CHAPTER 12

ADVERSARY CASE OPENING

Opening a New Adversary Proceeding

Summons

Adversary Proceeding Case Opening

Opening an adversary proceeding involves entering the necessary information regarding the plaintiff and defendant, along with basic statistical data. The lead event (usually the complaint) is incorporated into this process and will not need to be docketed separately. This module demonstrates the steps to take to open an adversary proceeding in CM/ECF.

STEP 1 Click the Adversary hypertext link on the CM/ECF Main Menu Bar.

STEP 2 The **Adversary Events** screen displays.

- Click the Open an Adversary Proceeding hypertext link.

STEP 3 The **Case Information** screen displays. **(See Figure 1)**

Figure 1

- Click the down arrow ▼ to reveal the list of **Office** (division) options. Select the same division to which the related general case is assigned.

- The **Case Type** defaults to **ap** (adversary proceeding). This is the only option. No action is necessary.

- The current date is displayed in the **Date Filed** field. This date cannot be changed.

- Click the down arrow ▼ to reveal the list of **Complaint** options: either **y** for yes or **n** for no. This field signifies the lead event for this proceeding. If filing something other than a complaint, such as a Notice of Removal, change the **y** to **n**.

- Click **[Next]** to continue or **[Clear]** to re-enter the information.

STEP 4 The **Associated Cases** screen displays. (**See Figure 2)**

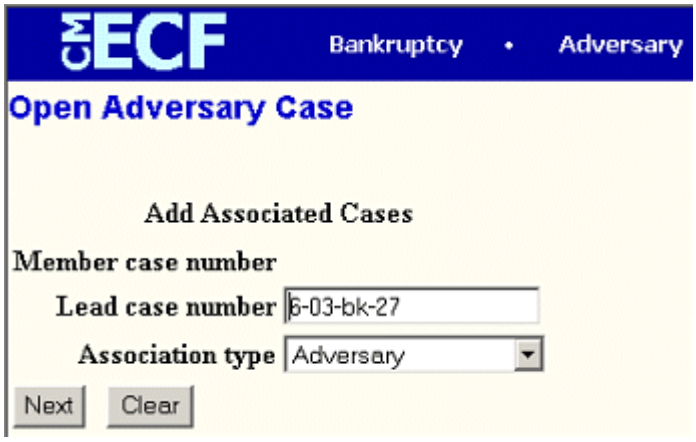

Figure 2

- Enter the **Lead Bankruptcy Case Number** (office code-yy-bk-nnnnn format).

- The **Association Type** field defaults to adversary. No action is necessary.

- Click **[Next]** to continue.

Note: If the system prompts that the base case number entered is not a valid case, click the **[Back]** button and re-enter the case number.

STEP 5 The **Search Party** screen displays. **(See Figure 3)**

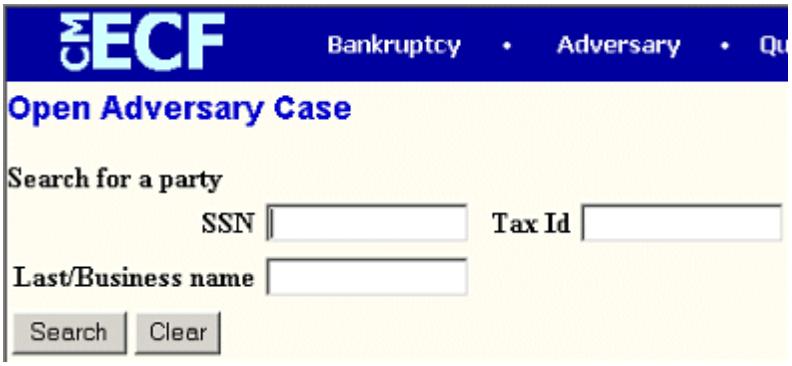

Figure 3

- Enter a social security number, tax identification number, or last/business name to search for the party to be added to the case. *It is recommended that you add parties to the case in the following order: Plaintiffs, Defendants, then interested parties/other as applicable.*

- Click **[Search]** to continue.

