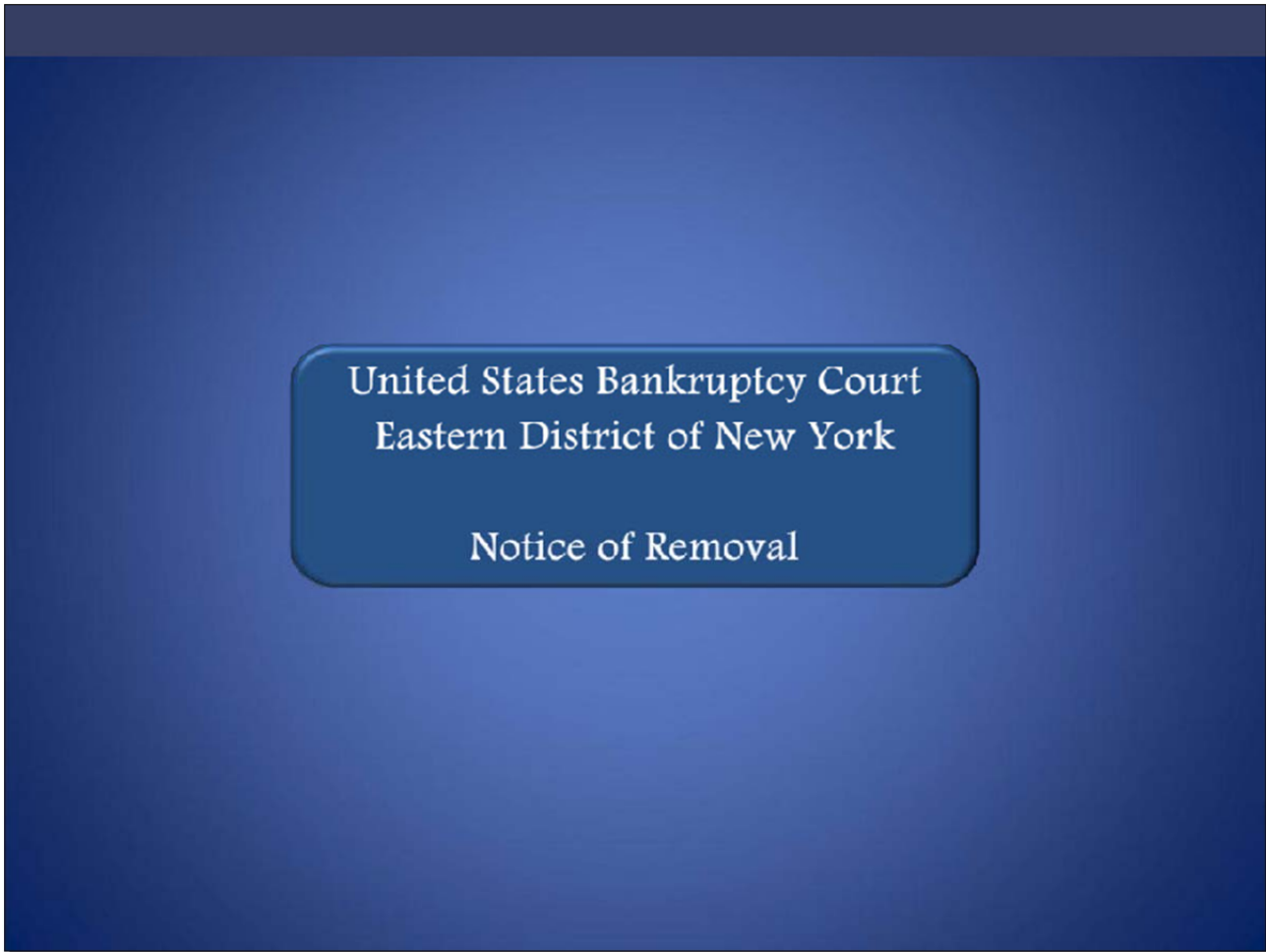


Notice of Removal

Slide 1 - Welcome



Welcome to the United States Bankruptcy Court Eastern District of New York's lesson on Notice of Removal.

Notice of Removal


Slide 2 - Navigation Instructions

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
Hon. Carla E. Craig, Chief Judge Robert A. Gavin Jr., Clerk of Court


Navigation Instructions

Table of Contents:


Use the Table of Contents (TOC) to jump to different sections of the module. You can open it and close it with either:


The arrow in the top left corner of the screen, 

Or


The TOC button in the Navigation bar. 


Playback Controls:

Playback controls are located at the bottom of the screen. They may be used to move forward or back, or to rewind to the beginning of the lesson. The playback controls also include a pause/play button toggle. 

You can turn the audio on or off by clicking the speaker icon. 

Additional Information:

Additional information on this module will be displayed when the filer clicks on the “i”. 

Additional filing information is displayed when the mouse hovers over the tip star icon. 


Select START when you are ready to begin.

START

Notice of Removal

Slide 3 - Objective

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
Hon. Carla E. Craig, Chief Judge Robert A. Gavin Jr., Clerk of Court



Objective

At the end of this lesson you will be able to:

- File a Notice of Removal to Bankruptcy Court
- Know whether to pay the Filing Fee immediately after filing the Notice of Removal or at a later time

CONTINUE

Notice of Removal

Slide 4 - Information

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Hon. Carla E. Craig, Chief Judge

Robert A. Gavin Jr., Clerk of Court

From time to time, civil actions pending in another Court (usually State Court or occasionally Federal District Court) are removed to Bankruptcy Court when that civil action is related to a pending Bankruptcy case.

