Address 1, Address 3, State, Zip, Country, and Fax. A 'Role' dropdown menu is set to 'no' and a 'Rule' dropdown menu is set to 'Main, Typing...'. Below the form, there are buttons for 'Attorney...', 'Add...', 'Review...', 'Submit', 'Cancel', and 'Clear'. A small note indicates that clicking the 'Attorney...' button will open a new browser window.

Figure 6

- ◆ Expand the **Role Type** selection pick list by clicking on the down arrow ▼ and select Plaintiff.
- ◆ The **Party Text** field is used for further party description, such as A Kentucky Corporation or Executor for the Estate of.... This information will appear on the caption of the docket report immediately after the party's name.
- ◆ Click on the **[Attorney]** button on the **PARTY INFORMATION** screen. (See Figure 6.)

- STEP 7** For adversary openings **ONLY**, you will need to add yourself as the attorney representing the plaintiff(s). Steps 7 - 9 will show how this is done.
- ◆ Your attorney record already exists on the court’s database in an attorney roll that is maintained by court staff.
- The **ATTORNEY SEARCH** screen allows you to retrieve your attorney record by either State Bar ID or Last Name (or partial Last Name.) (See Figure 7.)

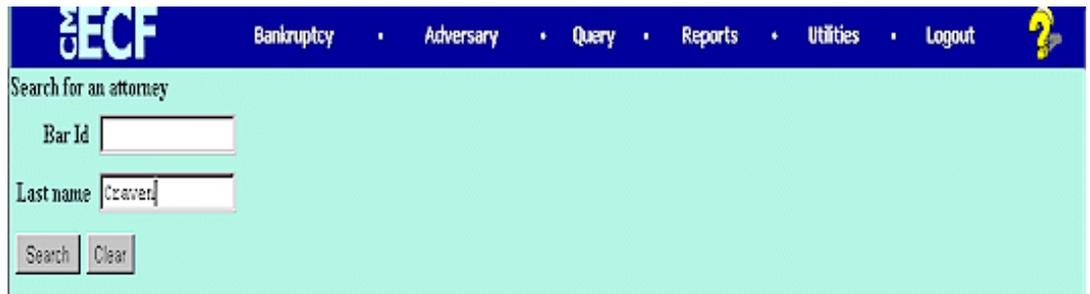


Figure 7

- ◆ This exercise illustrates how one could search for the attorney SM Craven. The search clue entered in the Last Name field is the beginning of his/her last name.
- ◆ Click on **[Search]**.

STEP 8 The **ATTORNEY SEARCH RESULTS** screen will display all the matches for the search clue you entered. (See Figure 8.)



Figure 8

- ◆ When your name appears, highlight it with your mouse and click on **[Select Name From List]**.

STEP 9 The **ATTORNEY INFORMATION** screen displays the master attorney record from the court attorney roll. (See **Figure 9a**.)

The screenshot shows the 'Attorney Information (Party Photo Express)' screen. The header includes the CM/ECF logo and navigation links for Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. Below the header, there are links for 'New Case', 'Party Information', 'Bar Status', and 'Process'. The main form area contains the following fields:

- Office: [Text Box]
- Address 1: [Text Box] (pre-filled with '601 West Broadway')
- Address 2: [Text Box]
- Address 3: [Text Box]
- City: [Text Box] (pre-filled with 'Louisville')
- State: [Dropdown Menu] (pre-filled with 'Ky')
- Zip: [Text Box] (pre-filled with '40202')
- Country: [Text Box]
- Phone: [Text Box]
- Fax: [Text Box]
- E-mail: [Text Box]
- Lead attorney: [Dropdown Menu] (pre-filled with 'yes')

At the bottom of the form, there are three buttons: 'Add attorney', 'Cancel attorney', and 'Clear'. Below these buttons is a note: 'Click the Add attorney or Cancel attorney button to return to the Party screen and add other attorneys, add aliases, or update all information for this party.'