STEP 6 The **Party Search Results** screen displays. **(See Figure 4)**

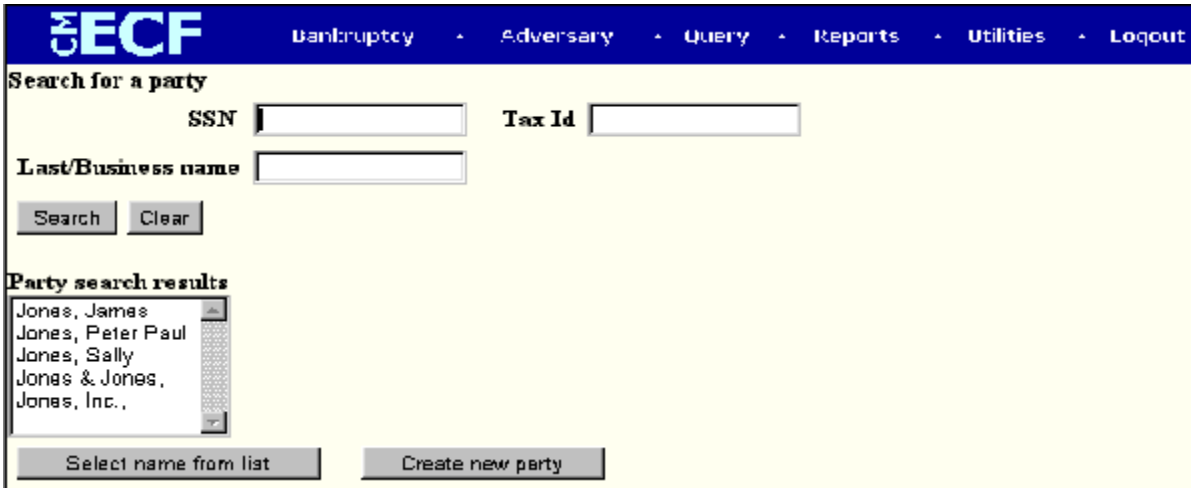

Figure 4

- If the system finds the correct party, highlight the party's name in the **Party Search Results** window, and click **Select Name from List** to add the party to the case, and then proceed to **Step 7**.

OR

- If the system does not find the party with the search criteria entered, it will display a message **No person found (See Figure 5)**

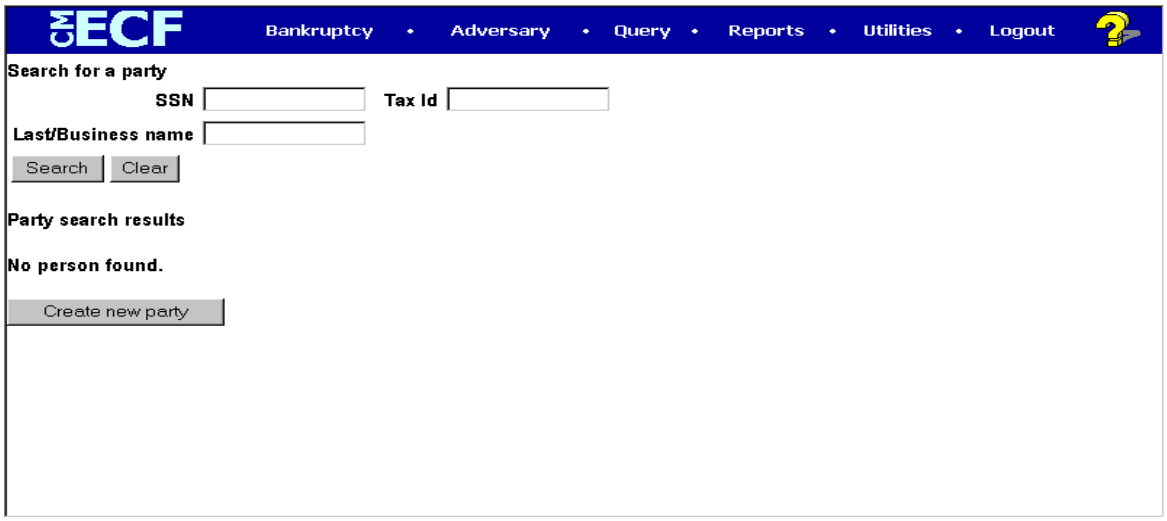

Figure 5

- Click **Create New Party** to add the party to the case.

STEP 7 The **Party Information** screen displays **(See Figure 6)**.

