Adversary Proceeding Case Opening

Opening an Adversary proceeding involves entering the necessary information regarding the plaintiff and defendant and basic statistical data. The lead event is incorporated into this process and will not need to be docketed separately.

STEP 1 Click the Adversary hypertext link on the CM/ECF main menu bar.

STEP 2 The **ADVERSARY EVENTS** screen displays.

- Click the **Open AP Case** hypertext link.

STEP 3 The **CASE DATA** screen displays.

- The **Case Type** is “ap”.
- The current date is displayed in the **Date Filed** box.
- The **Complaint** field indicates whether a Complaint is the lead event for this proceeding. If a Complaint initiated this proceeding, leave this field set to **y**. If another document, such as a Notice of Removal, was filed instead, select **n**.
- When this screen is correct, click **Next**.

STEP 4 The **ASSOCIATED CASES** screen displays.

- Enter the **Lead Bankruptcy Case Number** in yy-nnnnn format, including the hyphen.

NOTE: If the case number is invalid or if the lead case does not reside on this database, an error message, “**YY-NNNNN is not a valid case. Please enter a valid value.**” is generated. You will not be able to proceed with the case opening process. Research the reason for the error.

- Select the default of Adversary as the **Association Type**.
- Click **Next** to continue.

STEP 5 Next, the system will display a screen confirming the assignment of the **Divisional Office** based on the lead Bankruptcy case.

STEP 6 The **PARTY SEARCH** screen appears (Plaintiff).

- Enter the SSN, Tax ID or the last name or business of the plaintiff in the Last/Business name field.

- Click **[Search]**.

STEP 7 The **SEARCH RESULTS** screen appears.

- If the party is already in the database, select it by clicking on it with your mouse.

- If you have searched by Social Security number and the party name listed differs from the current plaintiff, you will need to select **Create New Party**, as you can only modify the party's address, not name, in the **Party Information** screen)

- If the party is not currently in the database, proceed to add the plaintiff by clicking the **Create New Party** button.

NOTE: While searching for a new party, you may find more than one record having the same name you entered. Clicking on each of the names will display a window showing the party's address information for verification.

- If none of the addresses are correct for this party, select the party and modify the address (for this case only) on the following PARTY INFORMATION screen.

STEP 8 The **PARTY INFORMATION** screen appears.

- Enter the plaintiff's **Name** and **Tax ID** or **SSN** information in the appropriate boxes.

- Enter further descriptive text in the **Party Text** field, if appropriate. (A Michigan Corporation, Guardian of the Estate, etc.) Any information reflected in this field, will be presented immediately following the Plaintiff's name on the Docket Report.

- Make the appropriate selection in **Role in Bankruptcy Case** list by clicking on the down arrow (Creditor, Debtor, Other/not applicable, Trustee, US Trustee/Bankruptcy Administrator).

    - This selects the role the plaintiff was in the bankruptcy case, not their role in this new adversary proceeding.

- If the Plaintiff has an alias, click on the **Alias** button.

- You can enter up to 5 alias records on this screen. Alias Role selections include aka, dba, fdba, fka.

- Click submit when finished adding this plaintiff.

- If there is more than one plaintiff, add the additional plaintiff(s) by repeating steps 6-8 for each additional plantiff.

- When finished adding plaintiffs, select **End Plaintiff selection** button.

STEP 9 The **PARTY SEARCH** screen appears again. (Defendant)

- Enter party information for the defendant.

STEP 10 The **SEARCH RESULTS** screen appears.

NOTE: If the designated party was already on the database, the Party Search Results screen would provide a listing of parties matching your search criteria. In that situation you would select the party by highlighting the name with your mouse and click on the **Select Name from List** button.

- If the party is not on the list, click the **Create New Party** button to create the party.

NOTE: Your name search may find more than one record having the same name you entered. Clicking on each of the names will display a window showing the party's address information for verification.

- If none of the addresses are correct for this party, you can either
  - Modify the address (for this case only) on the following PARTY INFORMATION screen
  - Click on the **Create new party** button to add a new person record with this address**.**

STEP 11 The **DEFENDANT INFORMATION** screen appears next with this party's address as it is recorded in the database from the bankruptcy case.

- Enter the address for the defendant(s).

- Make the appropriate selection in **Role in Bankruptcy Case** list by clicking on the down arrow (Creditor, Debtor, Other/not applicable, Trustee, US Trustee/Bankruptcy Administrator).

  - This selects the role the defendant was in the bankruptcy case, not their role in this new adversary proceeding.

- If the Defendant has an alias, click on the **Alias** button.

- You can enter up to 5 alias records on this screen. Alias Role selections include aka, dba, fdba, fka.

- Click submit when finished adding this Defendant.

- If there is more than one Defendant, add the additional Defendant(s) by repeating steps 6-8 for each additional Defendant.

- When finished adding Defendants, select **End Defendant selection** button.