Figure 9a

- ◆ Your attorney record can accommodate only one address. If the address for this case is different, make the changes to this screen. This will change professional and mailing information FOR THIS CASE ONLY.
- ◆ After verifying this information, click **[Add Attorney]** to associate this record with your plaintiff.
- ◆ The main **PARTY INFORMATION** screen again appears. (See **Figure 6**.) At this time you could click on the **[Review]** button to verify attorney and alias information for this party.
- ◆ Click on the **[Return to Party]** button.
- ◆ When the Party Information screen appears again, Click **[Submit]**.

STEP 10 You have added the plaintiff and if there are no more plaintiffs, the next step is to add the defendant(s). The **PARTY SEARCH** screen will appear again for that purpose. (See Figure 10.)



Figure 10

- ◆ Enter party information for the defendant John Humble Brubkaer. Search by last name.

STEP 11 When the **SEARCH RESULTS** screen appears, the party will be displayed because Dale Daniels is already a debtor on the bankruptcy case. (See Figure 11.)

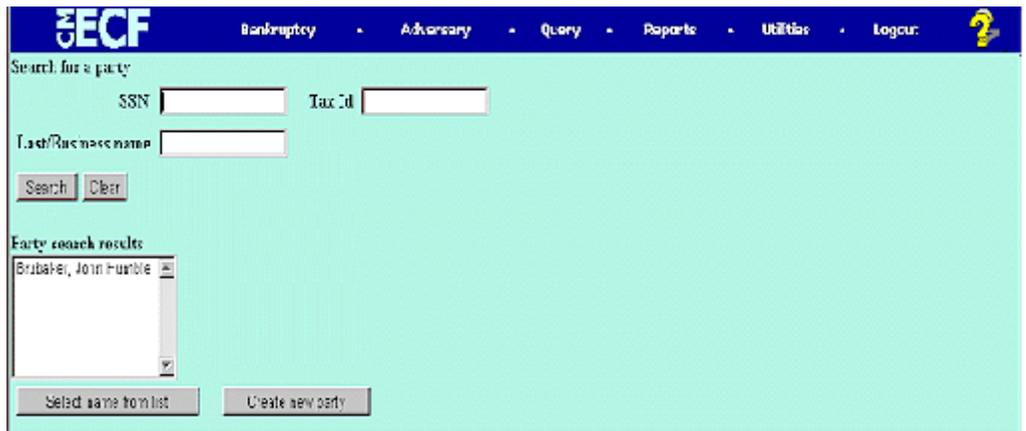


Figure 11

- ◆ Highlight the name and click on **[Select name from list]**.

STEP 12 The **SEARCH RESULTS** screen appears next with this party's data and address as it is recorded in the database from the bankruptcy case. (See Figure 12.)

The screenshot shows the 'Party Information' form in the ECF system. The form is titled 'Party Information' and includes the following fields and options:

- Office:** Text input field.
- Address 1:** Text input field containing '10200 Oak Road'.
- Address 2:** Text input field.
- Address 3:** Text input field.
- City:** Text input field containing 'Pleasantville'.
- State:** Text input field containing 'IA'.
- Zip:** Text input field containing '56103'.
- County:** Text input field containing 'Evans'.
- Country:** Text input field.
- Phone:** Text input field.
- Fax:** Text input field.
- Email:** Text input field.
- ProSe:** Text input field containing 'nc'.
- Role:** Text input field containing 'Unknown/Unknown'.
- Party text:** Text input field.

At the bottom of the form, there are three buttons: 'Attorney...', 'Alias...', and 'End Party Selection...'. A note below the buttons reads: 'Add all attorneys and aliases before clicking the Submit button.'

Figure 12

- ◆ If an address for the defendant appears, **REMOVE IT**. You must select the Party Role by clicking on the ▼ down arrow for the **Party Role** field. **Highlight Defendant** and click on **[Submit]**. **The defendant's attorney information will be added at a later time.**
- ◆ The Party Search screen will reappear. Since all parties have now been entered, click on **[End Party Selection]**. Statistical information will be entered on the next screen.

