

# ADVERSARY CASE OPENING

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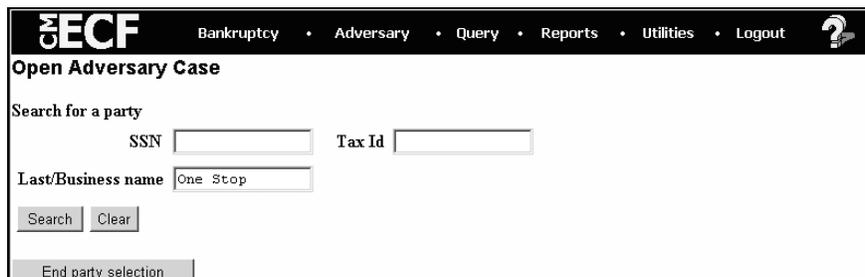
To open an adversary proceeding begin by selecting **Adversary** from the CM/ECF toolbar, then select **Open an AP/MP case**.

**STEP 1** The **Open Adversary Case** screen is displayed.



- **Office:** select the division in which you are filing the adversary proceeding.
- **Date Filed:** will always default to current date.
- **Case Type:** select “ap.”
- **Complaint:** select “y” for a complaint, “n” for a Notice of Removal
- Select **Next** to continue (selecting **Clear** will reset defaults).

**STEP 2** The **Search for a party** screen is displayed.



In this step you will be adding the parties to this adversary proceeding (plaintiffs and defendants), and their attorneys (if applicable). Parties may be added in any order.

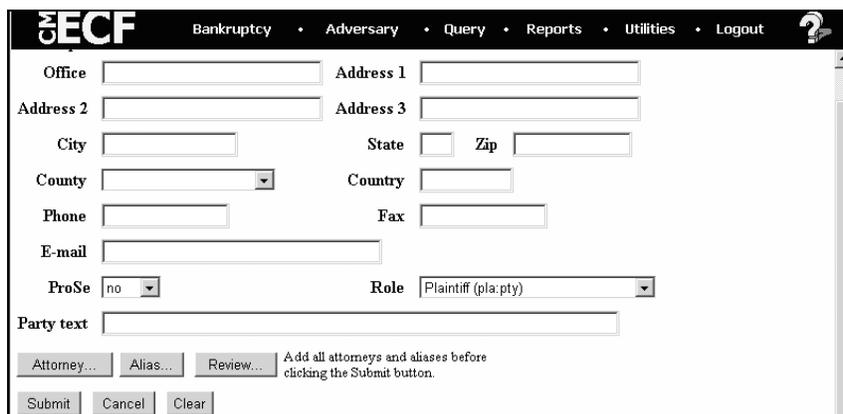
- Begin by searching the database for your first party to the adversary proceeding. The search may be done using either the SSN/Tax I.D. or the last/business name of the party. Note: the last/business name search is case-sensitive. Select **Search**.

The **Party search results** are displayed.



- If the party's name appears in **Party search results** window, highlight the name and click the **Select name from list** button and proceed to **Step 3**.
- If the party's name does not appear in the **Party search results** window or you see a **No person found** response, proceed to **Step 4**.

**STEP 3** The **Party Information** screen is displayed.



- Change the **Role** menu to reflect the role of your party – either a plaintiff or defendant.
- Select appropriate status for the party in the **Pro Se** field.
- It is the preference of the Clerk's office that the remaining fields in this menu are blank. Note: if there is text after the party's name (i.e. "a Virginia Corporation," "as Trustee," etc.) that you wish to be displayed in the docket header for this adversary proceeding, you may type it in the **Party Text** field.
- If the party has an alias, select **Alias**. The **Create Alias** screen will appear to allow for the inclusion of one or more aliases for the party. *For more detailed instructions on adding aliases, see the **Open A Case** section of the manual.*
- If the party is represented by an attorney, select **Attorney**. The **Search for an Attorney** screen will display. Proceed to **Step 5**.