NOTE: Do NOT enter an attorney for the defendant. The defendant's attorney will be added when an answer or other pleading is filed.

STEP 12 The system will then display the **ADVERSARY STATISTICAL** screen.

- For the **Party code** field, make the appropriate selection from the list.

- The default for the **Rule 23 (class action)** field is **n**.

- The default for the **Jury Demand** field is **none**. Make another selection from the values below, if appropriate.

- **Dollar Demand.** If there is a dollar demand, enter the amount in thousands to the nearest thousand. For example, if the Dollar Demand is $4550, $5,000, or $5499, you would enter 5 for $5000, leaving off the 000.

- For the **State Law** field, choose yes, no or unknown.

- Select the **Primary Nature of Suit** for the case from the drop-down list.

NOTE: If one of the multiple suits is a 727 Objection to Discharge, it is important to choose **41** as your primary selection.

- If there are multiple natures of suit in the proceeding, you may enter a second, third, fourth and fifth nature in their corresponding boxes.

- When this screen is correct, click **Next.**

STEP 13 The **FILING FEE** screen will display two prompts regarding Deferral and Exemption of the filing fee.

- "Is the Plaintiff the Trustee or Debtor in Possession and is Filing Fee to be deferred?" Answer "**y**" or "**n**" accordingly. This will DEFER the filing fee.
- "Is the Plaintiff U.S., Debtor, Child Support Creditor or its representative?" Answer "**y**" or "**n**" accordingly. This will EXEMPT the filing fee.
- Click **Next** to continue.

STEP 14 The **PDF DOCUMENT SELECTION** screen displays.

- To associate the imaged document with this entry, select the PDF filename of the complaint you are filing.
  - Click **Browse**, then navigate to the directory where the appropriate PDF file is located and select it with your mouse.
  - To make certain you are about to associate the correct PDF file for this entry, right click on the filename with your mouse and select **Open**.
  - This will launch the Adobe Acrobat Reader displaying the contents of the imaged document. Verify that the document is correct.
  - Close or minimize the Adobe application and if that is the correct file, click Open on the File Upload dialogue box.
- Click **Next** to continue.

STEP 15 The **FILING FEE** screen will appear.

- If the filing fee is being paid, the amount will appear.
- Click **Next** to continue.
- If the filing fee is **Deferred**, the **FILING FEE** screen will display a prompt for a receipt number. Enter "**DEFERRED**" in the Receipt # field.
- Click **Next** to continue.

- If the filing fee is **Exempt**, The **FILING FEE** screen will display a prompt for Receipt #. Enter "**EXEMPT**" in the Receipt # field.

- Click **Next** to continue.

STEP 16 The **FINAL TEXT EDITING** screen displays

This is the last opportunity to make any changes before the case is officially opened.

- Verify the accuracy of the docket text. This is what will print on the docket sheet. Please note that when an adversary is opened, the complaint information will be spread over to the main bankruptcy case.

- If the docket text is incorrect, click the browser **Back** button at the top of the screen one or more times to find the error.

- If the docket text is correct, click on the **Next** button to continue.

STEP 17 The **NOTICE OF ELECTRONIC FILING** is produced and displayed.

- Here you will receive the Adversary Case Number

- The **Notice of Electronic Filing** is the verification that the filing has been sent electronically to the court's database. It certifies that this is now an official court document.

- Further access to the **Notice of Electronic Filing** is available through the electronic docket report. When this option is selected, a bullet appears next to the document number of the event on the docket report. Clicking on this bullet will display a copy of this notice. Attorney users must first login to the PACER program.

- To print a copy of this notice click the browser **Print** icon, or right click on the screen and select **Print**.

- To save a copy of this notice, click the internet options icon on the browser menu bar and select File, Save As.

- Trustee and Attorney users will have access to the **Notice of Electronic Filing** at the time of their filing. Subsequent access to any Query or Report programs must go through the PACER system**.**

- When an attorney or other external filer selects a menu option from Reports, Query or the Claims Register, they will be presented with the Public Access to Electronic Records (PACER) screen. Users must already be registered with the PACER system to have a login and password. Note the information on the screen below.

- When a copy of the **Notice of Electronic Filing** is mailed to each subscriber on the case, the following message will display at the top of the notice:

  *****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.

- Description of **Notice of Electronic Filing**.

  - Date and time stamp information
  - Case Name: Debtor's Name
  - Case Number: Hyperlink to docket sheet
  - Document Number: Hyperlink to the PDF file of the attached document
  - Docket text: Annotated text in italics. Text produced from docket event
  - Document Description: Label of Document
  - Original filename: the path and name of file that was attached to this entry
  - Electronic document Stamp.
  - **Notice will be electronically mailed to:**
    - Any party on the case who has registered their e-mail address with the court will be listed here with their current e-mail address, not their street address.
  - **Notice will not be electronically mailed to:**
    - Names of other parties on the case who have not furnished their e-mail addresses to the court.