STEP 13 The **ADVERSARY STATISTICAL** screen appears.
(See Figure 13a).

The screenshot shows a web form titled "Open Adversary/MP Case". The form has the following fields and values:

- Party role: 3 U.S. not a Party
- Name of suit: 031 (03) Receiver Discharge 777
- Origin: 1 Origin Proceeding
- Transfer date: (empty)
- Rule 23 (class action): n
- Jury demand: None
- Demand \$,000: (empty)

At the bottom of the form are two buttons: "Not" and "Clear".

Figure 13a

- ◆ Unless the US is a plaintiff or defendant in your case, accept the default **US is not a Party in the Case** as shown in Figure 13b.

The dropdown menu contains the following options:

- 3 U.S. Not a Party in the Case
- 1 U.S. is a Plaintiff
- 2 U.S. is a Defendant
- 3 U.S. Not a Party in the Case

The last option, "3 U.S. Not a Party in the Case", is highlighted in blue.

Figure 13b

- ◆ Select the Nature of Suit of the complaint from the list. (See Figure 13c.) Only one suit can be selected during the opening of an adversary case.

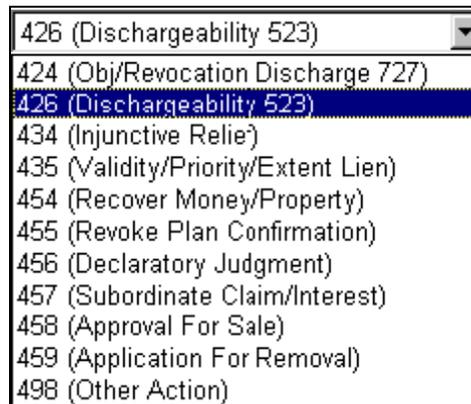


Figure 13c

NOTE: If one of the multiple suits is a 727 Objection to Discharge, it is important to enter 424 as the first NOS.

- ◆ The **Origin** code defaults to original proceeding. (See Figure 13d.) No action is necessary to accept the default. Other values are:

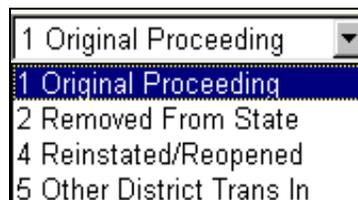


Figure 13d

- ◆ The default in the **Rule 23 (Class Action)** box is *n*. Change the default to *y* only if this is a Class Action suit.

- ◆ The default in the **Jury Demand** box is *n* (None). (See Figure 13e.)



Figure 13e

- Highlight the appropriate selection.
- ◆ **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.
- ◆ Verify the data on your screen and then click **[Next]**.

STEP 14 The **RELATED CASES** screen displays next. (See Figure 14.)

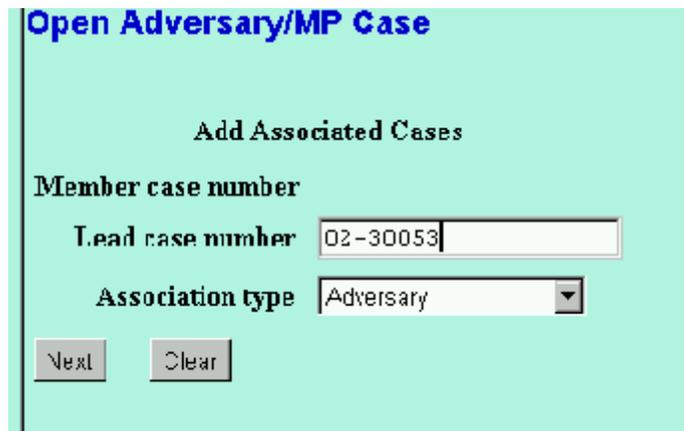


Figure 14

- ◆ 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.