The removal process is begun by the filing of a Notice of Removal with the Bankruptcy Clerk for the district and division within which is located the State or Federal Court where the civil action is pending.

CONTINUE

Notice of Removal

Slide 5 - Information

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Hon. Carla E. Craig, Chief Judge

Robert A. Gavin Jr., Clerk of Court

A Notice of Removal action is assigned an Adversary case number. A special Notice of Pre-Trial Conference will be issued by the Bankruptcy Court for service, except for matters assigned to Judge Trust, in which case an Order Scheduling a Status Conference or Pre-Trial Conference will be signed.

After you have served all interested parties, you must serve proof of service by using the “Affidavit/Certificate of Service” event, found under the Bankruptcy Events “Other” category in the CM/ECF system.

CONTINUE

Notice of Removal

Slide 6 - ECF Main Menu

CM/ECF Bankruptcy **Adversary** Query Reports Utilities Search Logout

Select Adversary

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

**U.S. Bankruptcy Court
Eastern District of New York
Official Court Electronic Document Filing System**

PLEASE NOTE: CM/ECF is unavailable every weekday morning between 5:30 a.m. and 5:45 a.m. We apologize for any inconvenience.

This facility is for Official Court Business only. Activity to and from this site is logged. Document filings on this system are subject to Federal Rule of Civil Procedure 11 and Federal Rule of Bankruptcy Procedure 9011. Evidence of unauthorized or criminal activity will be forwarded to the appropriate law enforcement officials under 18USC 152 and 3571

In this lesson, the Notice of Removal is being filed by the attorney for Meredith Samuels, the defendant in the State Court action and debtor in the bankruptcy case in the Bankruptcy Court. After successfully logging into CM/ECF, select **Adversary**.

Notice of Removal

Slide 7 - Adversary Events

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Adversary Events

- [Answers/Response](#)
- [Complaint & Summons](#)
- [Motions/Applications/Presentments](#)
- [Notices](#)
- [Open an AP Case](#)
- [Upload Proposed Order](#)

Select Open an AP Case

<https://ecf-train.nyeb.uscourts.gov/cgi-bin/Dispatch.pl?OpenApCase>

From the list of Adversary Events, select **Open an AP Case**.

TIP: When an Adversary/Notice of Removal action is opened, a cross-reference of the filing is automatically entered on the Lead bankruptcy case. Generally, filers should not docket on the Lead bankruptcy case if the filing pertains to the Adversary/Notice of Removal.

Notice of Removal

Slide 8 - Case type / Date filed / Complaint / Counsel for

The screenshot shows the ECF system interface for filing a Notice of Removal. The page title is "Open Adversary Case". The form fields are: Case type (ap), Date filed (7/5/2012), Complaint (n), and Counsel for (defendant). There are "Next" and "Clear" buttons, and a "Select Next" button. A red arrow points to the "Complaint" dropdown menu.

The **Case type** defaults to **ap** and cannot be changed.

The **Date filed** defaults to the current date and cannot be changed.

The **Complaint** field has two options: **n** for no, and **y** for yes. Select **n** for no to file a Notice of Removal. You will be prompted to indicate whether you are **Counsel for the plaintiff** in the State Court action or **Counsel for the defendant** in the State Court action. In this lesson, a Notice of Removal is being filed in Bankruptcy Court on behalf of the defendant in the State Court civil action. Select **defendant**, and then select **Next** to continue.

TIP: When filing a Notice of Removal, be sure to select the correct option in the **Counsel for** drop down box to ensure that the caption for the Notice of Removal matches the original caption used in State Court.

Notice of Removal

Slide 9 - Lead case number / Association type

The screenshot shows the ECF website interface. At the top, there is a navigation bar with the ECF logo and links for Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. Below the navigation bar, the page title is "Open Adversary Case". The form contains a "Lead case number" field with the value "12-70001" and a "Find This Case" button. Below this is the "Association type" dropdown menu, which is currently open. The dropdown menu lists several options: "Adversary", "Object to Disc Debt", "Object to Disc", "Bankruptcy", "Consolidated", "Jointly Administered", and "Related". The "Adversary" option is highlighted in blue. A red arrow points to the "Adversary" option, and a callout box labeled "Select Adversary" is positioned to the right of the arrow. There are also "Next" and "Clear" buttons to the left of the dropdown menu.

Enter the Lead bankruptcy case number, and select Adversary from the Association type drop down pick list.

Notice of Removal

Slide 10 - Lead case number / Association type (Cont'd)

uscourts.gov https://ecf-train.nyeb.uscourts.gov/cgi-bin/Dispatch.pl?103542 Yahoo

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Open Adversary Case

Lead case number 12-70001 Find This Case

Association type Adversary

Next Clear

Select Next

Select **Next** to continue.

