Adversary Case Opening

For Attorneys

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 him/herself at the attorney selection screen**. (Refer to Step 9, page 6)

STEP 1 Click the **Adversary** hyperlink on the CM/ECF main menu bar. **(See Figure 1.)**

Figure 1

STEP 2 Click on the **Open an AP Case** hyperlink displayed on the **ADVERSARY EVENTS** screen. **(See Figure 2.)**

Figure 2

STEP 3 The **CASE DATA** screen displays. **(See Figure 3.)**

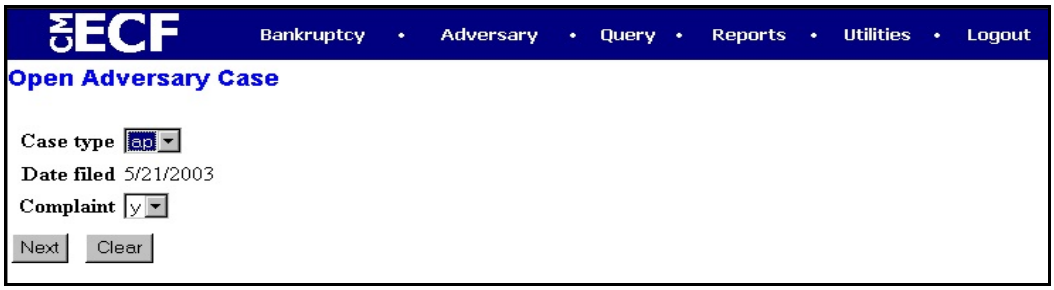

Figure 3

- The case number will be generated at the end of this process. Make sure you take note of it on the final screen.
- The **Case Type** value is **ap** for adversary proceeding.
- The current date is displayed next to **Date Filed**. This cannot be altered.
- The **Complaint** field signifies the lead event for this proceeding. If something other than a complaint is being filed, such as a Notice of Removal, select **n** for no.
- Click **[Next]**.

STEP 4 The **LEAD CASE/ASSOCIATION TYPE** screen appears. **(See Figure 4.)**

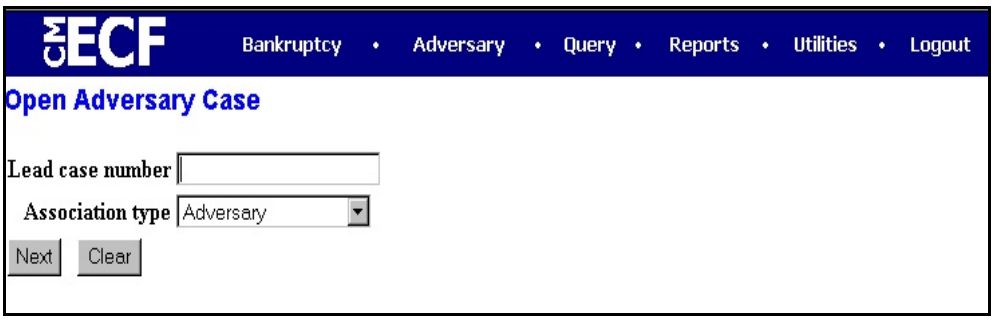

Figure 4

- 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.

If you do not enter any number in the **Lead Case Number** field, the system **will** allow you to proceed with case opening.

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

STEP 5 The **CASE ASSIGNMENT** screen displays. Case assignment is based on the lead Bankruptcy case. **(See Figure 5.)**

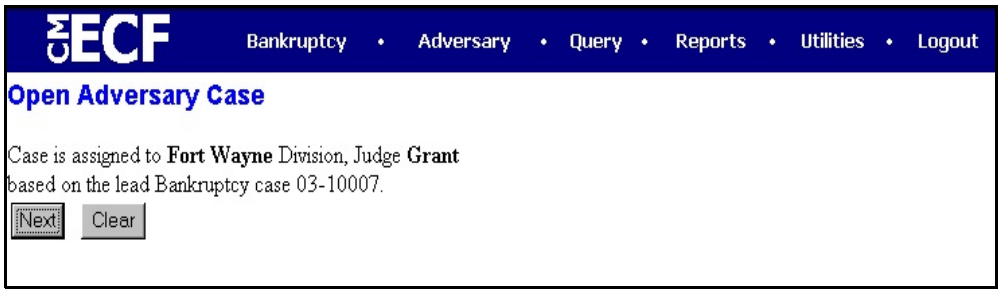

Figure 5

- Click **[Next]**.

STEP 6 The **PARTY SEARCH** screen appears. **(See Figure 6.)**

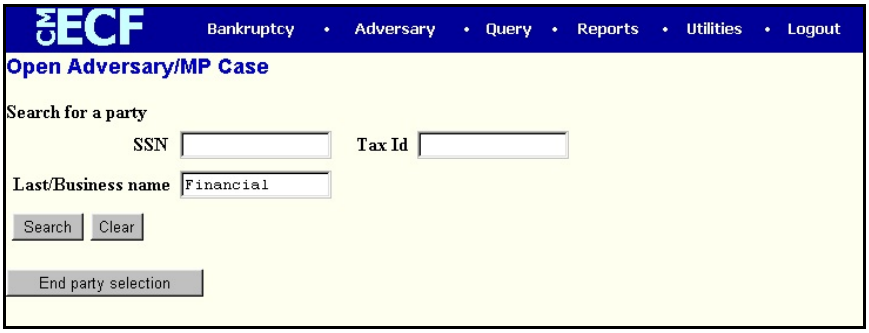

Figure 6

- Enter the last name of the party to be to searched. If this is a business filing, enter the first word of the name to search the database. The entire business name is stored in the **Last/Business name** field. The field size is 80 characters

  - Before adding a party, it is recommended that you search the database for the filer. You can search by Social Security Number, Tax Identification Number, Last Name or Business Name.