If you do not enter any number in the **Lead Case Number** field the system **will** allow you to proceed with case opening.

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

STEP 15 The **PDF DOCUMENT SELECTION** screen displays.
(See Figure 15a.)



Figure 15a

- ◆ 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**. (See Figure 15b.)

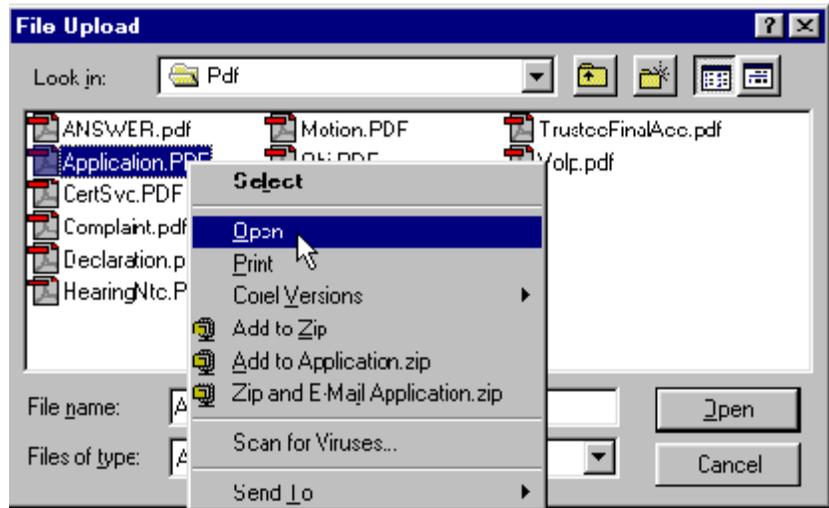


Figure 15b

- This will launch the Adobe Acrobat Reader to display 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. (See Figure 15c.)

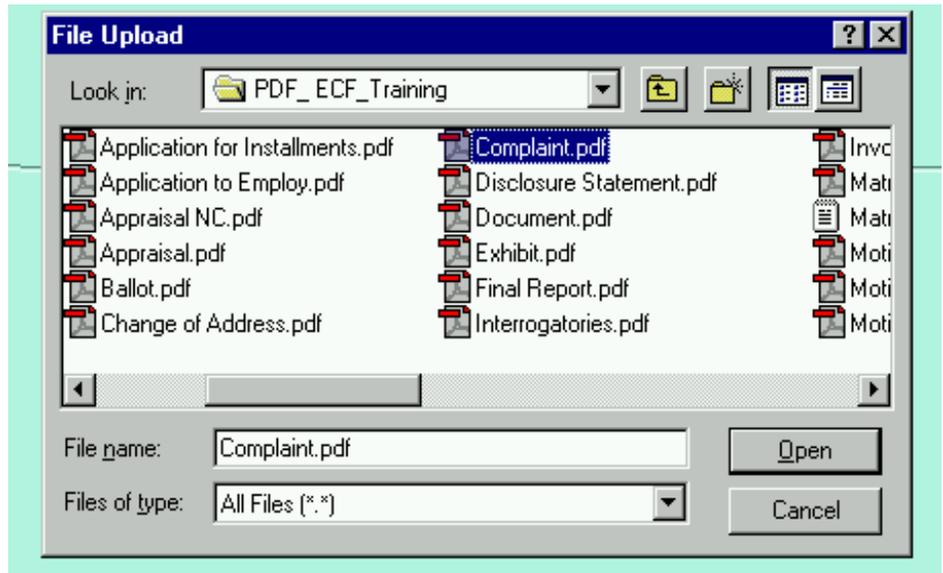


Figure 15c

- ◆ There will be no attachments in this exercise. Attachments will be covered in another lesson. Therefore, leave the radio button indicating No.
- ◆ Click **[Next]** to continue.

STEP 16 A screen with this message may appear:

“FOR COURT USERS ONLY: If this is a 727 Objection to Discharge, Docket the Flag Set-727 Objection to Discharge Event Next.” “If filing fee has been Deferred, Set DeferFeeAP Flag next.