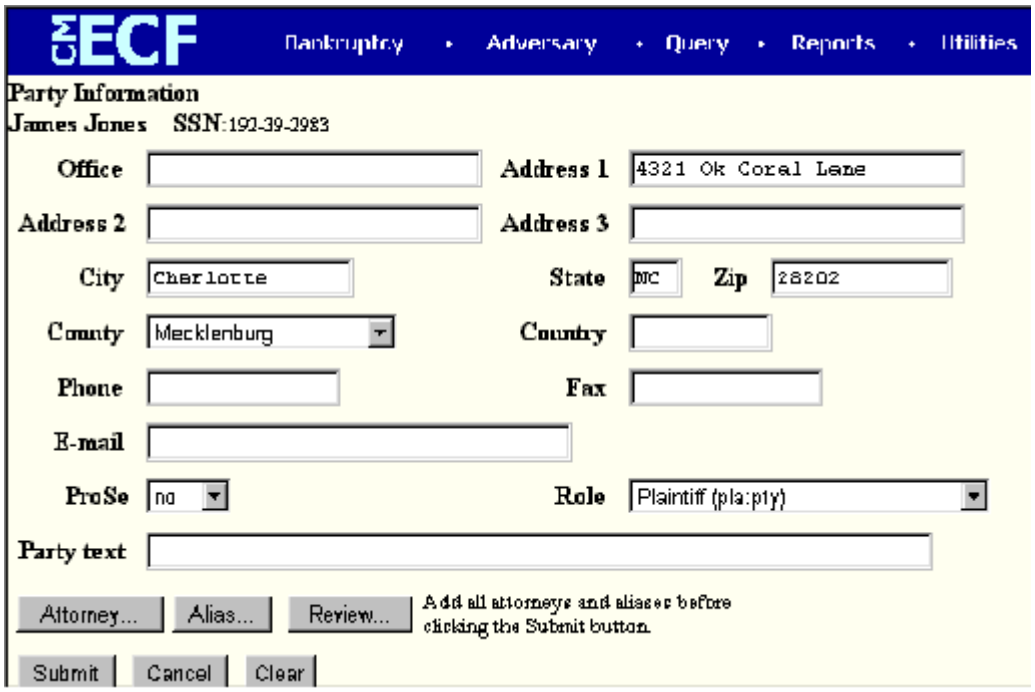

Figure 6

Note: If you have selected a party from the party list, you will not be able to change the social security number/tax id number field; however, you will be able to modify other field information.

- Enter or verify the party name. It is important to include the complete mailing addresses of the plaintiff and defendant for noticing purposes.

  Important: Specify applicable **[Role]** type, Plaintiff, Defendant, etc. The system will default to *"debtor"* and must be changed to reflect the correct party role for the party currently being added.

- Click **[Attorney]** if you are representing the party being added.

  - Enter your last name or bar id number.

  - Click **[Search]** to continue.

    - The **Attorney search results** screen displays.
    - Click to highlight the attorney name.
    - Click **[Select name from list]** to continue and add yourself as the attorney for the party.

    Note: if you are representing multiple parties, you will need to add yourself as the attorney for each plaintiff-party you are representing.

- The **Attorney Information** screen displays. **[Figure 7]**

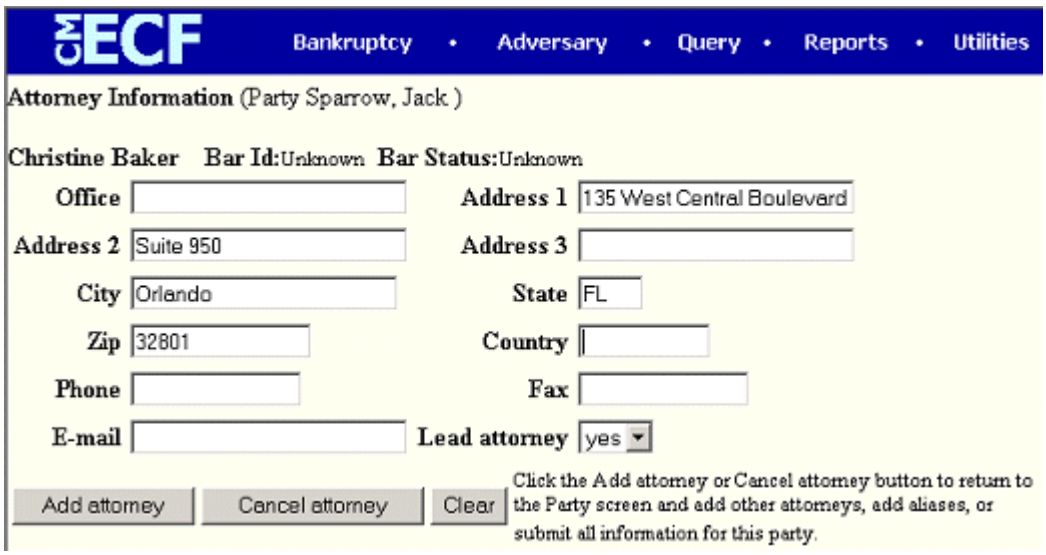

Figure 7

- If information is correct, click **[Add attorney]**. If information is incorrect, click **[Clear]** and enter correct information.

