

## Adversary Case Opening

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. During the filing of this event (unlike the opening of a Bankruptcy Case), the attorney for the plaintiff must select himself/herself at the attorney selection screen. (Refer to Step 13, page 5)

1. Click the Adversary hyperlink on the CM/ECF Main Menu Bar.
2. Click on the Open AP Case hyperlink from the **Adversary Events** Screen.
3. The “Complaint” field signifies the lead event for the adversary case. The default is “y.” If your are filing something other than a complaint, such as a Notice of Removal, select “n” for no. Click [Next]. (See figure 1)

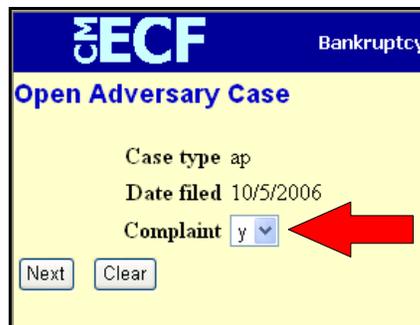


Figure 1

4. The Lead Case / Association Type Screen appears. Enter the **Lead Bankruptcy Case Number** in yy-nnnnn format, including the hyphen. (See figure 2)

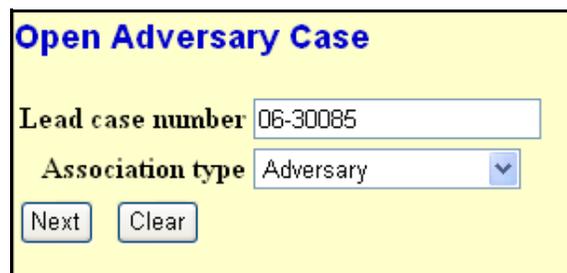


Figure 2

**NOTE:** If the case number is invalid or if the lead case does not reside on this database, an error message indicating that you have not entered a valid case number will display. You will not be able to proceed with the case opening process until the error is corrected. If you do not enter a number in the lead case number field the system will not allow you to proceed with case opening.

The Association type defaults to Adversary. Other selections are Consolidated, Jointly Administered, and Related. Leave the default and click [Next].

5. The Case Assignment Screen displays. The case assignment is based on the Bankruptcy case assignment.
6. CM/ECF will display an information message regarding attorney addition for defendants. Review the message and click [Next]. (See figure 3)

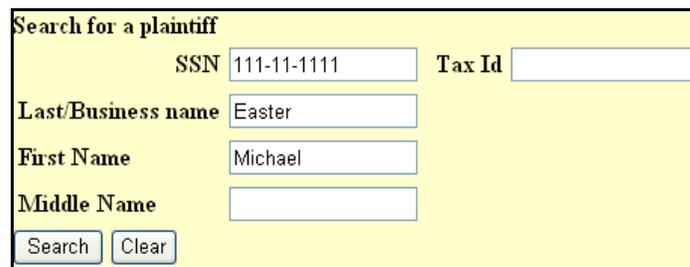


NOTE TO PLAINTIFF:  
DO NOT ADD AN ATTORNEY FOR THE DEFENDANT WHEN ADDING THE DEFENDANT TO THIS CASE

Next Clear

**Figure 3**

7. The Party Search Screen will display for the plaintiff. Before adding a party, you will need to search the database to determine if the party already exists. You may search by Social Security Number, Tax ID Number, Last/Business Name, or a combination of these items. The First Name and Middle Name fields may be used to narrow the search results.
8. Enter the plaintiff's search information and click [Next]. (See figure 4)



Search for a plaintiff

SSN 111-11-1111 Tax Id

Last/Business name Easter

First Name Michael

Middle Name

Search Clear

**Figure 4**

9. The Party Search Results Screen will appear. If the designated party is already in the database, the Party Search Results Screen would provide you a listing of parties matching your search criteria. (See figure 5)

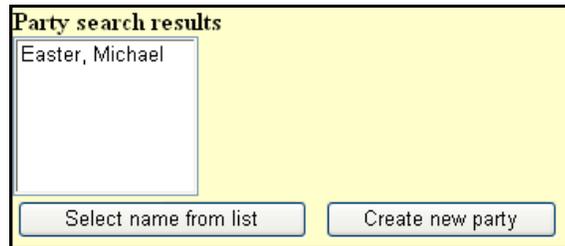


Figure 5

10. You can now click on the party's name to display a window showing the party's address information for verification. (See figure 6)



Figure 6

11. If the party information is correct, click on the [Select name from list] button. If the party is the correct party, with incorrect address information, you may select the name and you will have an opportunity to modify the address information on the next screen.

If the party is not found in the database, click the [Create new party] button.

Selecting either button, will display the Party Information Screen.

12. The Party Information Screen will display for the plaintiff first. (See figure 7)

**Figure 7**

If creating a new party, enter the party's information. If you selected an existing party from the database, modify the address information as needed.

Using the pull-down menu (identified with a blue arrow in figure 7), select the appropriate role of the party (plaintiff in this example) in the associated bankruptcy case. (See figure 8)

**Figure 8**

For adversary cases only, you will need to add yourself as the attorney representing the plaintiff. This is done by clicking the [Attorney] button (identified with a red arrow in figure 7) at the bottom of the Party Information Screen, and following steps 13 -15.