Notice of Removal

Slide 11 - Assignment of Judge and Office

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Open Adversary Case

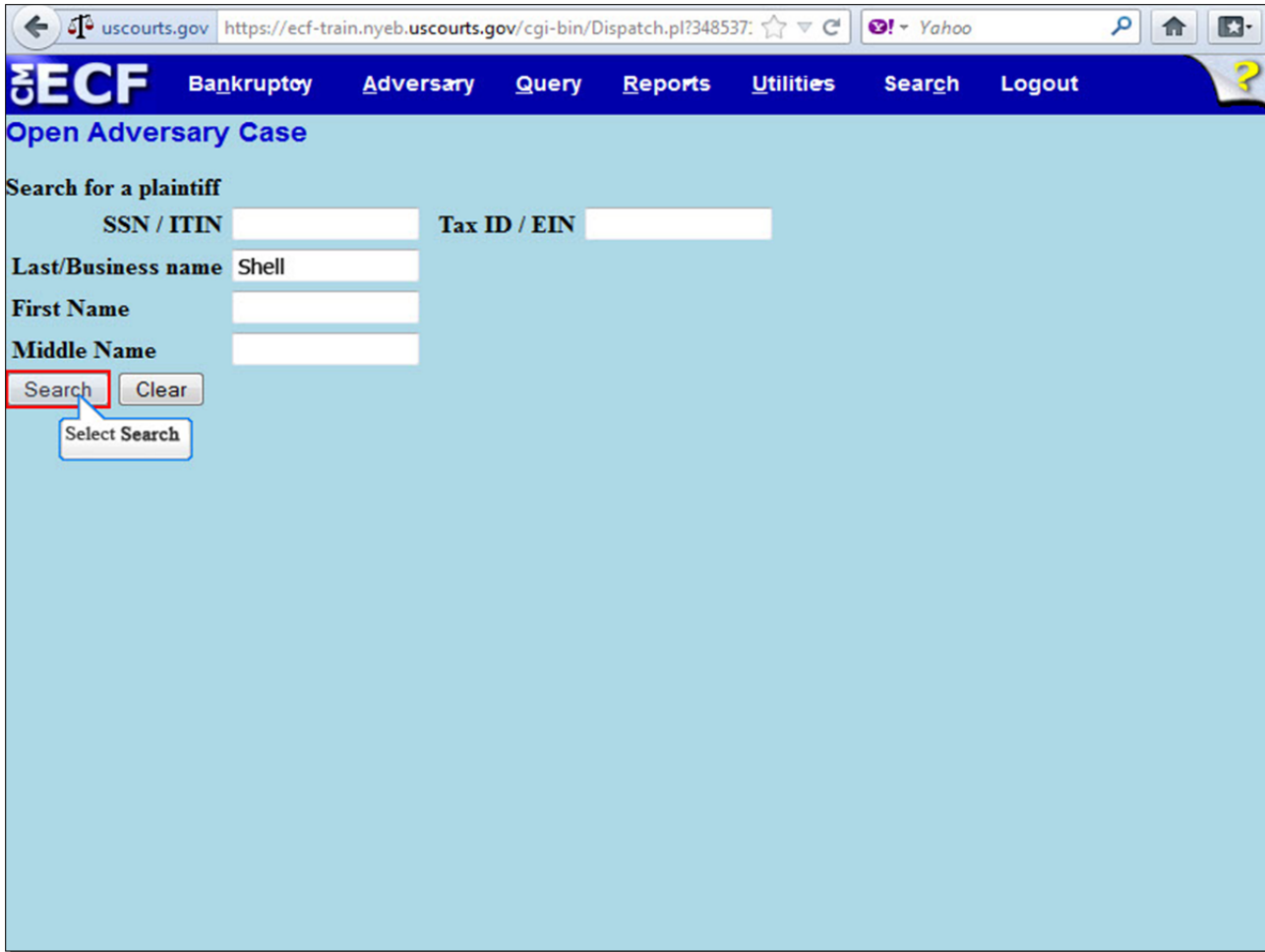
Case is assigned to **Central Islip** Division, Judge **Trust**
based on the lead Bankruptcy case 8-12-70001-ast.

Select Next

In this lesson, the Notice of Removal is assigned to the Central Islip Division and to Judge Trust, in accordance with the Lead Bankruptcy case number entered on the previous screen. Verify that this information is correct and select **Next** to continue.

Notice of Removal

Slide 12 - Search for a Plaintiff



The screenshot shows a web browser window with the URL <https://ecf-train.nyeb.uscourts.gov/cgi-bin/Dispatch.pl?348537>. The page header includes the ECF logo and navigation links: Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. The main heading is "Open Adversary Case". Below this, there is a "Search for a plaintiff" section with the following fields and controls:

- SSN / ITIN:
- Tax ID / EIN:
- Last/Business name:
- First Name:
- Middle Name:
- Search:
- Select Search:

This screen is used to search for an existing party record within the Court's CM/ECF database. A search for a party record should be conducted when filing a Notice of Removal to avoid creating duplicate profiles in the electronic database. In this lesson, the plaintiff in the State Court action is the creditor Shell, while the defendant in the State Court action is a debtor in Bankruptcy Court, Merideth Samuels. You have the option to search by Social Security Number, Individual Taxpayer Identification Number, or Tax ID / EIN number, or by using the name fields. Here, since the plaintiff in the State Court action is a business, enter that business's name in the Last/Business name field, and select Search.

TIP: The **Tax ID / EIN** field should be used for businesses.

Notice of Removal

Slide 13 - Search for a Plaintiff (Cont'd)

The screenshot displays the ECF (Electronic Case Filing) search interface. At the top, there is a navigation bar with the ECF logo and links for Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. Below the navigation bar, the search section is titled "Search for a plaintiff" and includes input fields for "SSN / ITIN", "Tax ID / EIN", "Last/Business name", "First Name", and "Middle Name". There are "Search" and "Clear" buttons. The search results section is titled "Party search results" and displays the message "No person found." Below this message, a button labeled "Create new party" is highlighted with a red box. A tooltip points to this button with the text "Select Create new party".

The search results may display all matching records or the message **No person found**. If you were searching for a party who had filed previously on ECF, that party would show up in the search results, and you would select it and continue. In this instance, no party was found matching the business name we inputted. Select **Create New Party** to add a profile for the State Court plaintiff, Shell.