Search Hints:

- Enter one field of data for each search.
- Format Social Security Number or Tax ID with hyphens.
- Searching is case sensitive. (Smith, not smith)
- Include punctuation. (O'Brien, Zeta-Jones)
- Try alternate search clues if your first search is not successful.
- Partial names can be entered.
- Wild cards (*) are not required at the end of search strings.
- Wild cards may be used before or within search strings. (*son, Gr?y)
- Do not search only by the asterisk * itself.

♦ Enter the plaintiff's last name or other search clue and click **[Search]**. In Figure 6 we have entered the first word of the plaintiff's name (Financial).

NOTE: Do not use the asterisk (*) by itself as search criteria. If just the asterisk is used, the entire database will be searched and require unnecessary systems resources and may degrade response time.

STEP 7 The **SEARCH RESULTS** screen appears. **(See Figure 7a.)**

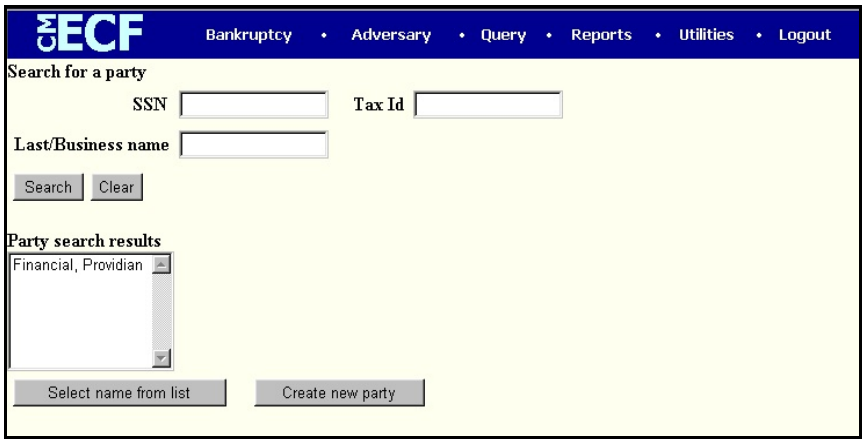

Figure 7a

NOTE: If the designated party was already in 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. **(See Figure 7b.)**

♦ In Figure 7b the only party in the database matching the search criteria was Providian Financial. Since our party (Financial Services) is not on the list, click the **[Create New Party]** button.

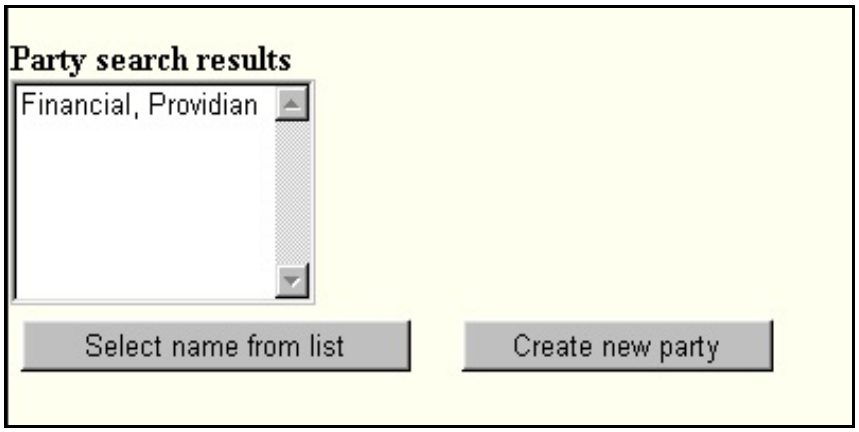

Figure 7b

NOTE: Your name search may find more than one record having the same name as shown in **Figure 7c**. 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 1.) modify the address (for this case only) on the following PARTY INFORMATION screen (Figure 8), or 2.) click on the **[Create new party]** button to add a new person record with this address**.**