- The **Party Information** screen displays again **(See Figure 6)**.

- Add aliases, if any, by clicking the **[Alias]** button.

- Review information by clicking the **[Review]** button to verify the information for the party being added.

- When all information is correct, click **[Submit]** to add the party to the case and database.

- The **Party Information** screen displays again.

REPEAT Steps 5, 6 and 7 until all Plaintiff(s), Defendant(s) or other interested parties have been added to the system. Note: When adding a defendant, DO NOT associate an attorney for the defendant. An attorney for a defendant will be added to the case upon the filing of an answer.

- Once all parties have been added to the system, click **[End Party Selection]**.

STEP 8 The **Adversary Statistical Data** screen displays. **(See Figure 8)**

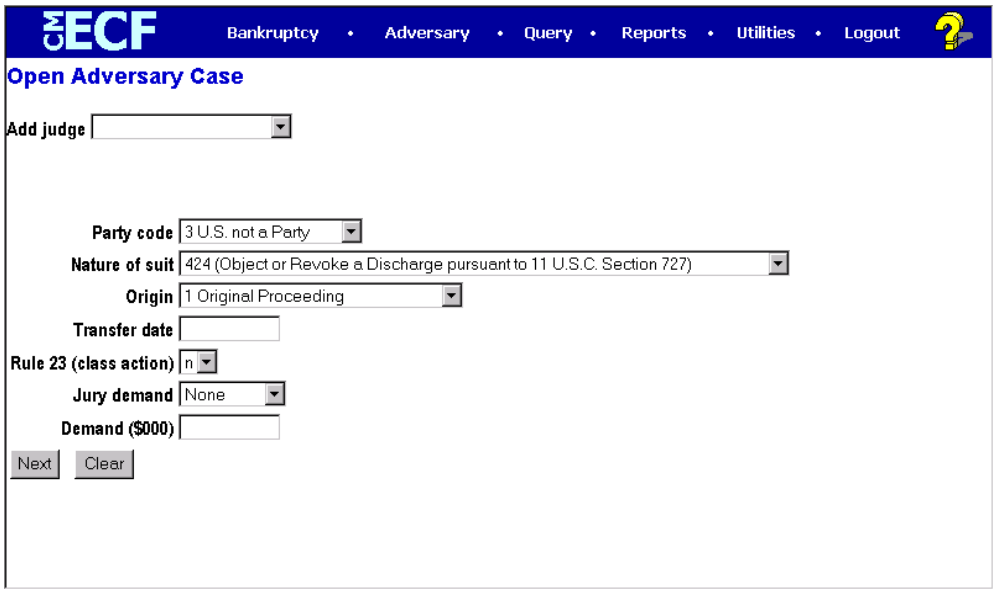

Figure 8

- Click the down arrow ▼ to reveal the list of Judge options. Select the Judge that is associated with the Main Case to which the Adversary refers.

- Click the down arrow ▼ to reveal the list of **Party Code** options. If the U.S. is a plaintiff or a defendant in this adversary proceeding, click to highlight the correct party code to so indicate. If the U.S. is ***not*** a plaintiff or defendant in your case, accept the default **US not a Party**.

- Click the down arrow ▼ to reveal the list of **Nature of Suit** options. Click to highlight the nature of suit that applies to the instant case. Only one **Nature of Suit** option can be selected. However, there will be a free-text box window in the **Final Docket Text** screen in which to type any additional **Nature of Suit(s)** the pertain to this filing.

  Important Note: If there is more than one **Nature of Suit** and one is objection to discharge (727), choose *424 (Object or Revoke a Discharge pursuant to 11 U.S.C. Section 727)* here.

- The **Origin** field defaults to "**Original Proceeding**". No action is necessary.

- **Transfer Date** is for Court use only.