Notice of Removal

Slide 14 - Plaintiff Information

uscourts.gov https://ecf-train.nyeb.uscourts.gov/cgi-bin/AddParty.pl?57 Yahoo

CM/ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Plaintiff Information

Last name First name

Middle name Generation Title

SSN / ITIN Tax ID / EIN

Office Address 1

Address 2 Address 3

City State Zip

County Country

Phone Fax

E-mail

Party text

Role in Bankruptcy Case

Add all attorneys, aliases and corporate parents or affiliates before clicking the Submit button.

The information used on the previous **Search for a plaintiff screen** populates the **Plaintiff Information** screen to create a party of record in the CM/ECF database. Do not fill in address information.

The **Party text** field should be used only to further identify the type of corporation, for example, "A New York Corporation" or "Guardian of the State." Party text may also be used for extra-long names. Information entered in this field will appear on the caption of the docket report immediately after the party's name.

Role in Bankruptcy Case is a mandatory field, and identifies Shell's role in the Lead Bankruptcy case. The plaintiff in the State Court action is a creditor in the Lead Bankruptcy case, so select **Creditor**.

Notice of Removal

The **Attorney** button allows the filer to add attorney(s) to the case if the plaintiff in the State Court action is represented by an attorney. The **Alias** button can be used to add other names the Plaintiff has used. The **Corporate Parent/affiliate** button should be used if the Plaintiff has a corporate parent or affiliate. The **Review** button allows the filer to verify specific party types added to the case. The **Clear** button erases all information from the Plaintiff Information screen. The **Cancel** button takes the filer back to the **Search for a plaintiff** screen. Review the information entered on the **Plaintiff Information** Screen and select **Submit** to continue.

TIP: If you were representing the plaintiff in the State Court action, this screen would contain an **Add Additional Attorney...** button.

In this lesson, although you are representing the defendant in the State Court action, you should click on the **Attorney...** button to add the plaintiff's attorney to the case.

Notice of Removal

Slide 15 – Search for a Plaintiff (Cont'd)

The screenshot shows the ECF (Electronic Case Filing) system interface for an Open Adversary Case. The top navigation bar includes links for Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. The main heading is "Open Adversary Case". Below this, there is a section titled "Search for a plaintiff" with several input fields: "SSN / ITIN", "Tax ID / EIN", "Last/Business name", "First Name", and "Middle Name". There are "Search" and "Clear" buttons below the fields. A red box highlights the "End plaintiff selection" button, and a tooltip points to it with the text "Select End plaintiff selection".

If there were more than one plaintiff in the State Court action, you would search for that plaintiff here, as you did on the previous **Search for a plaintiff** screen, and then repeat the process of entering information on the **Plaintiff Information** screen that was just demonstrated. In this example, there is only one plaintiff in the State Court action, so we would select **End plaintiff selection**.

Notice of Removal

Slide 16 - Search for a Defendant

The screenshot shows the ECF system interface for searching a defendant. The top navigation bar includes links for Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. The main heading is 'Open Adversary Case'. Below this, the search form is titled 'Search for a defendant'. It contains several input fields: 'SSN / ITIN', 'Tax ID / EIN', 'Last/Business name' (with 'Samuels' entered), 'First Name' (with 'Merideth' entered), and 'Middle Name'. At the bottom of the form are three buttons: 'Search' (highlighted with a red box), 'Clear', and 'Select Search' (which is a tooltip for the 'Search' button).

On this screen, you would search for a defendant's existing party record much the same way you did for the plaintiff earlier. In this example, the defendant in the State Court action is a debtor in the Lead Bankruptcy Case. We have entered the defendant's first and last name, so we will now select **Search**.

Notice of Removal

Slide 17 - Search for a Defendant (Cont'd)

The screenshot shows the ECF system's search interface. At the top, there is a navigation bar with the ECF logo and links for Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. Below the navigation bar, there is a section titled "Search for a defendant" with input fields for SSN / ITIN, Tax ID / EIN, Last/Business name, First Name, and Middle Name. There are "Search" and "Clear" buttons. Below this is the "Party search results" section, which displays a list of search results. The first result, "Samuels, Merideth, 123 Main Drive, West Islip, NY", is highlighted with a red border. A red arrow points from this result to a callout box that says "Select Samuels, Merideth, 123 Main Drive, West Islip, NY". Other results in the list include "Samuels, Merideth Ann" and "samuels, merideth ann". At the bottom of the results section, there are buttons for "Select name from list" and "Create new party".

In this instance, since we are searching for a debtor who is already in the system, her record has shown up in the **Party search results**. We will therefore select this record.

TIP: Do not select the party from the **Party search results** unless it is the same name from the Notice of Removal.

Notice of Removal

Slide 18 - Search for a Defendant (Cont'd)

The screenshot displays the ECF Train Database search interface. At the top, there is a navigation bar with the ECF logo and links for Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. Below the navigation bar is a search form titled "Search for a defendant" with input fields for SSN / ITIN, Tax ID / EIN, Last/Business name, First Name, and Middle Name. There are "Search" and "Clear" buttons. Below the search form is a "Party search results" section with a list of search results. The first result is highlighted: "Samuels, Merideth, 123 Main Drive". Below the list is a "Select name from list" button. A pop-up window titled "Train Database: nyeb_train - Mozilla Firefox" is open, displaying the details for the selected party: "Merideth Samuels", "SSN / ITIN: xxx-xx-1111", "123 Main Drive", "West Islip, NY 11775", and "County: SUFFOLK-NY". A tooltip points to the "Select name from list" button with the text "Select Select name from list".