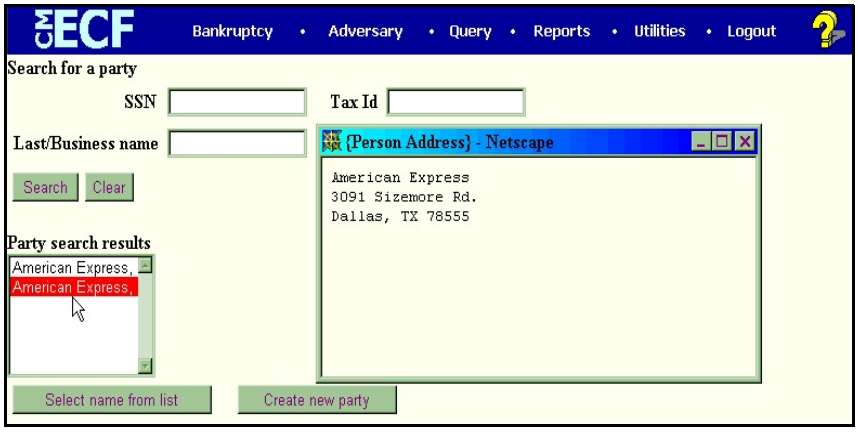

Figure 7c

STEP 8 The **PARTY INFORMATION** screen appears. **(See Figure 8.)**

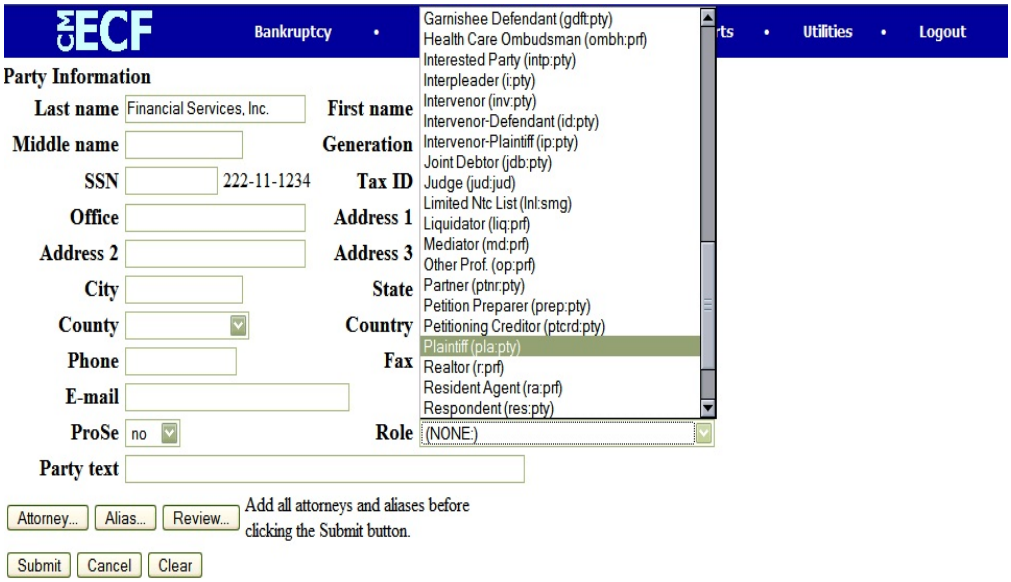

Figure 8

- Enter the plaintiff's **Name** in the appropriate box.
- Expand the **Role Type** selection pick list by clicking on the down arrow ▼ and select **Plaintiff**.
- The **Party Text** field is used for further party description, such as An Indiana Corporation or Executor for the Estate of.... This information will appear on the caption of the docket report immediately after the party's name.
- Click on the **[Attorney]** button on the **PARTY INFORMATION** screen. **(See Figure 8.)**

STEP 9 For adversary openings **ONLY**, you will need to add yourself as the attorney representing the plaintiff(s). Steps 9 through 11 will show how this is done.

- Your attorney record exists on the court's database in an attorney roll that is maintained by court staff.

The **ATTORNEY SEARCH** screen allows you to retrieve your attorney record by either State Bar ID or Last Name (or partial Last Name.) **(See Figure 9.)**

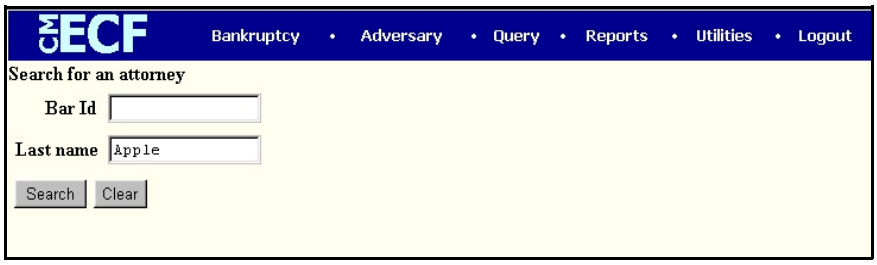

Figure 9

- This exercise illustrates how to search for the attorney Cornelius Appleby. The search clue entered in the Last Name field is the beginning of his last name.
- Click on **[Search]**.

STEP 10 The **ATTORNEY SEARCH RESULTS** screen will display all the matches for the search clue entered. **(See Figure 10.)**

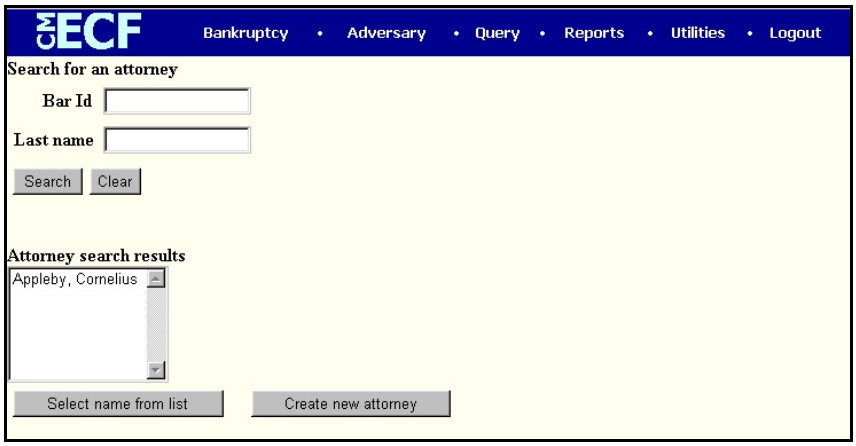

Figure 10

- When your name appears, highlight it with your mouse and click on **[Select Name From List].**