This is for **court staff only** and as an attorney filer; you can disregard this notation.

STEP 17 The **FILING FEE** screen will display prompts for fee and receipt information. (See Figure 17.)

Open Adversary/MP Case

If you are attempting to file a **New Adversary Proceeding** and have selected the category **Complaint** and entered the Main Case number you must abort this transaction and go to the **Adversary** category and select the event **OPEN AP/MP CASE**.

You must leave the receipt box blank in order for the credit card payment to be processed.

If fee does not apply or will be deferred remove fee amount from box below.

Receipt #: Fee: \$

Figure 17

- ◆ You must leave the receipt box blank in order for the credit card payment to be processed.
- ◆ The Fee Amount defaults to the amount of the complaint filing fee, \$150.00. If the fee does not apply or will be deferred, remove the fee amount from the fee box.
- ◆ Click **[Next]** to continue.

STEP 18 The **MODIFY TEXT** screen displays. (See Figure 18.)

The screenshot shows the 'Open Adversary/MP Case' screen. At the top, there is a navigation bar with 'Bankruptcy', 'Adversary', 'Query', 'Reports', 'Utilities', and 'Logout'. Below this, the title 'Open Adversary/MP Case' is displayed. The main content area is titled 'Docket Text: Modify as Appropriate'. It contains a text input field with the following text: '426 (Dischargeability 523): [dropdown menu] Complaint: [text box] by S M Craven, Photo Express on behalf of Photo Express against John Humble Brubaker. Receipt Number CC, Fee Amount \$150. (Craven, S)'. Below the text input field are two buttons: 'Next' and 'Clear'.

Figure 18

- ◆ Optional prefixes are available for the final docket text. If appropriate select a prefix.
- ◆ Additional description can be typed in the text window. It was suggested in STEP 13 to add the type of complaint that has been filed. (See Figure 13.)
- ◆ Click [Next].

STEP 19 The **FINAL DOCKET TEXT** screen displays. (See Figure 19.)

The screenshot shows the 'Open Adversary/MP Case' screen. At the top, there is a navigation bar with 'Bankruptcy', 'Adversary', 'Query', 'Reports', 'Utilities', and 'Logout'. Below this, the title 'Open Adversary/MP Case' is displayed. The main content area is titled 'Docket Text: Final Text'. It contains a text input field with the following text: '426 (Dischargeability 523): Complaint by S M Craven, Photo Express on behalf of Photo Express against John Humble Brubaker. Receipt Number CC, Fee Amount \$150. (Craven, S)'. Below the text input field is a warning message: 'Attention!! Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.' Below the warning are two buttons: 'Next' and 'Clear'.

Figure 19

- ◆ Proof this screen carefully! No further editing in the case opening process is allowed after this screen.

- ◆ If any part of it is incorrect, click the browser **[Back]** button to return to the screen you need to correct. Then process the screens again with the respective **[Next]** or **[Submit]** buttons.

NOTE: When an adversary is opened, the complaint information is spread over to the main bankruptcy case. (The case number does not appear in the docket text.)

NOTE: To abort or restart the transaction at any time up until the final docket text screen, click the **Adversary** hyperlink on the **Menu Bar**.

STEP 20 The Internet Payment screen will be displayed. (See Figure 20). You will be given the opportunity to either pay your fees now by clicking on the Pay Now button, or to continue filing and pay all of the days outstanding fees at the end of the day by clicking on the Continue Filing option. Refer to the On-Line Credit Card manual for more information on paying your fees on-line.

