

# **CHAPTER 16**

## **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)



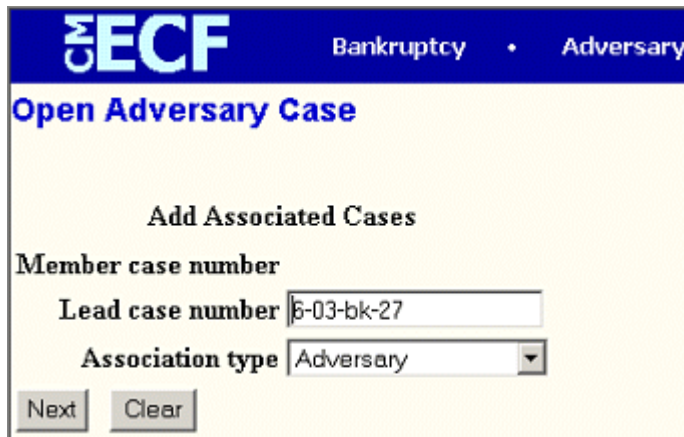
**Figure 1**

— 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)

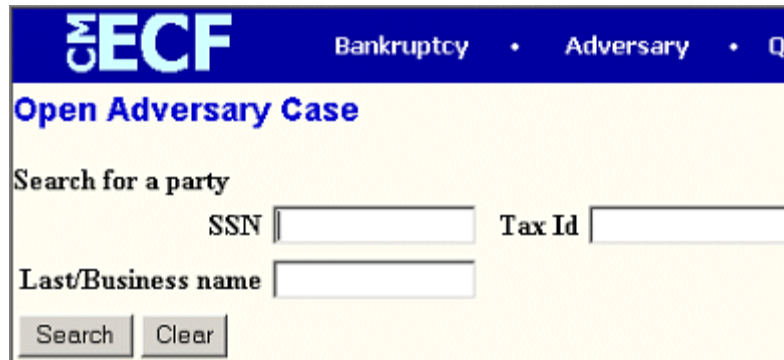


**Figure 2**

- 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.

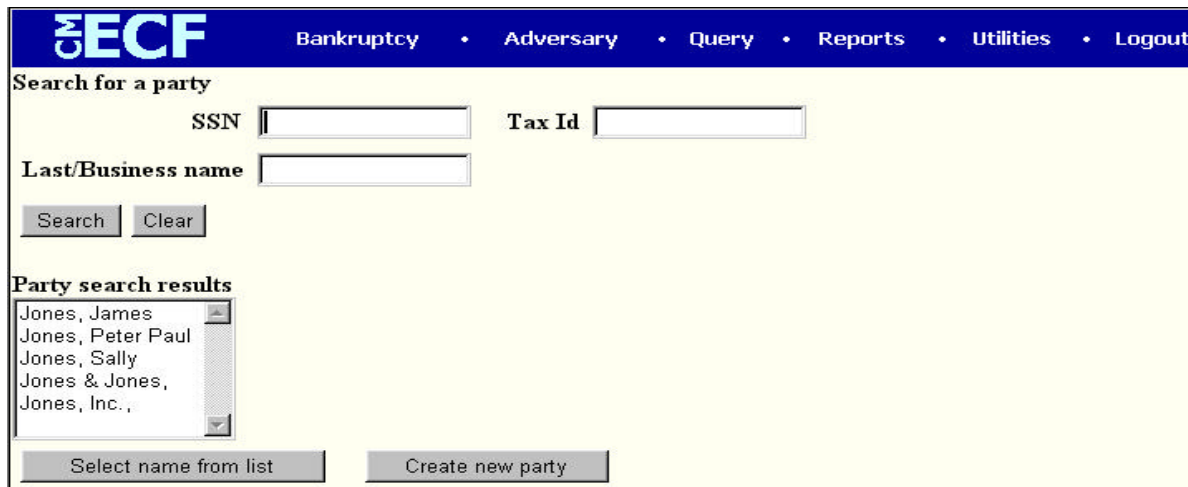
**STEP 5** The **Search Party** screen displays. (See Figure 3)



**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)**

The screenshot shows the ECF search interface. At the top, there is a navigation bar with 'Bankruptcy', 'Adversary', 'Query', 'Reports', 'Utilities', and 'Logout'. Below this is a search section titled 'Search for a party' with input fields for 'SSN' and 'Tax Id', and a 'Last/Business name' field. There are 'Search' and 'Clear' buttons. Below the search section, the results area is titled 'Party search results' and displays the message 'No person found.' with a 'Create new party' button.