STEP 11 The **ATTORNEY INFORMATION** screen displays the master attorney record from the court attorney roll. **(See Figure 11a.)**

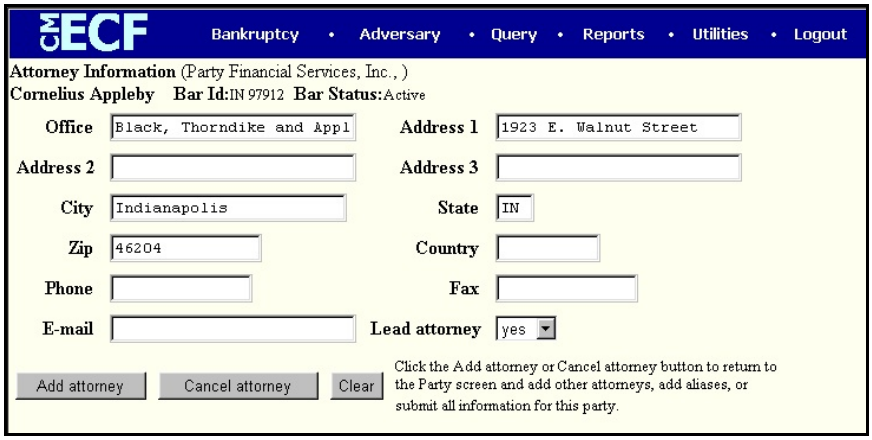

Figure 11a

- After verifying this information, click **[Add Attorney]** to associate this record with the plaintiff.
- The main **PARTY INFORMATION** screen again appears. **(See Figure 8.)** At this time you could click on the **[Review]** button to verify attorney and alias information for this party. Figure 11b shows how this information is displayed.
- Click on the **[Return to Party Screen]** button.

Figure 11b

- When the Party Information screen appears again, click **[Submit]**.

STEP 12 You have added the plaintiff and if there are no more plaintiffs, the next step is to add the defendant(s). The **PARTY SEARCH** screen will appear again for that purpose. **(See Figure 12.)**

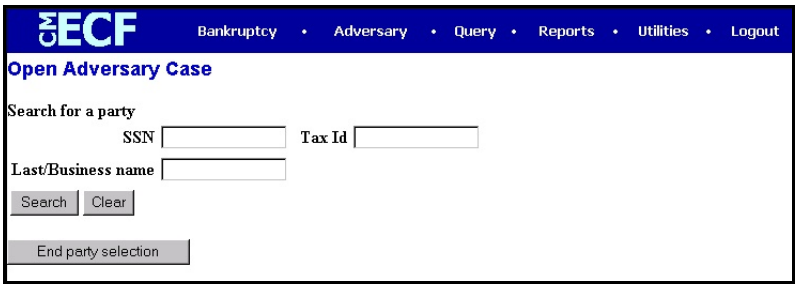

Figure 12

- Enter party information for the defendant Dale A. Daniels. Search by last name.

STEP 13 When the **SEARCH RESULTS** screen appears, the party will be displayed because Dale Daniels is already a debtor on the bankruptcy case. **(See Figure 13.)**

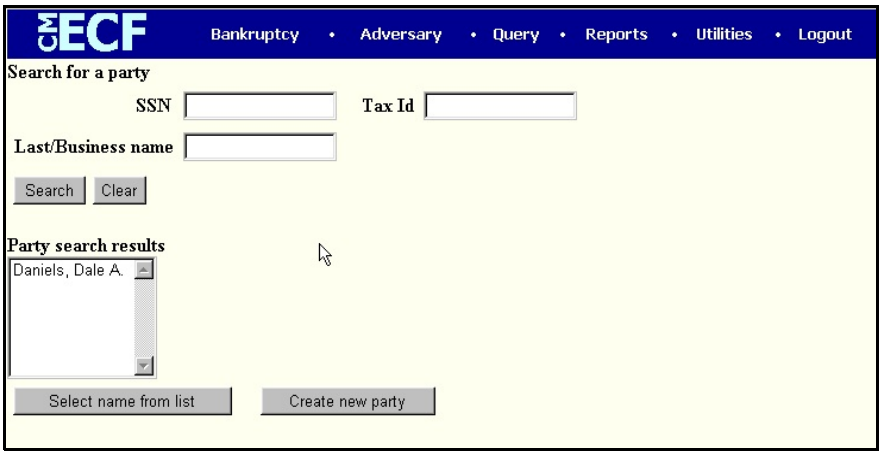

Figure 13

- Highlight the name and click on **[Select name from list].**

STEP 14 The **SEARCH RESULTS** screen appears next with this party's data and address as it is recorded in the database from the bankruptcy case. **(See Figure 14.)**