**STEP 4**

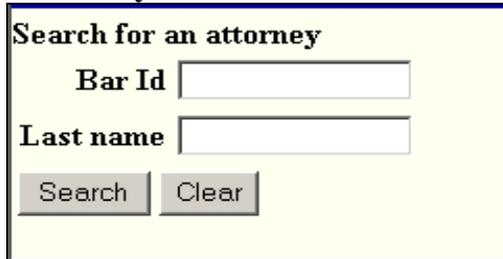
If your party does not appear in the pick list or you receive a **No person found** message, you will need to add the party to the database. Select **Create new party**.

The **Party Information** screen will be displayed.

Party Information			
Last name	<input type="text"/>	First name	<input type="text"/>
Middle name	<input type="text"/>	Generation	<input type="text"/>
SSN	<input type="text"/> 222-11-1234	Tax ID	<input type="text"/>
Office	<input type="text"/>	Address 1	<input type="text"/>
Address 2	<input type="text"/>	Address 3	<input type="text"/>
City	<input type="text"/>	State	<input type="text"/>
County	<input type="text"/>	Country	<input type="text"/>
Phone	<input type="text"/>	Fax	<input type="text"/>
E-mail	<input type="text"/>		
ProSe	<input type="text"/> no	Role	<input type="text"/> Plaintiff (pla:pty)
Party text	<input type="text"/>		
Attorney...	Alias...	Review...	Add all attorneys and aliases before clicking the Submit button.
Submit	Cancel	Clear	

- Change the **Role** field to reflect the role of the party being added – either Plaintiff or Defendant.
- Fill in name fields (use **Last name** field for a business name). The remaining fields should be left blank; however, if there is text that you wish to appear on the docket header after the party’s name (i.e. “a Virginia Corporation,” “as Trustee,” etc.), use the **Party text** field.
- **Pro Se**: select whether or not the party you are adding is pro se.
- If the party has an alias, select **Alias**. The **Create Alias** screen will appear to allow for the inclusion of one or more aliases for the party. *For more detailed instructions on adding aliases, see the **Open A Case** section of the manual.*
- If the party is represented by an attorney, select **Attorney**. The **Search for an Attorney** screen will display.

**STEP 5 Search for An Attorney**



Search for an attorney

Bar Id

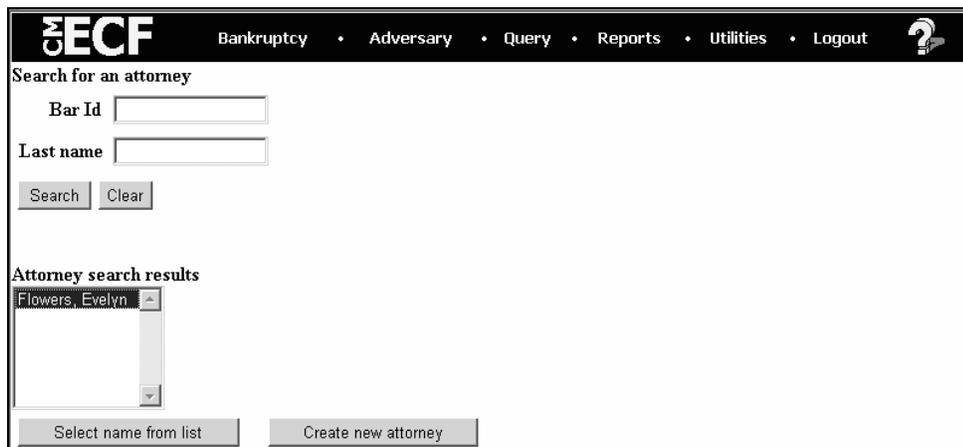
Last name

- Search for the party’s attorney by typing in up to 10 letters of the attorney’s last name in the **Last name** field - the search is case sensitive. Note: do not search for an attorney by **Bar Id**. Select **Search**.
- The **Attorney search results** are displayed. If the attorney’s name appears in the **Attorney search results** window, proceed to **Step 7**.