Figure 5

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

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

The screenshot shows the 'Party Information' form for 'James Jones' with SSN: 192-39-2983. The form includes fields for Office, Address 1 (4321 Ok Coral Lane), Address 2, Address 3, City (Charlotte), State (NC), Zip (28202), County (Mecklenburg), Country, Phone, Fax, E-mail, ProSe (no), and Role (Plaintiff (pla:pty)). There is a 'Party text' field and buttons for 'Attorney...', 'Alias...', and 'Review...'. A note says 'Add all attorneys and aliases before clicking the Submit button.' At the bottom are 'Submit', 'Cancel', and 'Clear' buttons.

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.

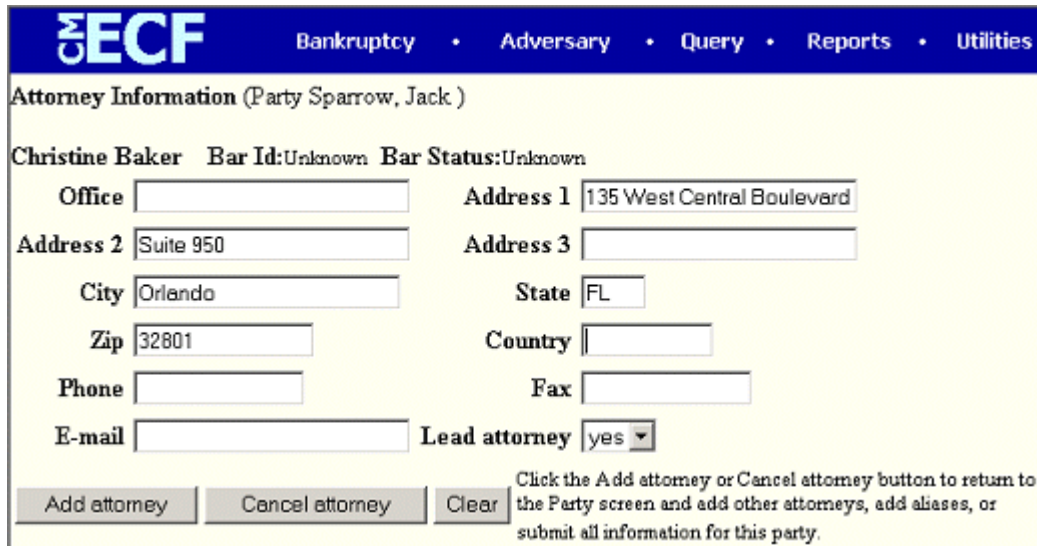
- Enter or verify the party name. It is important to include the complete mailing addresses of the plaintiff and defendant for noticing purposes.

**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]



**ECF** Bankruptcy • Adversary • Query • Reports • Utilities

Attorney Information (Party Sparrow, Jack )

Christine Baker Bar Id:Unknown Bar Status:Unknown

Office  Address 1 135 West Central Boulevard

Address 2 Suite 950 Address 3

City Orlando State FL

Zip 32801 Country

Phone  Fax

E-mail  Lead attorney yes ▾

Add attorney Cancel attorney Clear

Click the Add attorney or Cancel attorney button to return to the Party screen and add other attorneys, add aliases, or submit all information for this party.

**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]**.

**ECF** Bankruptcy • Adversary • Query • Reports • Utilities • Logout ?

### Open Adversary Case

**IMPORTANT:** Is the complaint filed by the trustee? [y or n]

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**FEE NOT REQUIRED:** Is the complaint filed by the Debtor, United States Government, United States Trustee or is the Debtor-in-Possession exempt from paying the filing fee (as applicable)? [y/n]

Next Clear

**Figure 8**

**STEP 8** The **Fee Information** screen displays (**See Figure 8**)

- 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 9** The Adversary Statistical Data screen displays. (See Figure 9)

The screenshot shows the 'Open Adversary Case' form. At the top, there is a blue navigation bar with the ECF logo and links for Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. Below the navigation bar, the form title 'Open Adversary Case' is displayed. The form contains several dropdown menus and text input fields. The 'Add judge' field is a dropdown menu. The 'Party code' dropdown is set to '3 U.S. not a Party'. The 'Nature of suit' dropdown is set to '424 (Object or Revoke a Discharge pursuant to 11 U.S.C. Section 727)'. The 'Origin' dropdown is set to '1 Original Proceeding'. The 'Transfer date' field is empty. The 'Rule 23 (class action)' dropdown is set to 'n'. The 'Jury demand' dropdown is set to 'None'. The 'Demand (\$000)' field is empty. At the bottom of the form, there are two buttons: 'Next' and 'Clear'.

**Figure 9**

- 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.