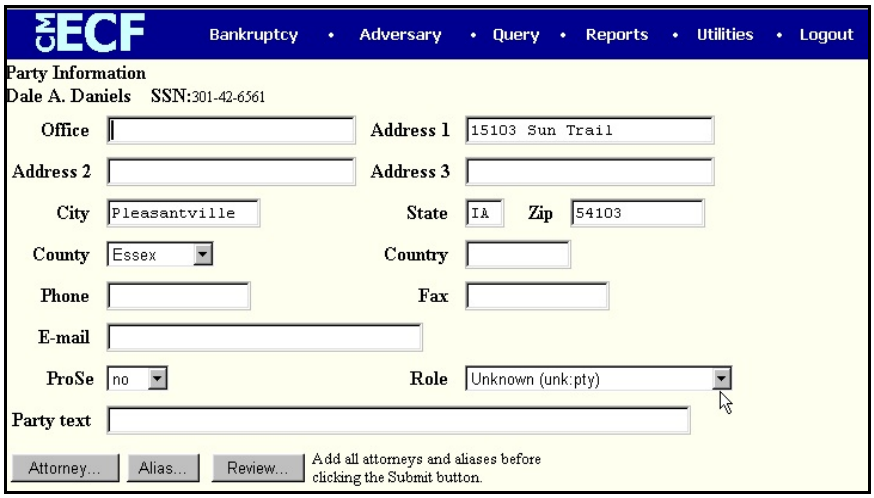

Figure 14

- Remove the address and county information if it appears. Select the Party Role by clicking on the ▼ down arrow for the **Party Role** field. Highlight Defendant and click on **[Submit]**. The defendant's attorney information will be added at a later time.

- The Party Search screen will reappear. Since all parties have now been entered, click on **[End Party Selection].** Statistical information will be entered on the next screen.

STEP 15 The **ADVERSARY STATISTICAL** screen appears. **(See Figure 15a)**.

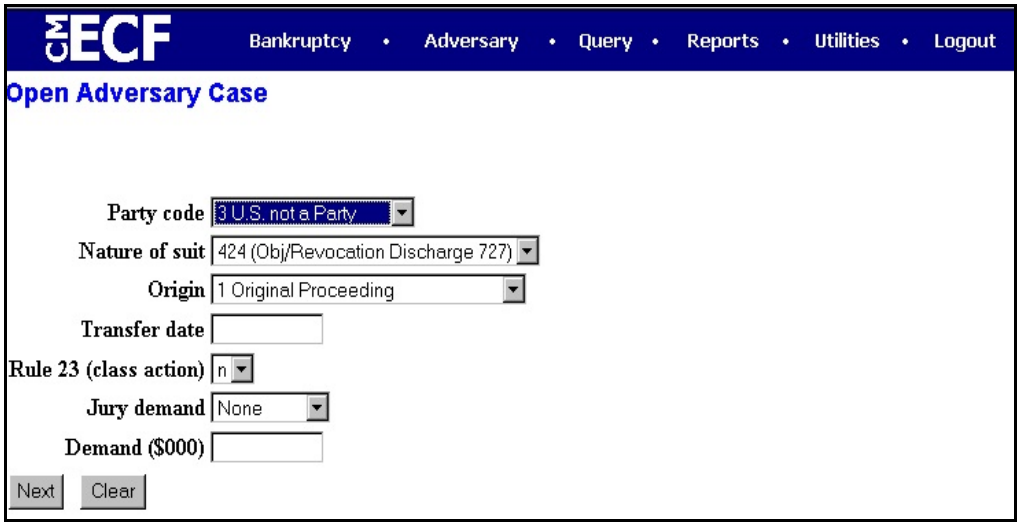

Figure 15a

- Unless the U.S. is a plaintiff or defendant in your case, accept the default **U.S. is not a Party in the Case** as shown in Figure 15b.

Figure 15b

- Select the Nature of Suit of the complaint from the list below **(See Figure 15c.)**. Only one suit can be selected during the opening of an adversary case. For this lesson, select **426 (Dischargeability 523)**.

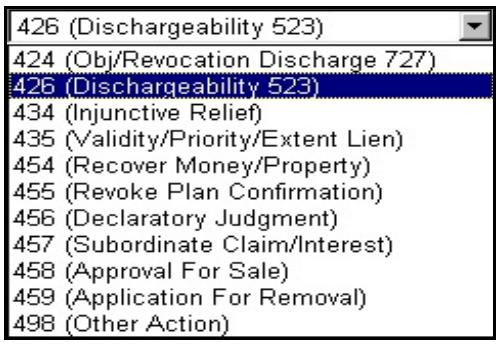

Figure 15c

NOTE: If a multiple suit is filed and includes a §727 Objection to Discharge, it is important to enter 424 as the first Nature of Suit and enhance final docket text in the docket text box to include any other Natures of Suit included in the complaint.

- The **Origin** code defaults to Original Proceeding. **(See Figure 15d.)** No action is necessary to accept the default. Other values are:

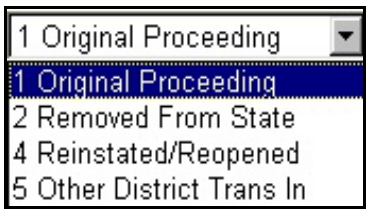

Figure 15d

- 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). **(See Figure 15e.)**

Figure 15e

  - Highlight the appropriate selection.

- **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.

- Verify the data on your screen and click **[Next]**.