A window appears displaying the information on the party you just selected. Review the information shown to ensure that you are picking the correct party, and then select the button **Select name from list** to continue.

Notice of Removal

Slide 19 - Defendant Information

The screenshot shows a web browser window with the URL <https://ecf-train.nyeb.uscourts.gov/cgi-bin/AddParty.pl?30>. The page title is "Defendant Information" and the defendant's name is "Merideth Samuels" with SSN/ITIN: xxx-xx-1111. The form contains the following fields:

- Office: [Empty]
- Address 1: 123 Main Drive
- Address 2: [Empty]
- Address 3: [Empty]
- City: West Islip
- State: NY
- Zip: 11775
- County: SUFFOLK-NY (36103)
- Country: [Empty]
- Phone: [Empty]
- Fax: [Empty]
- E-mail: [Empty]
- Party text: [Empty]
- Role in Bankruptcy Case: Debtor (highlighted with a red box and a red arrow pointing to a "Select Debtor" button)
- Buttons: Attorney... (highlighted with a red box), Alias..., Corporate parent / affiliate..., Review..., Submit, Cancel, Clear

Below the buttons, there is a note: "Add all attorneys, aliases and corporate parents or affiliates before clicking the Submit button."

The information on the previous **Search for a defendant** screen populates the **Defendant Information** screen.

Role in Bankruptcy Case is a mandatory field, and identifies the party's role in the Lead Bankruptcy case. Our defendant in the State Court action is a debtor in the Lead Bankruptcy case, so we would select **Debtor**.

Select **Attorney...** to add yourself to the case as the attorney for the defendant in the State Court action.

TIP: If you are representing more than one defendant in the State Court action, you must add yourself to the case with the **Attorney...** button for **EACH** defendant, on each **Defendant Information** screen.

The **Party text** field should be used only to further identify the type of corporation, for example, "A New York Corporation" or "Guardian of the State." Party text may also be used for extra-long names. Information entered in this field will appear on the caption of the docket report immediately after the party's name.

Notice of Removal

Slide 20 - Search for an Attorney

The screenshot shows a web browser window with the URL <https://ecf-train.nyeb.uscourts.gov/cgi-bin/AddParty.pl?806977>. The page features a blue navigation bar with the ECF logo and menu items: Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. Below the navigation bar, the heading "Search for an attorney" is displayed. The search form includes a "Bar Id" input field, a "Last name" input field containing the text "marcus", and a "Search" button. A dropdown menu is open below the "Last name" field, showing a single option "marcus". A red box highlights the "Search" button, and a blue callout box points to it with the text "Select Search".

You can search for your attorney record by entering either your **Bar Id** number or your **Last name**. In this instance, we will enter the last name and select **Search**.

Notice of Removal

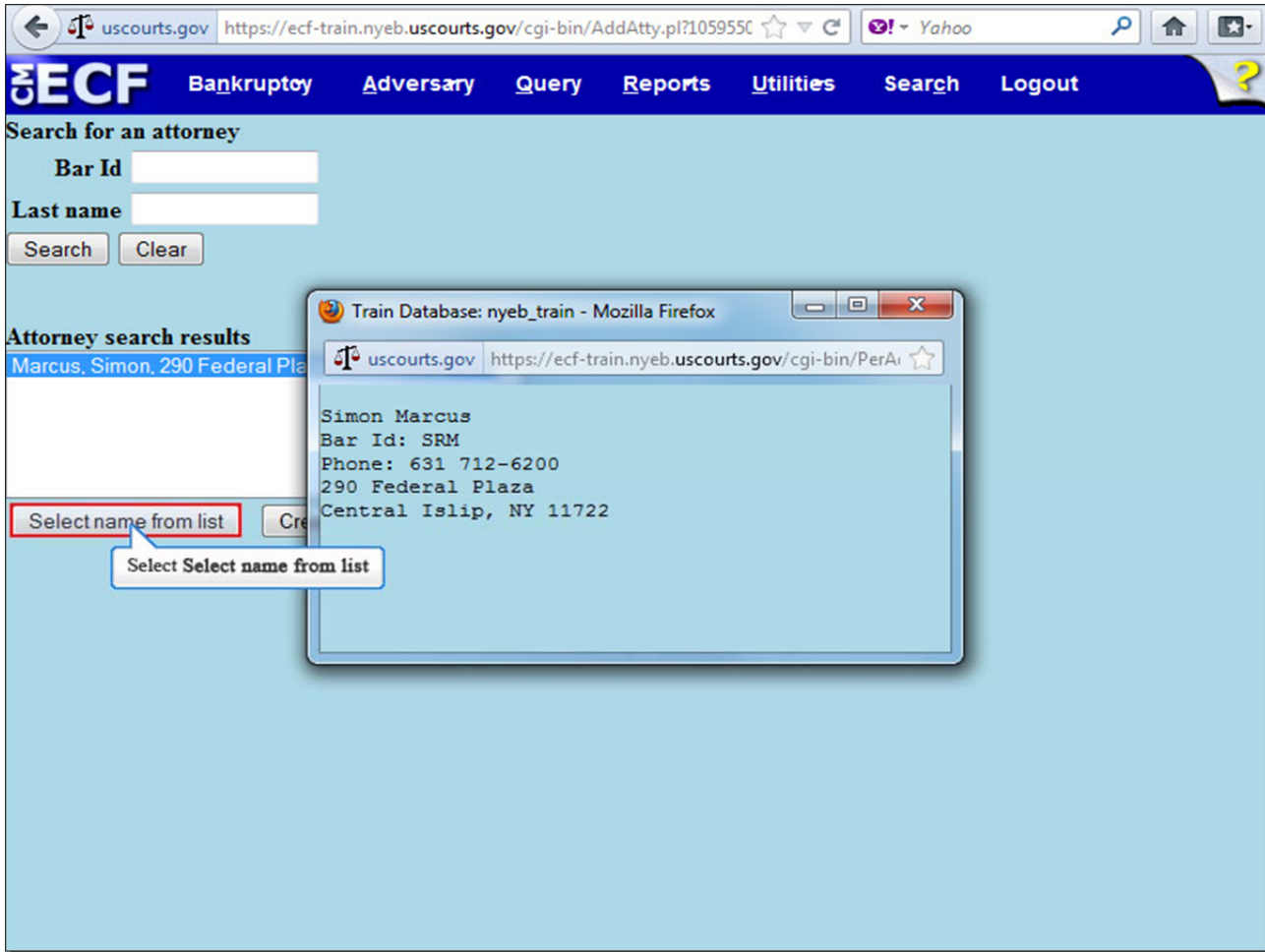
Slide 21 – Search for an Attorney (Cont'd)