**STEP 6** If the attorney’s name is not listed, or “No Person Found” appears, select **Create New Attorney**.

- Enter name and address of attorney for the party.
- Select **Add Attorney**
- The **Party Information** screen appears. Select **Submit** if you do not have another attorney to add for this party. If you have another attorney to add for this party, select **Attorney** and repeat Step 5.

**STEP 7** A successful attorney search will display the **Attorney search results** screen with the attorney’s name listed.



Bankruptcy • Adversary • Query • Reports • Utilities • Logout ?

Search for an attorney

Bar Id

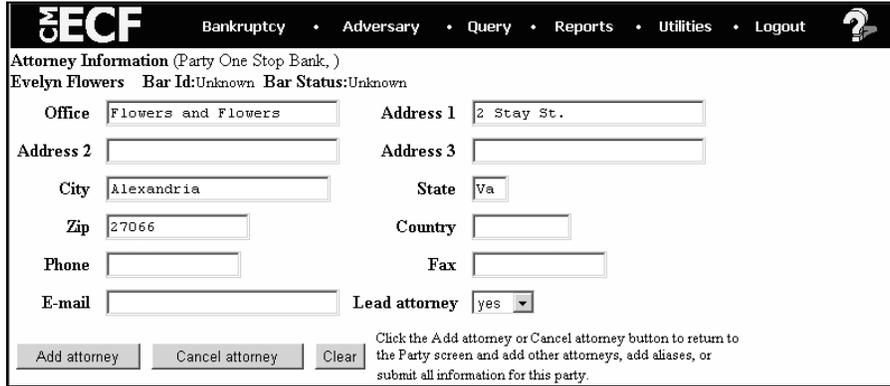
Last name

Attorney search results

Flowers, Evelyn

- Select the attorney’s name from the results.
- Click on **Select name from list**.

**STEP 8** The **Attorney Information** screen is displayed.



**ECF** Bankruptcy • Adversary • Query • Reports • Utilities • Logout ?

Attorney Information (Party One Stop Bank, )  
Evelyn Flowers Bar Id:Unknown Bar Status:Unknown

Office  Address 1   
Address 2  Address 3   
City  State   
Zip  Country   
Phone  Fax   
E-mail  Lead attorney

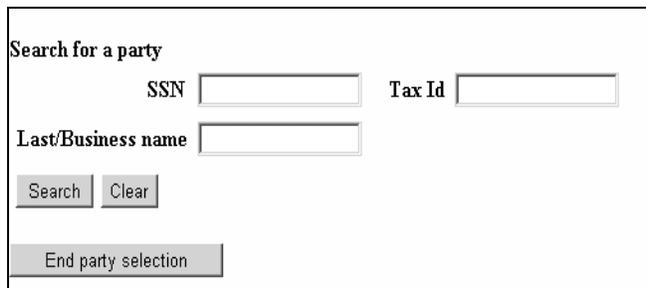
Click the Add attorney or Cancel attorney button to return to the Party screen and add other attorneys, add aliases, or submit all information for this party.

- If needed, you may change the contact information. Any changes made to the attorney’s contact information will apply only to this adversary proceeding. If you determine that this is not the correct attorney, select **Cancel Attorney** and return to the last instruction of Step 4.
- **Lead attorney** – select “yes” if this is the lead (or only) attorney for this party.
- Select **Add Attorney**.

**STEP 9** The **Party Information** screen is displayed again.

- Verify information. Selecting the **Review** button allows you to view all aliases and attorneys you have added for this party.
- Select **Submit**. This will add the party to this adversary proceeding.

**STEP 10** The **Search for a party** again displays.



Search for a party

SSN  Tax Id

Last/Business name

- Refer back to **Step 2** to add remaining parties.
- When all parties have been added, select **End Party Selection**.