- Click the down arrow ▼ to reveal the list of **Rule 23 (Class Action)** options. The default is ***n*** for no. If the adversary being filed is a Rule 23 (Class Action) proceeding, change the default to ***y.***

- Click the down arrow ▼ to reveal the list of **Jury Demand** options. Those options are *Both*, *Defendant None, Plaintiff*. The system defaults to none. If you are requesting a jury trial in your attached complaint, so indicate in this field.

- **Demand**: If there is a dollar demand in the complaint, enter the **($000)** amount to the nearest thousand (i.e. for a demand of 5,000 enter 5, leave off the 000). Note: DO NOT use dollar signs or commas.

- Click **[Next]** to continue.

STEP 9 The **Fee Information** screen displays **(See Figure 9)**

Figure 9

- If you are the trustee, answer the first question with y. If you are not the trustee, answer with n.

- If the filer is the Debtor, United States Government, United States Trustee or is the Debtor-in-Possession exempt from paying the filing fee, answer the second question with y. If not, answer with n.

- Click **[Next]** to continue.

STEP 10 The **PDF Document Selection** screen displays **(See Figure 10)**

Figure 10

- Click **[Browse]**, then navigate to the directory where the appropriate PDF file is located. Verify you have selected the correct document by right clicking on the highlighted filename and select **Open** to view the image in Adobe Acrobat. Once verified, double-click the PDF file or click **Open** to select and associate it with the docket entry.

- The **Attachments to Document** option defaults to **No**. Click the **Yes** radio button to indicate there are attachments and attach the Adversary Proceeding Cover Sheet and the prepared Summons as separate attachments. (Refer to module: *Attachments to Documents* for more information).

  Note: If exhibits are referenced in the complaint but are not a part of the PDF image, attach the exhibit PDF image before the Adversary Proceeding Cover Sheet and prepared Summons.

- Click **[Next]** to continue.

STEP 11 The **Fee Information** screen appears. This is a fixed amount that cannot be changed.

- Click **[Next]** to continue.

STEP 12 The **Final Docket Text** screen displays **(Figure 11)**

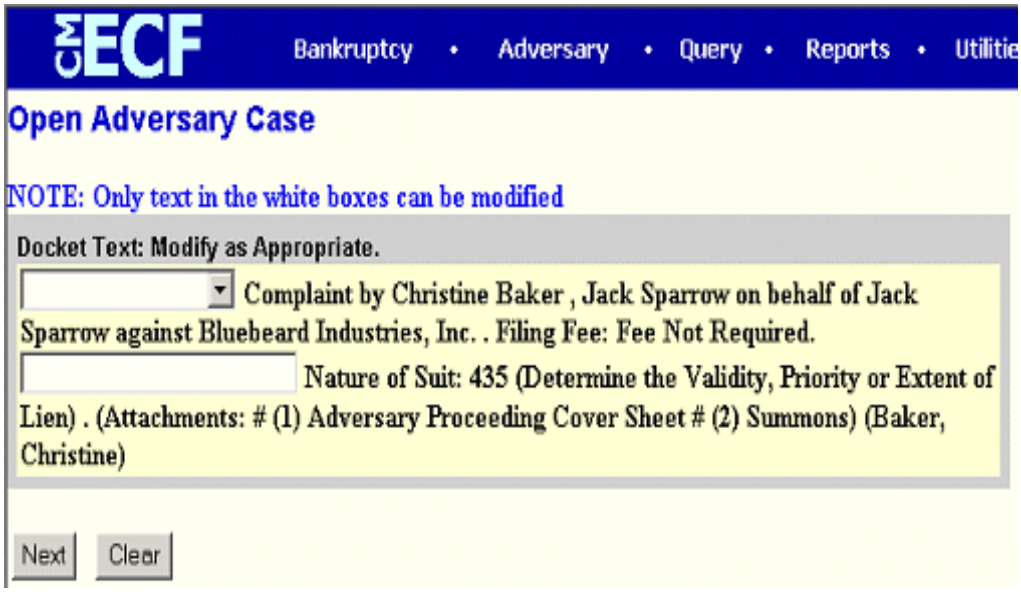

Figure 11 - Debtor, Debtor-In-Possession (if applicable) or U.S. Trustee

- A prefix box and supplemental text box window are available to add more detail to the docket text.

