

Third Party Complaint—Adversary Proceedings

Docketing Event

Adversary > Complaint (Amended, Counter, Cross, Third Party)

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Fed. R. Bankr. P. 7008](#)

[Fed. R. Bankr. P. 7010](#)

[Fed. R. Bankr. P. 7012](#)

[Fed. R. Bankr. P. 7015](#)

[Fed. R. Civ. P. 8](#)

[Fed. R. Civ. P. 10](#)

[Fed. R. Civ. P. 12](#)

[Fed. R. Civ. P. 15](#)

[Fed. R. Civ. P. 19](#)

[Local Rule 2090-1](#)

[Local Rule 7001-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/2016

Last Revision: 8/14/2020 10:56:03 AM

Description

If a complaint has been properly served, each defendant must serve an answer or a responsive pleading within 30 days after the issuance of the summons. The United States, its agencies, and its officers have 35 days. The filing of an amended complaint may alter the time to serve an answer or response.

In addition to filing an answer, a defendant may file a separate third party complaint if the defendant is making a claim against someone who originally was not included in the adversary proceeding as a plaintiff or a defendant.

Note: A third party complaint may also be filed as part of the answer.

Filing Checklist

1. Review the third party complaint to determine if it:
 - Is signed;
 - Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
 - Is filed by a corporation—must be represented by an attorney; and
 - Is properly served and includes a proper certificate of service.
 - ❖ Note: If filed by a corporation, the attorney must file a statement of corporate ownership on behalf of the corporation.
2. During the docketing process, add the third party defendant at the appropriate prompt.

3. Issue a third party summons on the third party defendant.

- ❖ Note: A third party complaint requires that a third party summons be issued on the third party defendant. A third party summons should be submitted under Adversary > Request a Summons, attached as a PDF, and uploaded to the Court for processing. The Clerk will prepare and issue the summons, and the attorney will receive electronic notification to serve with a copy of the third party complaint.

Forms

[Third Party Complaint](#)