**STEP 11** The **Adversary Statistical Information** screen is displayed.

The screenshot shows the 'Open Adversary Case' screen in the ECF system. The navigation bar at the top includes 'Bankruptcy', 'Adversary', 'Query', 'Reports', 'Utilities', and 'Logout'. The form contains the following fields:

- Party code: U.S. not a Party in the case
- Nature of suit: 424 (Objection/Revocation of Discharge 727)
- Origin: original proceeding
- Transfer date: (empty text box)
- Rule 23 (class action): n
- Jury demand: None
- Demand (\$000): (empty text box)

Buttons for 'Next' and 'Clear' are located at the bottom left of the form.

- **Party Code:** select the role of the United States in this adversary proceeding.
- **Nature of Suit:** select the relief being sought. Note: if there are multiple counts to the complaint, select the one that appears first on the list.
- **Origin:** select the origin of this complaint. This will usually be 'original proceeding.'
- **Transfer date:** leave this field blank.
- **Rule 23 (class action):** select yes or no.
- **Jury demand:** select yes or no. Note: if selecting 'yes,' a motion requesting a jury trial must be filed.
- **Demand (\$000):** if this adversary complaint seeks monetary relief, enter the amount in thousands of dollars.
- Select **Next**.

**STEP 12** The **Add Associated Cases** screen is displayed.

The screenshot shows the 'Add Associated Cases' screen in the ECF system. The navigation bar at the top includes 'Bankruptcy', 'Adversary', and 'Query'. The form contains the following fields:

- Member case number: (empty text box)
- Lead case number: 01-80003
- Association type: associated

Buttons for 'Next' and 'Clear' are located at the bottom left of the form.

- **Lead case number:** type in the case number of the main case in the format shown in the example.
- **Association type:** select 'associated.'
- Select **Next**.

### STEP 13

The **Select PDF Document** screen is displayed. In this step you will be attaching the complaint document file. **Note:** don't forget the Adversary Proceeding Coversheet (available online).

**Open Adversary Case**

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

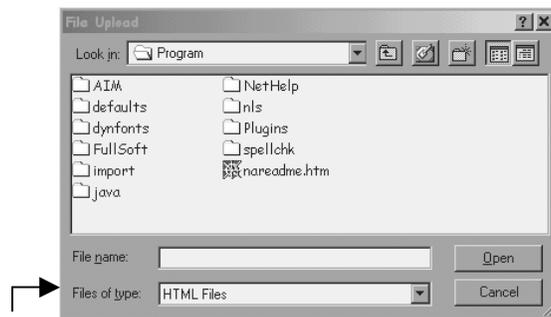
**Filename**

R:\Evelyn\test2.pdf **Browse...**

**Attachments to Document:**  No  Yes

**Next** **Clear**

- **Attachments to Document:** select 'yes' if you will be attaching more than one .pdf file.
- Select **Browse**. A File Upload window will display, showing your computer's directory.



- **Files of type** defaults to HTML Files. Select either 'All Files' or '.pdf Files.'
- Locate the .pdf file on your computer that is the complaint for this adversary proceeding.
- Select the file by either double-clicking on it or highlighting it and selecting Open. The file location will appear in the **Filename** box.
- Select **Next**. If you selected 'No' for Attachments to Document, proceed to **Step 14**.

If you selected 'Yes' for Attachments to Document, you will be prompted with an attachment screen:

**Select one or more attachments.**

1) Enter the **pdf** document that contains attachment (for example: C:\appendix.pdf).

**Filename**

**Browse...**

2) At your option, select a document type and/or enter a description.

Type	Description
<input type="text"/>	<input type="text"/>

3) Add the filename to the list box below. If you have more attachments, go back to Step 1. When the list of filenames is complete, click on the Next button.