The screenshot shows a web browser window with the URL <https://ecf-train.nyeb.uscourts.gov/cgi-bin/AddAtty.pl?105955C>. The page header includes the ECF logo and navigation links: Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. The main content area is titled "Search for an attorney" and contains two input fields: "Bar Id" and "Last name". Below these fields are "Search" and "Clear" buttons. The "Attorney search results" section displays a single result: "Marcus, Simon, 290 Federal Plaza, Central Islip, NY". A tooltip is visible over this result, containing the text "Select Marcus, Simon, 290 Federal Plaza, Central Islip, NY". At the bottom of the results section are two buttons: "Select name from list" and "Create new attorney".

Select your attorney record from the **Attorney search results**.

Notice of Removal

Slide 22 - Search for an Attorney (Cont'd)



A window appears displaying your attorney record information. Review the information shown to ensure that you are picking your attorney record, and then select the button **Select Name from list** to continue.

Notice of Removal

Slide 23 – Defendant’s Attorney Information

uscourts.gov https://ecf-train.nyeb.uscourts.gov/cgi-bin/AddAtty.pl?2106885 Yahoo

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Attorney Information (Party Samuels, Merideth)
Simon Marcus Bar Id:SRM Bar Status:Unknown

Office Address 1 290 Federal Plaza
Address 2 Address 3
City Central Islip State NY
Zip 11722 Country
Phone 631 712-6200 Fax
E-mail simon_marcus@nyeb.uscoui Lead attorney yes ▾

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.

Select Add attorney

Review your attorney information and add or change any information as needed, and then select **Add attorney**.

Notice of Removal

Slide 24 – Defendant Information (Cont'd)

uscourts.gov https://ecf-train.nyeb.uscourts.gov/cgi-bin/AddParty.pl?188468 Yahoo

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Defendant Information
Merideth Samuels SSN / ITIN:xxx-xx-1111

Office Address 1 123 Main Drive
Address 2 Address 3
City West Islip State NY Zip 11775
County SUFFOLK-NY (36103) Country
Phone Fax
E-mail

Party text

Role in Bankruptcy Case Debtor

Attorney... Alias... Corporate parent / affiliate... Review... Add all attorneys, aliases and corporate parents or affiliates before clicking the Submit button.

Submit Cancel Clear

Select Submit

Select **Submit** to continue.

Notice of Removal

Slide 25 – Search for a Defendant (Cont'd)

The screenshot shows the ECF (Electronic Case Filing) system interface for an Open Adversary Case. The top navigation bar includes links for Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. The main content area is titled "Open Adversary Case" and contains a "Search for a defendant" section. This section includes input fields for "SSN / ITIN", "Tax ID / EIN", "Last/Business name", "First Name", and "Middle Name". Below these fields are "Search" and "Clear" buttons. A red box highlights the "End defendant selection" button, and a tooltip points to it with the text "Select End defendant selection".

If there were more defendants in the State Court action, you would search for them here as was demonstrated earlier. In this example, there is only one defendant in the State Court action, so we would select **End defendant selection**.

Notice of Removal

Slide 26 - Nature of Suit / Statistical Information

ECF Bankruptcy ▾ Adversary ▾ Query ▾ Reports ▾ Utilities ▾ Search ▾ Logout ▾ ?

Open Adversary Case

If you only have one Nature of Suit select from Primary.
For additional Nature of Suit select from Secondary.

Party code 3 U.S. not a Party ▾ Primary nature of suit none ▾

Rule 23 (class action) n ▾ Second nature of suit none ▾

Jury demand None ▾ Third nature of suit none ▾

Demand (\$000) 5 Fourth nature of suit none ▾

State law n ▾ Fifth nature of suit none ▾

Next Clear

The **Party code** field allows you to select whether the United States is the plaintiff, defendant, or neither. Neither the plaintiff nor the defendant in the State Court action is the United States, so you would leave the field at option **3 U.S. not a Party**. The **Rule 23** field determines whether this is a class action proceeding. Ours is not, so you would leave the field at the default option of **n** for no. The default option for **Jury demand** is **None**, with options for **Both**, **Defendant**, or **Plaintiff**. In this case, leave the field at the default option of **None**. If the plaintiff in the State Court action is making a money demand, the amount of that demand would go in the **Demand** box. Notice the **(\$000)** below the word **Demand**. This means that the number you enter in this box will have three zeroes added to the end of it on the case docket. So if, for example, the plaintiff in the State Court action were demanding \$5,128.00 from the defendant, you would NOT put that exact amount in this box. You would round down to \$5,000.00, and simply put the number **5** in the box, and once the Notice of Removal is filed, the docket will show a demand of \$5,000.00. The **State law** field signifies whether this proceeding relates to an existing substantive issue of state law, with options of **y** for yes, **n** for no, or **u** for unknown. Here, we will leave the box at the default option of **n** for no. The **Primary nature of suit** field is where you would select a code for the nature of the State Court action. Select the drop-down arrow to view a list of natures of suit.