STEP 16 The **PDF DOCUMENT SELECTION** screen displays. **(See Figure 16a.)**

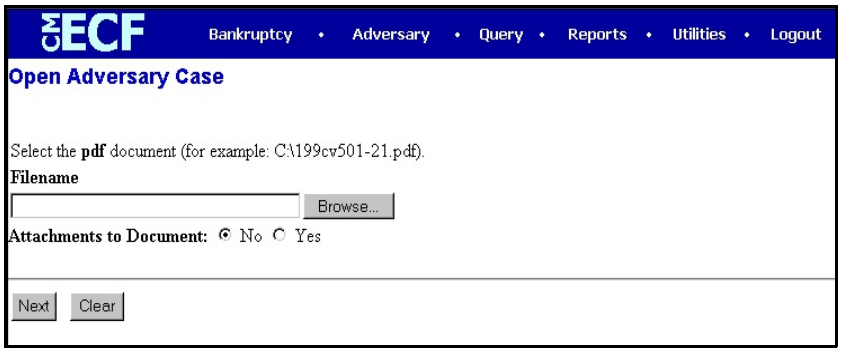

Figure 16a

- 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**. **(See Figure 16b.)**

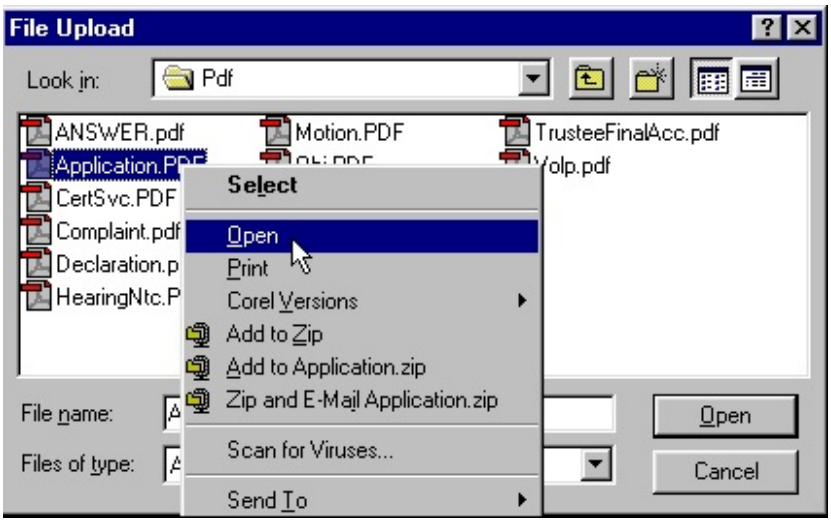

Figure 16b

- This will launch the Adobe Acrobat Reader to display 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. **(See Figure 16c.)**

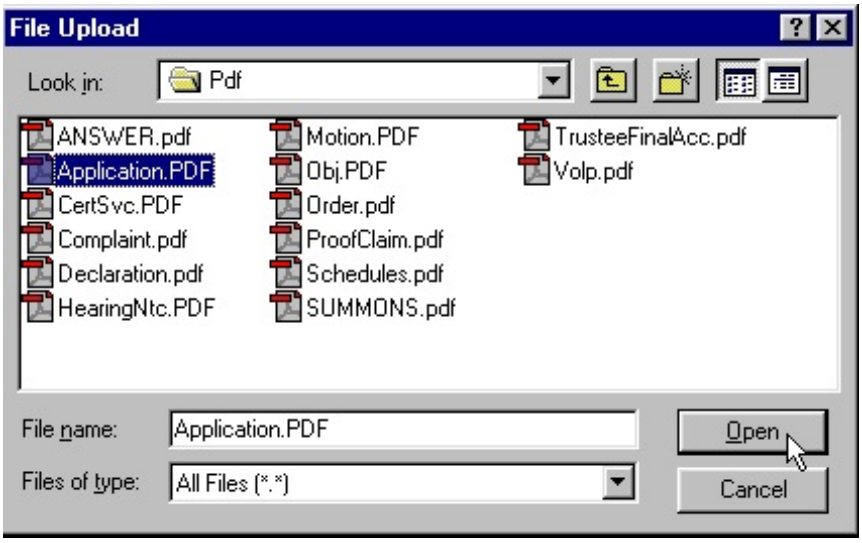

Figure 16c

◆ There will be no attachments in this exercise. Attachments will be covered in another lesson. Therefore, leave the radio button indicating No.

◆ Click **[Next]** to continue.

STEP 17 The **FILING FEE** screen displays. **(See Figure 17.)**

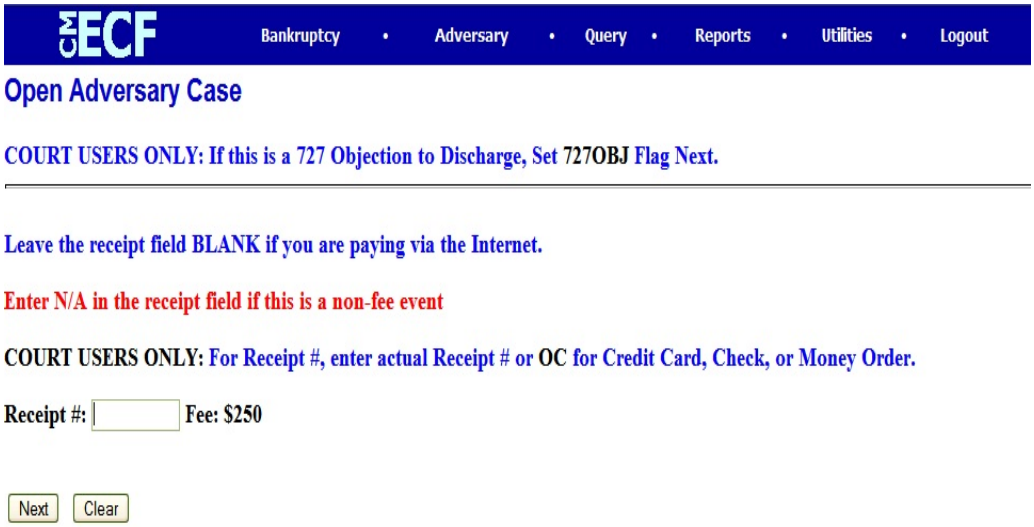

Figure 17

◆ Leave the receipt # field blank and click **[Next]** to continue.