**Add to List**

**Remove from List**

**Next**

Following same instructions as that for complaint:

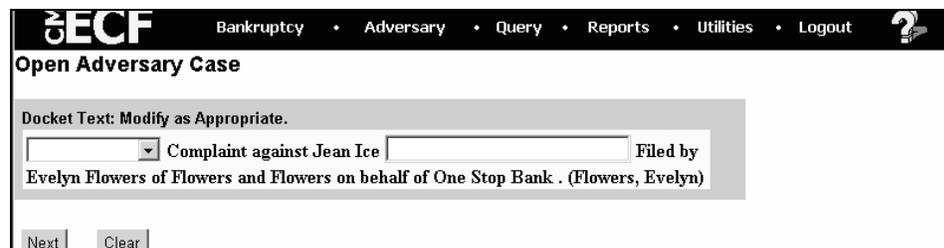
- ◆ Using the **Browse** button and following the previous instructions in this step, select the directory and file of the attachment.
- ◆ **Type**: select appropriate description from drop-down list. If you do not see an appropriate description in this list, you may type in your own description in the **Description** box.
- ◆ Select **Add to List**. You will see the file name move from the upper **Filename** box to the lower box. Note: this may take a moment with large or scanned documents.
- ◆ Repeat this process for each attachment. When you have loaded all the attachments, select **Next**.

**STEP 14** The **Open Adversary Case** screen is displayed:



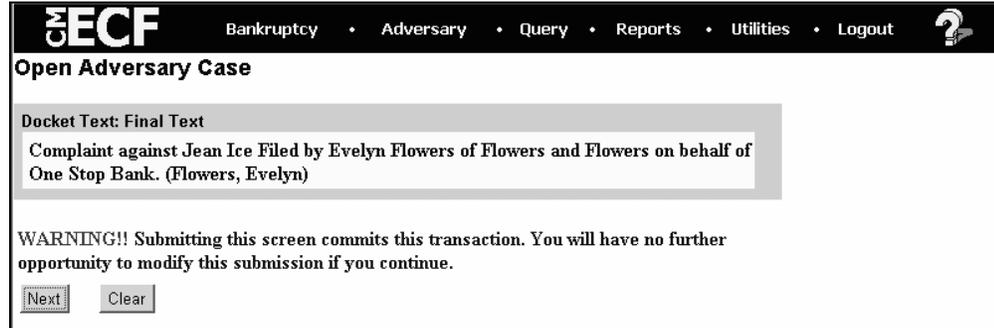
- ◆ Select **Next** to continue or **Clear** to start over.

**STEP 15** The **Docket Text: Modify as Appropriate** screen is displayed, allowing for addition of prefix and/or additional text.



- In the first box you may add a prefix if applicable.
- In the second box you may type any additional information about the complaint. We encourage a brief description of the complaint (i.e. 'to determine dischargeability of a debt').
- Select **Next**.

**STEP 16** The **Docket Text: Final Text** screen is displayed.



The screenshot shows the ECF interface with a navigation bar containing 'Bankruptcy', 'Adversary', 'Query', 'Reports', 'Utilities', and 'Logout'. The main heading is 'Open Adversary Case'. Below this, a text box displays the docket entry: 'Docket Text: Final Text' followed by 'Complaint against Jean Ice Filed by Evelyn Flowers of Flowers and Flowers on behalf of One Stop Bank. (Flowers, Evelyn)'. A warning message states: 'WARNING!! Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.' At the bottom, there are two buttons: 'Next' and 'Clear'.

- ◆ Verify the text docket entry. This is what will be displayed on the docket and is your final chance to correct any errors. Any text you added in the previous step will appear in italics.

**NOTE:** as of 2/25/2001, a programming glitch in ECF causes the text of the complaint entry to read incorrectly. The filing on behalf of section may indicate an incorrect relation to the party or parties you represent. We are working to correct this problem.

- ◆ Select **Next** to submit filing.

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## Receipt of Filing

Once final docket text is submitted, the **Notice of Electronic Filing** screen is, giving confirmation of ECF receiving the entry and the Adversary Proceeding number assigned. All subsequent pleadings in this complaint must be filed using this number. It is now an official court document.