**Figure 10**

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

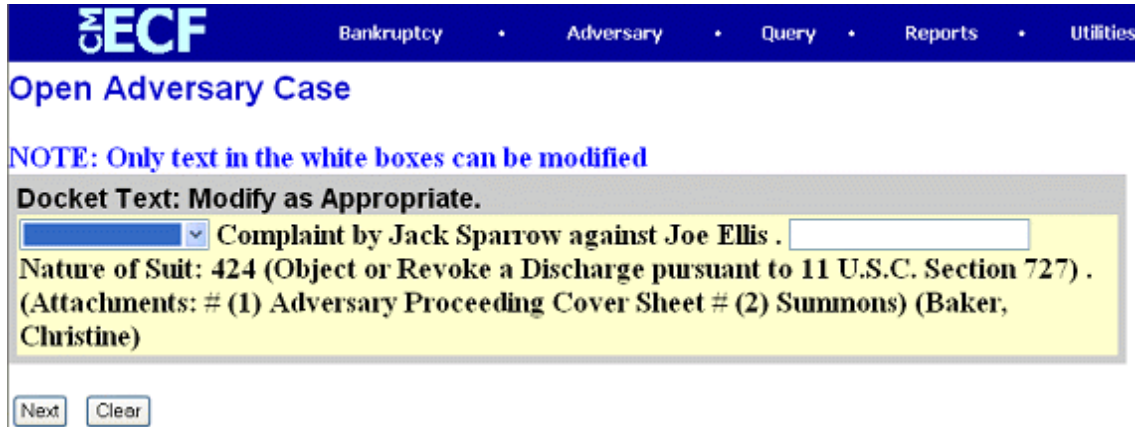
**STEP 10** The **PDF Document Selection** screen displays (See Figure 10)

- 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.



**Figure 11**

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

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

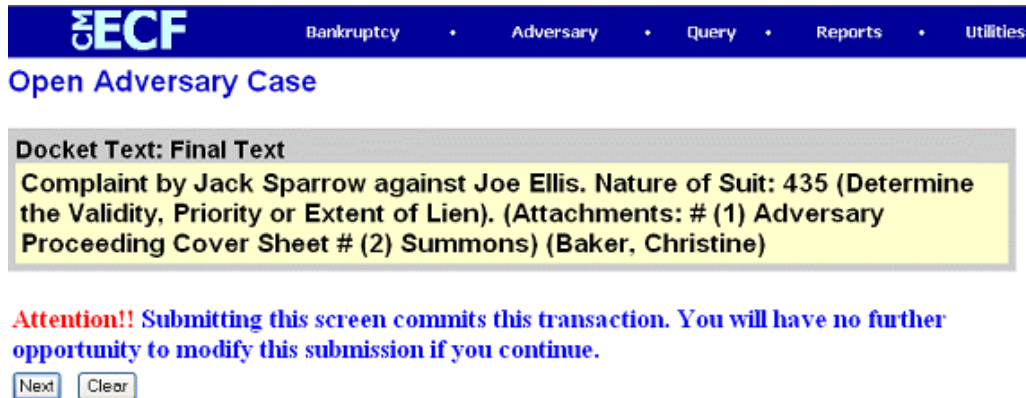
- A prefix box and supplemental text box window are available to add more detail to the docket text.
  - Click the down arrow — to display the prefix options. **Note:** You may also type the first letter of the prefix to immediately move to the list of prefixes that begin with a particular letter (i.e.: 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  
Modified  
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**

- 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.
- If no filing fee is required, proceed to **Step 17**.

**STEP 14** The **Electronic Payment** screen displays.

- A summary of current charges appears showing the *date incurred, description and amount*.
- The user has the option to **[Pay Now]** or **[Continue Filing]**. Although the court recommends that you pay as you go, you may pay at the end of each CM/ECF session.

- Select **[Continue Filing]** if you are filing multiple adversary cases and want to submit one payment at the end of each CM/ECF session. (You can also combine other fee-based filings before submitting payment). Proceed to **Step 17**.

**Note:** The system will not remind the user that there are fees to be paid. If you **[Continue Filing]** the charges will accumulate until you are ready to pay. To pay at the end of the CM/ECF session, refer to module “Internet Payments Due”.

- If you select **[Pay Now]** proceed to **Step 15**.

**STEP 15** The **Payment Collections** screen will display.

- Click the card type. The court accepts the following credit cards:

American Express

Discover

Master Card

Visa

Diners Club

- Enter the credit card number.
- Enter the expiration date.
- Click **[Submit Payment]**.

**STEP 16** The **Transaction Receipt** screen displays.

- Keep a copy of the transaction receipt for future reference. It provides the transaction number.
- 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**.
- Click **[Close Window]**.

**STEP 17** 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 that 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  
fe4d5f6d31bdcl30f55d3c4e8774adbfaf7bf51af7d77992f498b92]]

**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.

**Note:** To have an Alias or Pluries Summons issued, e-mail the pdf image to the Help Desk in which the case is filed. These cannot be filed using a CM/ECF event.