Notice of Removal

Slide 26 - Nature of Suit / Statistical Information (Cont'd)

ECF Bankruptcy ▾ Adversary ▾ Query Reports ▾ Utilities ▾ Search Logout ?

Open Adversary Case

If you only have one Nature of Suit select from Primary.
For additional Nature of Suit select from Secondary.

Party code	3 U.S. not a Party ▾	Primary nature of suit	none ▾
Rule 23 (class action)	n ▾		none
Jury demand	None ▾		01 (Determination of removed claim or cause)
Demand (\$000)	5		02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))
State law	n ▾		11 (Recovery of money/property - 542 turnover of property)
			12 (Recovery of money/property - 547 preference)
			13 (Recovery of money/property - 548 fraudulent transfer)
			14 (Recovery of money/property - other)
			21 (Validity, priority or extent of lien or other interest in property)
			31 (Approval of sale of property of estate and of a co-owner - 363(h))
			41 (Objection / revocation of discharge - 727(c),(d),(e))
			51 (Revocation of confirmation)
			61 (Dischargeability - 523(a)(5), domestic support)
			62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)
			63 (Dischargeability - 523(a)(8), student loan)
			64 (Dischargeability - 523(a)(15), divorce/sep property settlement/decrees)
			65 (Dischargeability - other)
			66 (Dischargeability - 523(a)(1),(14),(14A) priority tax claims)
			67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)
			68 (Dischargeability - 523(a)(6), willful and malicious injury)
			71 (Injunctive relief - reinstatement of stay)

Next Clear

A list appears of different options for nature of suit, and you would select whichever option best describes the relief requested in the State Court action. Let's say the plaintiff in the State Court action was seeking the Recovery of money/property for a reason not specified in the listed natures of suit. You would therefore select code **14**.

Notice of Removal

Slide 26 - Nature of Suit / Statistical Information (Cont'd)

The screenshot shows the ECF (Electronic Case Filing) interface for an Open Adversary Case. The top navigation bar includes links for Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. The main content area is titled "Open Adversary Case" and contains a red instruction: "If you only have one Nature of Suit select from Primary. For additional Nature of Suit select from Secondary." Below this instruction are several dropdown menus for selecting the nature of suit: Primary nature of suit (selected: 62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)), Second nature of suit (selected: none), Third nature of suit (selected: none), Fourth nature of suit (selected: none), and Fifth nature of suit (selected: none). To the left of these dropdowns are other form fields: Party code (3 U.S. not a Party), Rule 23 (class action) (n), Jury demand (None), Demand (\$000) (5), and State law (n). At the bottom left, there are "Next" and "Clear" buttons. A red box highlights the "Next" button, and a blue callout box with the text "Select Next" points to it.

If the action has more than one nature of suit, you can pick and choose each one in the fields beneath the **Primary nature of suit**. List your natures of suit according to priority, and ensure that they match those in the Notice of Removal. When you have entered your natures of suit and the other required information on this screen, select **Next** to continue.

Notice of Removal

Slide 27 - Select Event

The screenshot shows a web browser window with the URL <https://ecf-train.nyeb.uscourts.gov/cgi-bin/Dispatch.pl?35>. The page header includes the ECF logo and navigation links: Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. The main heading is "Open Adversary Case". Below this, there is a "Select event" label and a dropdown menu. The dropdown menu is open, showing two options: "Notice of Removal" and "Inter-District Transfer of Adversary Proceeding". A red arrow points from a text box labeled "Select Notice of Removal" to the "Notice of Removal" option in the dropdown menu.

Select the drop-down arrow beneath **Select event**, and select **Notice of Removal**

Notice of Removal

Slide 27 - Select Event (Cont'd)

uscourts.gov https://ecf-train.nyeb.uscourts.gov/cgi-bin/Dispatch.pl?35 Yahoo

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Open Adversary Case

Select event
Notice of Removal

Next Clear

Select Next

Select **Next** to continue.

Notice of Removal

Slide 28 - Upload Notice of Removal

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Open Adversary Case

Filename

Browse...

Attachments to Document: No Yes

Select Yes

Next Clear

On this screen, it is recommended that you select the radio button next to **Yes** prior to selecting **Browse...** if you know you will be uploading attachments to the main document. Since we will be uploading attachments (Exhibit) to the main document, we will select the **Yes** radio button.

TIP: If you are including Exhibits, you may either upload them as Attachments to the main Notice of Removal, or include them with the Notice of Removal in a single PDF file depending on the size of the exhibits. When filing documents that reference exhibits not prepared in electronically produced text, you must scan and electronically file only excerpts of the exhibits that are directly germane to the matter under consideration by the Court. In no event shall an exhibit be more than 20 pages. The exhibits must be clearly and prominently identified as excerpts, shall state that the entire document is available to any filing party, and the complete exhibit must be sent to the Court (and must be available in the Courtroom at any hearing pertaining to the matter).

