Adversary Proceeding Case Opening

This guide gives step-by-step instructions on how to open an Adversary proceeding in CM/ECF.

1. Click the Adversary hypertext link on the CM/ECF main menu bar.
2. The Adversary Events screen displays.
    a. Click the Open AP Case hypertext link.
3. The Case Data screen displays.
    a. The Case Type is “ap”.
    b. The current date is displayed in the Date Filed box.
    c. 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.
    d. When this screen is correct, click Next.
4. The Associated Cases screen displays.
    a. Enter the Lead Bankruptcy Case Number in YY-NNNNN format, including the hyphen.
        i. 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.
    b. Select the default of Adversary as the Association Type.
    c. Click Next to continue.
5. Next, the system will display a screen confirming the assignment of the Divisional Office based on the lead Bankruptcy case.
    a. Click Next to continue.
6. The Party Search screen appears (Plaintiff).
    a. Enter the SSN, Tax ID or the last name or business of the plaintiff in the Last/Business name field.
    b. Click Search.
7. The Search Results screen appears.
    a. If the party is already in the database, select it by clicking on it with your mouse.
    b. 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)
    c. If the party is not currently in the database, proceed to add the plaintiff by clicking the Create New Party button.
        i. 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.

   d. 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.

8. The Party Information screen appears.
   a. Enter the plaintiff's Name and Tax ID or SSN information in the appropriate boxes.
   b. 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.
   c. 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).
      i. This selects the role the plaintiff was in the bankruptcy case, not their role in this new adversary proceeding.
   d. If the Plaintiff has an alias, click on the Alias button.
   e. You can enter up to 5 alias records on this screen. Alias Role selections include aka, dba, fdba, fka.
   f. Click submit when finished adding this plaintiff.
   g. If there is more than one plaintiff, add the additional plaintiff(s) by repeating s 6-8 for each additional plaintiff.
   h. When finished adding plaintiffs, select End Plaintiff selection button.
9. The Party Search screen appears again. (Defendant)
   a. Enter party information for the defendant.
10. The Search Results screen appears.
   a. 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.
   b. If the party is not on the list, click the Create New Party button to create the party.
      i. 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.
   c. If none of the addresses are correct for this party, you can either
      i. Modify the address (for this case only) on the following Party Information screen
      ii. Click on the Create new party button to add a new person record with this address.
11. The Defendant Information screen appears next with this party's address as it is recorded in the database from the bankruptcy case.
   a. Enter the address for the defendant(s).
   b. 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).

        i. This selects the role the defendant was in the bankruptcy case, not their role in this new adversary proceeding.
    c. If the Defendant has an alias, click on the Alias button.
    d. You can enter up to 5 alias records on this screen. Alias Role selections include aka, dba, fdba, fka.
    e. Click submit when finished adding this Defendant.
    f. If there is more than one Defendant, add the additional Defendant(s) by repeating s 6-8 for each additional Defendant.
    g. When finished adding Defendants, select End Defendant selection button.
        i. Do not enter an attorney for the defendant. The defendant's attorney will be added when an answer or other pleading is filed.

12. The system will then display the Adversary Statistical screen.
    a. Party code field - make the appropriate selection from the list to indicate is the U.S. Government is a party on the case.
    b. Rule 23 class action - the default is n.
    c. Jury Demand field – make selection from list (both, defendant, none, plaintiff) to indicate if a jury is demanded.
    d. Dollar Demand - if there is a dollar demand, enter the amount in thousands to the nearest thousand.
        i. For example, if the Dollar Demand is $4550, $5,000, or $5499, you would enter 5 for $5000, leaving off the 000.
    e. For the State Law field - yes, no or unknown.
    f. Select the Primary Nature of Suit for the case from the drop-down list.
        i. If one of the multiple suits is a 727 Objection to Discharge, it is important to choose 41 as your primary selection.
    g. If there are multiple natures of suit in the proceeding, you may enter a second, third, fourth and fifth nature in their corresponding boxes.
    h. When this screen is correct, click Next.
13. The Filing Fee screen will display two prompts regarding Deferral and Exemption of the filing fee.
    a. "Is the Plaintiff the Trustee or Debtor in Possession and is Filing Fee to be deferred?"
        i. Answer "y" or "n" accordingly. This will defer the filing fee.
    b. "Is the Plaintiff U.S., Debtor, Child Support Creditor or its representative?"
        i. Answer "y" or "n" accordingly. This will exempt the filing fee.
    c. Click Next to continue.
14. The PDF document selection screen displays.
    a. To associate the imaged document with this entry, select the PDF filename of the complaint you are filing.
        i. Click Browse, then navigate to the directory where the appropriate PDF file is located and select it with your mouse.
        ii. 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.
        iii. This will launch the Adobe Acrobat Reader displaying the contents of the imaged document. Verify that the document is correct.

iv. Close or minimize the Adobe application and if that is the correct file, click Open on the File Upload dialogue box.

b. Click Next to continue.

15. The filing fee screen will appear.
    a. If the filing fee is being paid, the amount will appear.
    b. Click Next to continue.
    c. If the filing fee is Deferred, the filing fee screen will display a prompt for a receipt number. Enter “DEFERRED” in the Receipt # field.
    d. Click Next to continue.
    e. If the filing fee is Exempt, The filing fee screen will display a prompt for Receipt #. Enter “EXEMPT” in the Receipt # field.
    f. Click Next to continue.
16. The Final Text Editing screen displays
    a. This is the last opportunity to make any changes before the case is officially opened.
    b. 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.
    c. 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.
    d. If the docket text is correct, click on the Next button to continue.
17. The Fee Due box will pop-up.
    a. Click pay now or continue filing to pay later
18. The Notice of Electronic Filing is produced and displayed.
    a. Here you will receive the Adversary Case Number
    b. 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.
    c. 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.
    d. To print a copy of this notice, click the browser Print icon, or right click on the screen and select Print.
    e. To save a copy of this notice, click the internet options icon on the browser menu bar and select File, Save As.
    f. 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.
    g. 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.

h. 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:
    i. ***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.

i. Description of Notice of Electronic Filing.
    i. Date and time stamp information
    ii. Case Name: Debtor's Name
    iii. Case Number: Hyperlink to docket sheet
    iv. Document Number: Hyperlink to the PDF file of the attached document
    v. Docket text: Annotated text in italics. Text produced from docket event
    vi. Document Description: Label of Document
    vii. Original filename: the path and name of file that was attached to this entry
    viii. Electronic document Stamp.
    ix. Notice will be electronically mailed to:
        1. 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.
    x. Notice will not be electronically mailed to:
        1. Names of other parties on the case who have not furnished their e-mail addresses to the court.