*NOTE: An attorney should not be added for defendants when opening a new adversary proceeding.*

13. Your attorney record already exists in the court's database. The Attorney Search Screen allows you to retrieve your attorney record by either State Bar ID or last name. (See figure 9)

Figure 9

14. The Attorney Search results screen will display all the matches for the search clue you entered. If your search used a Bar ID, only one name should be displayed. If only a last name was used, multiple names may be displayed. Highlight your name by clicking on it with your mouse and then click on the [Select name from list] button.
15. The Attorney Information Screen will display your master attorney record as contained in the court's database. (See figure 10)

Figure 10

Your attorney record can accommodate only one address. If the address for this case is different, make the necessary changes to this screen. These changes will be **for this case only**. Changes to your master attorney record must be made through "Update Your ECF Account" in the Utilities menu.

After verifying the information, click [Add attorney] to associate your attorney record with the plaintiff.

16. The main Party Information Screen will display again. If all necessary information has been entered, click [Submit].
17. The Party Search Screen for plaintiffs will display again. If additional plaintiffs need to be added, repeat steps 8 -15 for each plaintiff. After all plaintiffs have been added, click the [End plaintiff selection] button.
18. The Party Search Screen will now display for defendants. Repeat steps 8 -12 for each defendant to be added. An attorney should not be added for defendants during the case opening process. When all defendants have been added, click the [End defendant selection] button.
19. The Adversary Statistical Screen will display. Begin by entering the Party Code information. Unless the United States is a plaintiff or defendant in this case, accept the default **US not a Party**. (See figure 11)

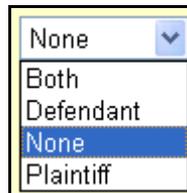


Figure 11

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). Change this default to the appropriate party if a Jury Demand is being made. (See figure 12)

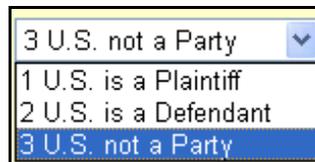


Figure 12

If there is a dollar demand associated with this complaint, enter the amount in thousands to the nearest thousand. For example, if the Dollar Demand is \$4550, \$5000, or \$5499, you would enter 5 for \$5000, omitting the trailing zeros (000).

The State Law box defaults to *n*. If this proceeding has an existing substantive issue of state law, change this default to *y*.

Up to five Nature of Suits can be entered for an adversary proceeding. Nature of Suit codes are selected using pull-down menus and should be entered in their order of importance to the case. (See figure 13)

Figure 13

When all applicable information has been entered, click [Next].

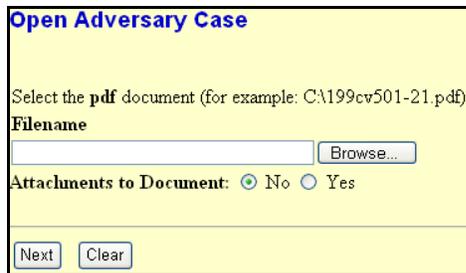
20. CM/ECF will now display a prompt regarding fee deferment / exemption. Respond (*yes/no*) to the prompt using the pull-down menu. (See figure 14)

Figure 14

Click [Next] to proceed. If your response is yes, you will be presented with an additional screen for selection of the appropriate fee information. (See figure 15)

Figure 15

21. The PDF Document Selection Screen will display. (See figure 16)



**Open Adversary Case**

Select the pdf document (for example: CA199cv501-21.pdf).

**Filename**

Browse...

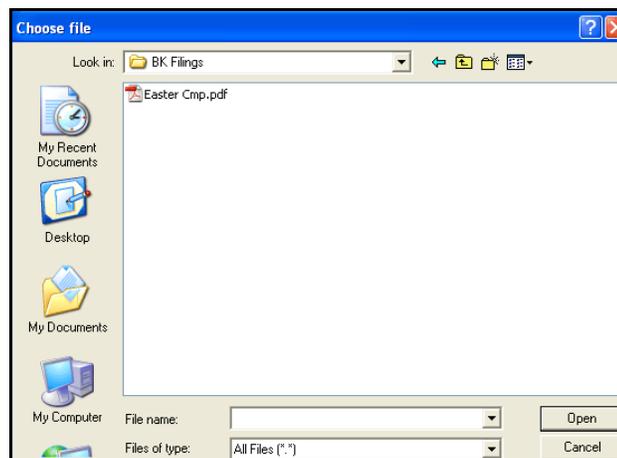
Attachments to Document:  No  Yes

Next Clear

**Figure 16**

To associate the imaged document with this entry, you will need to select the PDF filename of the complaint you are filing. Click [Browse].

The File Upload / Choose File dialog box will display. Change the “**Files of type:**” to **All files(\*.\*)** then navigate to the directory where the appropriate PDF file is located and select it. (See figure 17)



**Figure 17**

Once you have selected the appropriate file, and the file name appears in the “**File Name**” field, click [Open].

The PDF Document Selection Screen will display again with the path and PDF document in the “**Filename**” box. Click [Next].

22. Depending on the selection that was made with regard to fee deferment / exemption (step 20) either a fee amount or receipt box will display. If a fee amount displays, click [Next] to proceed. If a receipt box displays, enter the appropriate fee status based on your prior selection and click [Next]. The fee status should be entered in all upper case letters. (See figure 18)

Figure 18

23. The Docket Text Screen will now display. A prompt box is available for entry of additional text. Click [Next]. (See figure 19)

Figure 19

24. The Final Docket Text screen will display. Proof this screen carefully! No further editing in the case opening process is allowed after this screen. If docket text is correct, click [Next]. If any part of 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.
25. The Notice of Electronic Filing Screen will now display, completing the case opening process.

**You must now prepare and issue a summons in this adversary proceeding. Refer to the *Adversary Summons Issuance* instructions contained in this user's manual.**