NOTE: At the top of the **Filing Fee** screen **(figure 17)**, this note appears:

"**COURT USERS ONLY**: If this is a 727 Objection to Discharge, Set 727OBJ Flag Next." This is for court staff **only** and as an attorney filer; you can disregard this notation.

STEP 18 The **MODIFY TEXT** screen displays. **(See Figure 18.)**

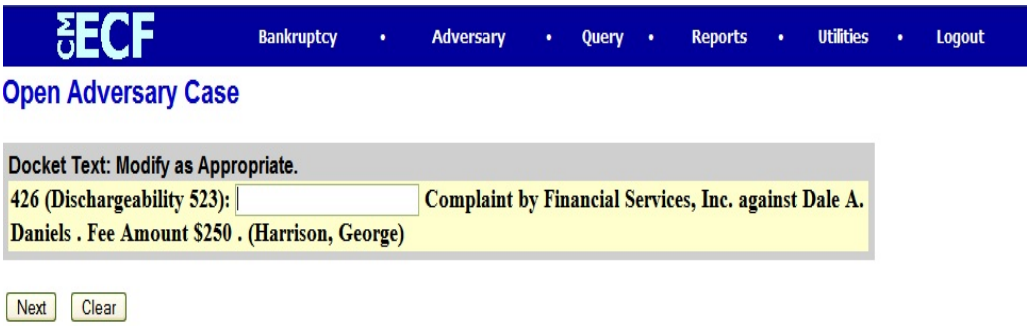

Figure 18

- A text box is provided for enhancing docket text if needed.
- Click **[Next]**.

STEP 19 The **FINAL DOCKET TEXT** screen displays. **(See Figure 19.)**

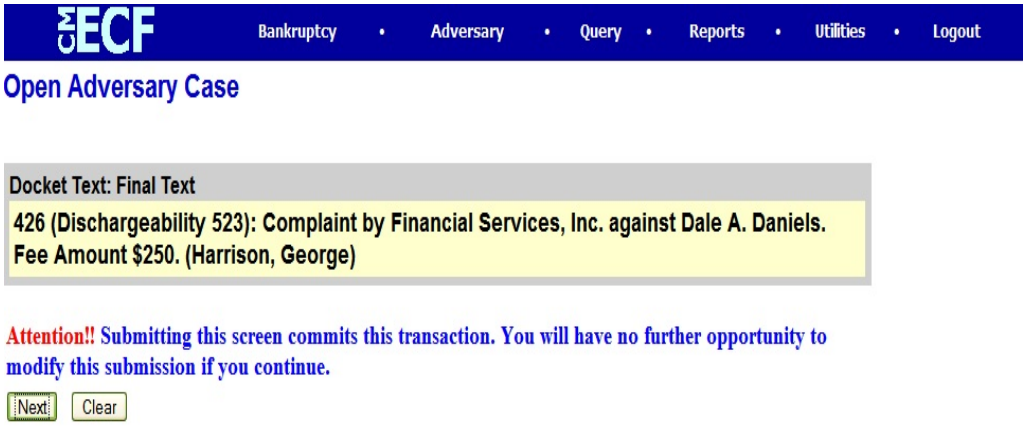

Figure 19

- Proof this screen carefully! No further editing in the case opening process is allowed after this screen.
- If any part of it 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.

NOTE: **When an adversary is opened, the complaint information is spread over to the main bankruptcy case. When a judgment is rendered, the ruling will also spread over to the main bankruptcy case.**

NOTE: To abort or restart the transaction at any time up until the final docket text screen, click the **Adversary** hyperlink on the **Menu Bar**.

STEP 20 The **ELECTRONIC PAYMENT** screen displays **(See figure 20).**

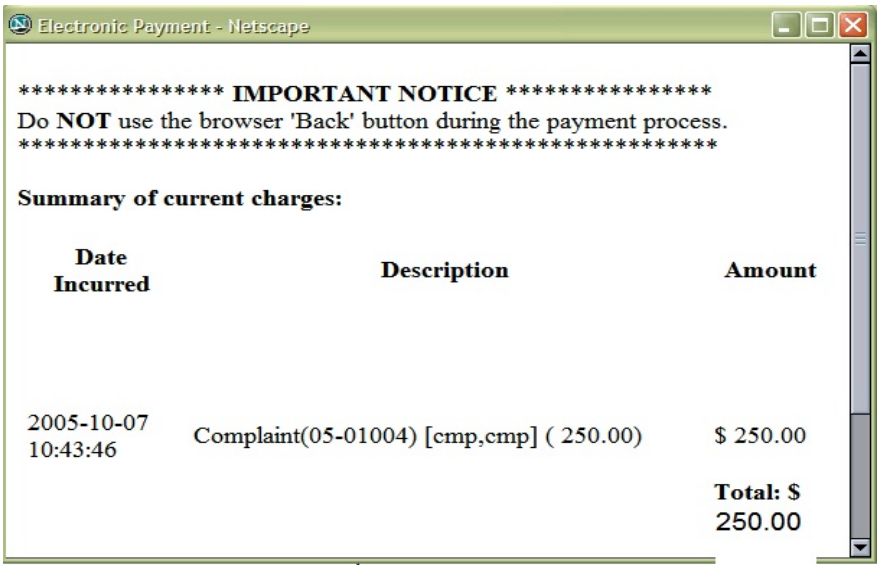

Figure 20

◆ ECF will keep track of fees due. At this screen, click either **[Pay Now]** or **[Continue Filing]**. For this exercise, choose **[Pay Now]**. All accumulated filing fees will be paid via the internet at this time.