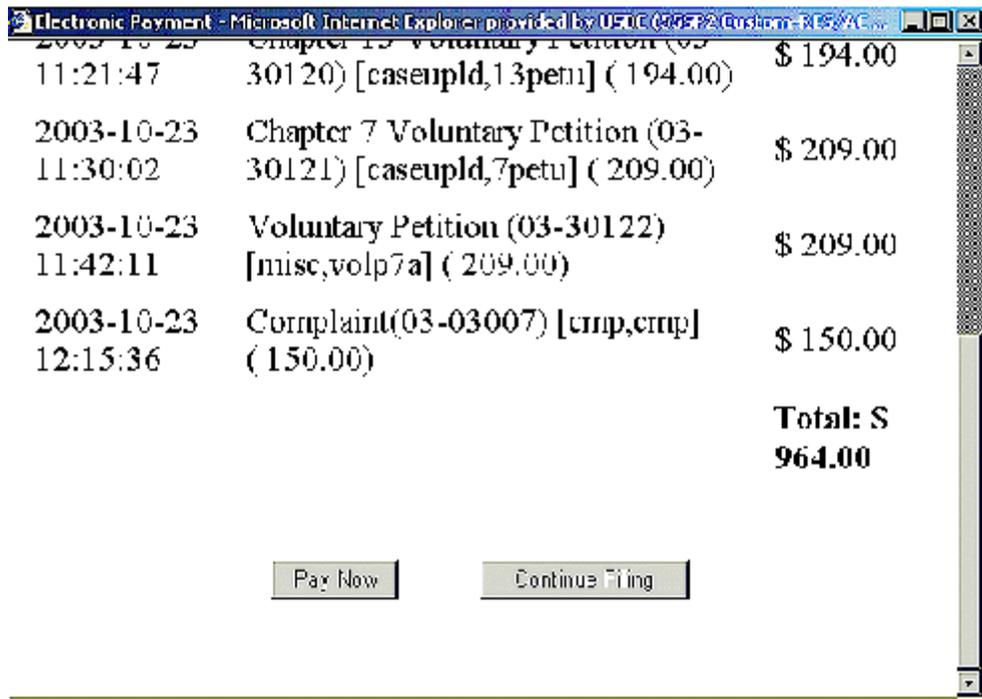


Figure 20

- STEP 21** The **NOTICE OF ELECTRONIC FILING** screen appears.
(See Figure 21.)



Figure 21

- ◆ The Notice of Electronic Filing is the verification that the filing has been sent electronically to the court's database. It certifies that this is now an official court document.
- ◆ The case number is a hyperlink to the docket sheet and clicking on the document number hyperlink will display the image of the complaint. **The case number of both this adversary and the lead bankruptcy case appear.** This indicates that this complaint entry has spread to the bankruptcy case and will be available to anyone reviewing the Bankruptcy Docket report. The hyperlink to the imaged complaint is also accessible from the bankruptcy case.

- ◆ Further access to the **Notice of Electronic Filing** is available through the electronic docket report. When this option is selected, a bullet appears next to the document number of the event on the docket report. Clicking on this bullet will display a copy of this notice. Attorney users will be presented with a PACER login screen first.
- ◆ To print a copy of this notice, click the browser **[Print]** icon.
- ◆ To save a copy of this receipt, click **[File]** on the browser menu
- ◆ Trustee and Attorney users will have access to the **Notice of Electronic Filing** at the time of their filing. Subsequent access to any Query or Report programs must go through the PACER system. (See Figure 20b.)

CM/ECF Bankruptcy Adversary Query Reports Utilities Logout

\$0.10 per page.

An access fee of \$0.10 per page, as approved by the Judicial Conference of the United States at its September 1998 session, will be assessed for access to this service. All inquiries will be directed to your PACER login (as kept on file). If you do not have login capabilities, enter your PACER login and password. The Client code is provided to the PACER user as a means of making transactions by client. This code can be up to thirty-two alphanumeric characters long.

Authentication

login:

password:

Client code:

Make this my default PACER login

Login Logout

Figure 20b

- ◆ When a copy of the **Notice of Electronic Filing** is mailed to each subscriber on the case, the following message will display at the top:

*****NOTE TO PUBLIC ACCESS USERS*****

You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.