  - Click the down arrow ▼ to display the prefix options. **Note**: You may also type the first letter of the prefix to immediately move to the list of prefixes that begin with a particular letter (i.e.: Verified type "v"). Prefix Options to choose from are:

[none]
Addendum to
Agreed
Alias
Amended
Amendment to
Certified
Corrective

Cross
Emergency
Ex Parte
Expedited
Fifth
Final
First
First Amended
Fourth
Fourth Amended
Interim
Intervenors
Joint
Limited
Omnibus
Opposition
Pluries
Pre-Trial
Proposed
Sealed
Second
Second Amended
Sixth
Status
Supplemental
Supporting
Third
Third Amended
Third Party
Trial
Unilateral
Verified

- A supplemental text box window is provided to add more detail or additional "**Nature of Suit(s)**" to the docket entry.

- Click **[Next]** to continue.

STEP 13 The **Final Approval** screen displays **(See Figure 12)**

Figure 12 - Shown where a fee is due.

- Verify the Final Docket Text. Read the Attention!! message.
- If the Final Docket Text is correct,
  - Click **[Next]** to continue and officially submit document.
- If the Final Docket Text is incorrect:
  - Click the browser **[Back]** button to find the error(s) and proceed with the event.
  - To abort or restart the transaction, return to **Step 1** and begin again.

STEP 14 The **Notice of Electronic Filing** screen displays.

- It is on this screen where the Adversary Case number will be displayed.
- The Notice of Electronic Filing is the verification that the filing has been filed electronically in the court's database. It certifies the that document is now an official court document.
- Scroll down to see participants who have and have not registered for electronic noticing on this case.

- Clicking on the case number hypertext link on the **Notice of Electronic Filing** will present the *Docket Report* for this case.

- Clicking on the document number hypertext link will present the *PDF Image* of the document just filed.

- To print a copy of this notice click the browser **[Print]** icon.

- To save a copy of this notice, click **[File]** on the browser menu bar and select **Save Frame As**.

- You may also save the notice through the browser **File/Save** option.

- This screen displays the participants who will receive electronic notification of the filing.

Issuing a Summons

Upon notification of an electronically filed Adversary Proceeding, the Clerk's Office will issue a summons. The summons will be detached from the docket entry, signed and dated. If a pre-trial hearing is routinely added to the summons, the Clerk's office will add the stamp along with the hearing date and time.

The summons will be re-scanned and docketed by the Clerk's office. Upon e-mail notification to the Attorney/Trustee **(See Figures 13-15)**; the Attorney/Trustee (or designee) will serve the summons as normal.

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.

U.S. Bankruptcy Court

Middle District of Florida

Notice of Electronic Filing

The following transaction was received from MASON , SARA entered on 4/25/2003 at 8:39 AM EDT and filed on 4/25/2003

Case Name: Iannarelli v. Mason

Case Number: 8:03-ap-00001

Document Number: 2

Docket Text:

Summons Issued with Notice of Pretrial on Ann Iannarelli Date Issued 4/25/2003, Answer Due 5/25/2003.

Figure 13

The following transaction was received from MASON , SARA entered on 4/25/2003 at 8:39 AM EDT and filed on 4/25/2003

Case Name: Iannarelli v. Mason

Case Number: 8:03-ap-00001

Document Number: 2

Docket Text:
Summons Issued with Notice of Pretrial on Ann Iannarelli Date Issued 4/25/2003, Answer Due 5/25/2003. Pre-Trial Conference set for 7/25/2003 at 01:30 PM at Tampa, FL - Courtroom 10B, Sam M. Gibbons Courthouse, 801 N. Florida Avenue. (MASON, SARA)

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename: T:\masons\000578_0112_01__0xp0gmx30.pdf
Electronic document Stamp:

Figure 14

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename: T:\masons\000578_0112_01__0xp0gmx30.pdf
Electronic document Stamp:
[STAMP bkecfStamp_ID=1021488240 [Date=4/25/2003] [FileNumber=20131-0] [578a1caee39c79655b5f3434f232a621435398f0998629314bcee36c85376dbb8ccab fe4d5f6d31bdc1d3130f55d3c4e8774adbfa6f7bf51af7d77992f498b92]]

8:03-ap-00001 Notice will be electronically mailed to:

Ann Iannarelli Ann_Iannarelli@flmb.uscourts.gov,

Sara Mason Sara_Mason@flmb.uscourts.gov,

8:03-ap-00001 Notice will not be electronically mailed to:

Figure 15

Once the E-mail notification has been received and the summons served on the parties a Certificate of Service (for each party served) will need to be entered on the docket.