- If **[Continue Filing]** is chosen, the payment box (figure 20) will disappear, which allows you to continue with other filings until your filing session is complete.

- When your filing session is complete, click **Utilities** on the CM/ECF main menu bar and click on **Internet Payments Due** (See figure 21 below). You can either view the tally of fees accumulated (figure 20), or click on **[Pay Now]**.

- A history of internet payments is also available by clicking **Utilities** on the CM/ECF main menu bar and clicking **Internet Payment History** (See figure 21 below). This report displays a history of payments made via the internet in any given date range.

CM ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout

Utilities

Your Account
- Internet Payment History
- Internet Payments Due
- Maintain Your ECF Account
- View Your Transaction Log

Miscellaneous
- Legal Research ...
- Mailings...
- Verify a Document

Figure 21

STEP 21 The **NOTICE OF ELECTRONIC FILING** screen appears.
(See Figure 22a.)

CM ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout

Open Adversary Case

U.S. Bankruptcy Court

Northern District of Indiana (Test Database)

Notice of Electronic Filing

The following transaction was received from Harrison, George entered on 10/7/2005 at 10:43 AM CST and filed on 10/7/2005
Case Name: Financial Services, Inc. v. Daniels
Case Number: 05-01004
Document Number: 1
Case Name: Andrew Davenport
Case Number: 05-10041
Document Number: 2

Docket Text:
426 (Dischargeability 523): Complaint by Financial Services, Inc. against Dale A. Daniels. Fee Amount $250. (Harrison, George)

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename:W:\CMECF\PDFS\volp.pdf

Figure 22

- 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.

- The case number is a hyperlink to the docket sheet and clicking on the document number hyperlink will display the image of the complaint. **The case number of both this adversary and the lead bankruptcy case appear**. This indicates that this complaint entry has spread to the bankruptcy case and will be available to anyone reviewing the bankruptcy docket report. The hyperlink to the imaged complaint is also accessible from the bankruptcy case.

- 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. **(See Figure 23.)** Clicking on this bullet will display a copy of this notice. Attorney users will be presented with a PACER login screen first. **(See Figure 23.)**

Figure 23

- To print a copy of this notice, click the browser **[Print]** icon.
- To save a copy of this receipt, click **[File]** on the browser menu.
- 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. **(See Figure 24.)**

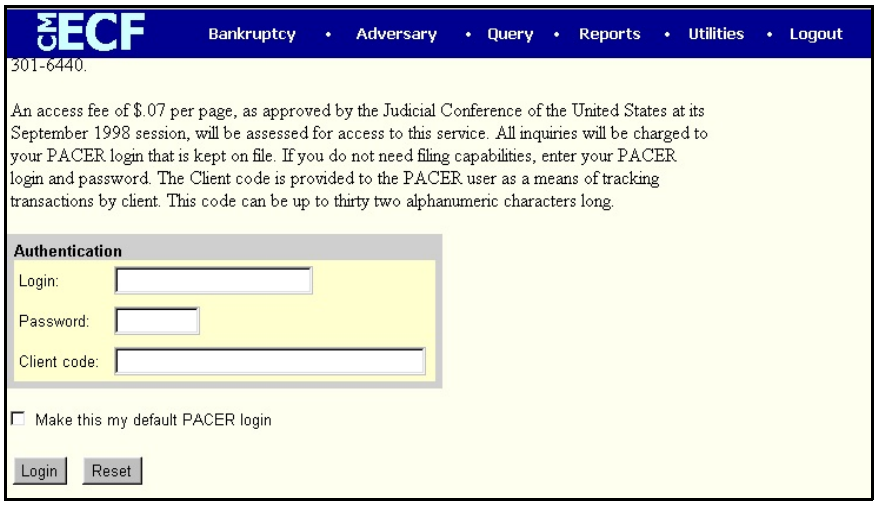

Figure 24

- 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:

*****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.

STEP 22 Below the Notice of Electronic Filing for the complaint, a second Notice of Electronic Filing for the summons will display. **(See Figure 25.)**

Notice of Electronic Filing

The following transaction was received from Harrison, George entered on 5/21/2003 at 4:50 PM EDT and filed on 5/21/2
Case Name: Financial Services, Inc. v. Daniels
Case Number: 03-01008
Document Number: 2

Docket Text:
Summons Issued on Dale A. Daniels Answer Due 06/20/2003 Summon Issued (Harrison, George) Page 2 (Certificate of Service).

The following document(s) are associated with this transaction:

03-01008 Notice will be electronically mailed to:

George Harrison bogus@attorney.net

03-01008 Notice will not be electronically mailed to:

Figure 25

- Click on Summons Issued to view and print page 1 of the Summons.
- Click on Page 2 (Certificate of Service) to view and print page 2 of the Summons.
- After printing the Summons, it may be served on the defendant and other appropriate parties as required by the bankruptcy rules.