

Amended Adversary Complaint

Docketing Event

- Adversary > Complaint (Amended, Counter, Cross, Third Party) > Amended Complaint
 - Adversary > Request a Summons > Request a Summons After Amended Complaint Adding Defendants
 - Adversary > Motions/Applications > Motion to Amend
-

Negative Notice: If filing a Motion to Amend Complaint, negative notice procedures apply.

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 523](#)

[Fed. R. Bankr. P. 7004\(e\)](#)

[11 U.S.C. § 727](#)

[Fed. R. Bankr. P. 7007.1](#)

[28 U.S.C. § 1930](#)

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

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

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

[Fed. R. Bankr. P. 7001](#)

[Local Rule 2090-1](#)

[Fed. R. Bankr. P. 7003](#)

[Local Rule 7001-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 7/26/2018

Last Revision: 7/26/2018 11:35:36 AM

Description

Federal Rule of Bankruptcy Procedure 7015 provides Federal Rule of Civil Procedure 15 applies in adversary proceedings.

Rule 15 provides that a party may amend its pleading once as a matter of course within: (A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

In all other cases, a party may amend its pleading only with the opposing party's written consent or with leave of the Court.

There are different rules for when a party wants to amend a pleading during or after trial. *See* Fed. R. Civ. P. 15(b).

If a party seeks leave of the Court to amend, the party may file a Motion to Amend Complaint.

If a new defendant is added by the amendment, the plaintiff should request a new summons for the new defendant using Adversary > Request a Summons > Request a Summons after Amended Complaint Adding Defendants.

Filing Checklist

Review the Amended Complaint to determine if it:

- Is signed and dated;

- Has the correct caption in the correct adversary style;
- Has the correct related/associated bankruptcy case number in the caption;
- Is related to a bankruptcy case that is open and not dismissed;
- Is allowed by rule or written consent of the opposing party;
 - ❖ If not, then a Motion to Amend Complaint needs to be filed.
- Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF; and
- Is properly served and includes a proper certificate of service.

Review the Motion to Amend 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 properly served and includes a proper certificate of service;
- Is filed with negative notice that contains the correct language and is located on the first page;
 - ❖ Response period is 14 days (plus an additional three days for service if any party was served by U.S. Mail).