Notice of Removal

Slide 29 - Upload Notice of Removal (Cont'd)

ECF Bankruptcy Adversary Query Reports Utilities Search Logout ?

Open Adversary Case

Filename

Browse...

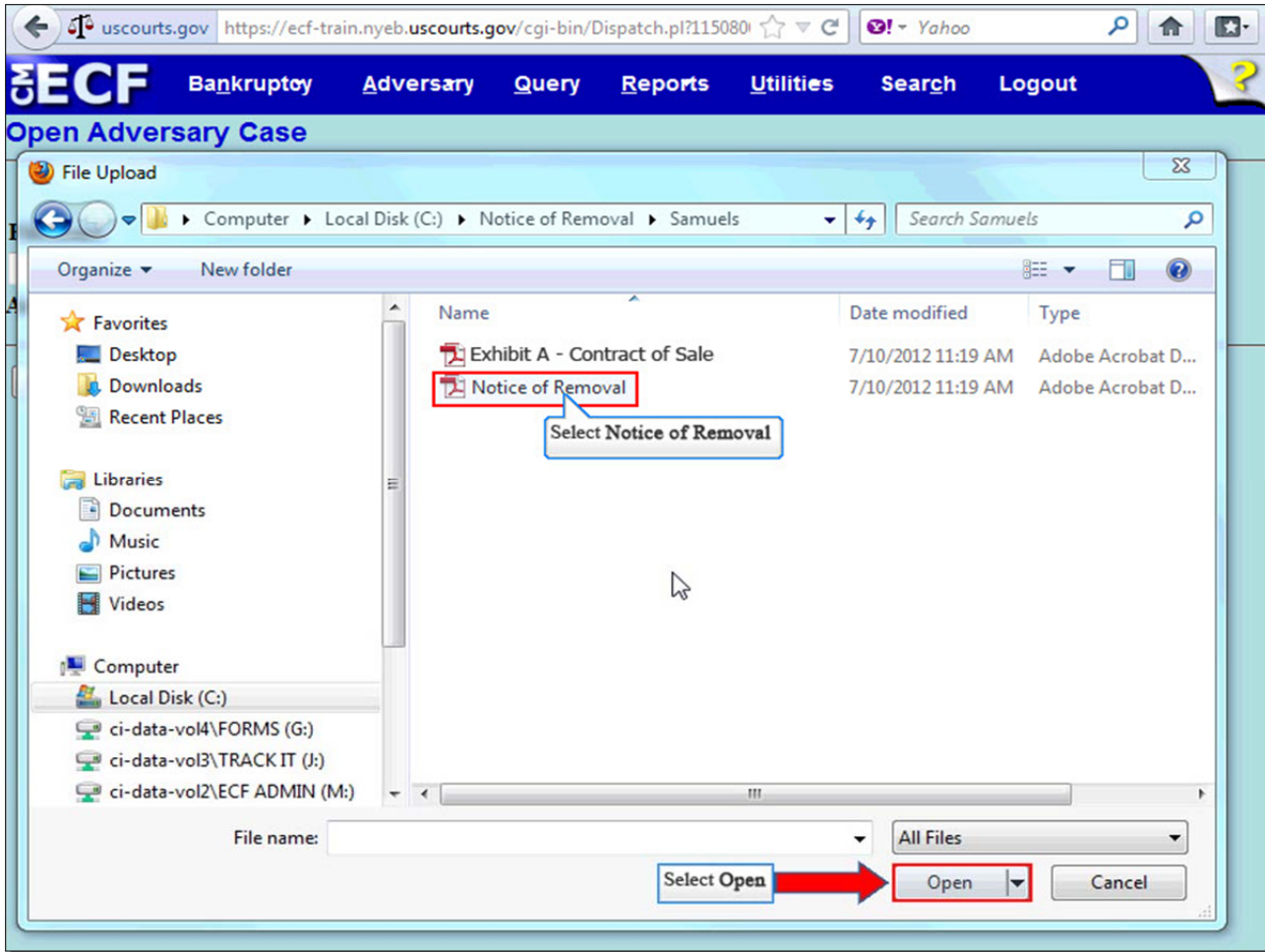
Attachments to Document: No Yes Select Browse...

Next Clear

Select **Browse...** to upload the Notice of Removal in PDF.

Notice of Removal

Slide 30 - Upload Notice of Removal (Cont'd)



The **File Upload** screen appears. Select the **Notice of Removal** file. It is highly recommended that you first right click to open and view any file you are attaching to confirm that it is the correct document. Select **Open** to upload the Notice of Removal.

Notice of Removal

Slide 31 - Upload Notice of Removal (Cont'd)

uscourts.gov https://ecf-train.nyeb.uscourts.gov/cgi-bin/Dispatch.pl?115080 Yahoo

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Open Adversary Case

Filename
C:\Notice of Removal\Samuels\Notice

Attachments to Document: No Yes

The complete filename displays in the **Filename** field. Select **Next** to continue.

Notice of Removal

Slide 32 - Upload Exhibit A

The screenshot shows the ECF (Electronic Case Filing) interface for uploading an exhibit. The header includes the ECF logo and navigation links: Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. The main heading is "Open Adversary Case".

Instructions: "Select one or more attachments." and "1) Select the PDF document that contains the attachment."

Form fields: A "Filename" input field with a "Browse..." button. A tooltip "Select Browse..." points to the button.

Instructions: "2) Fill in the fields below."

Form fields: "Category" (dropdown menu) and "Description" (text input field).

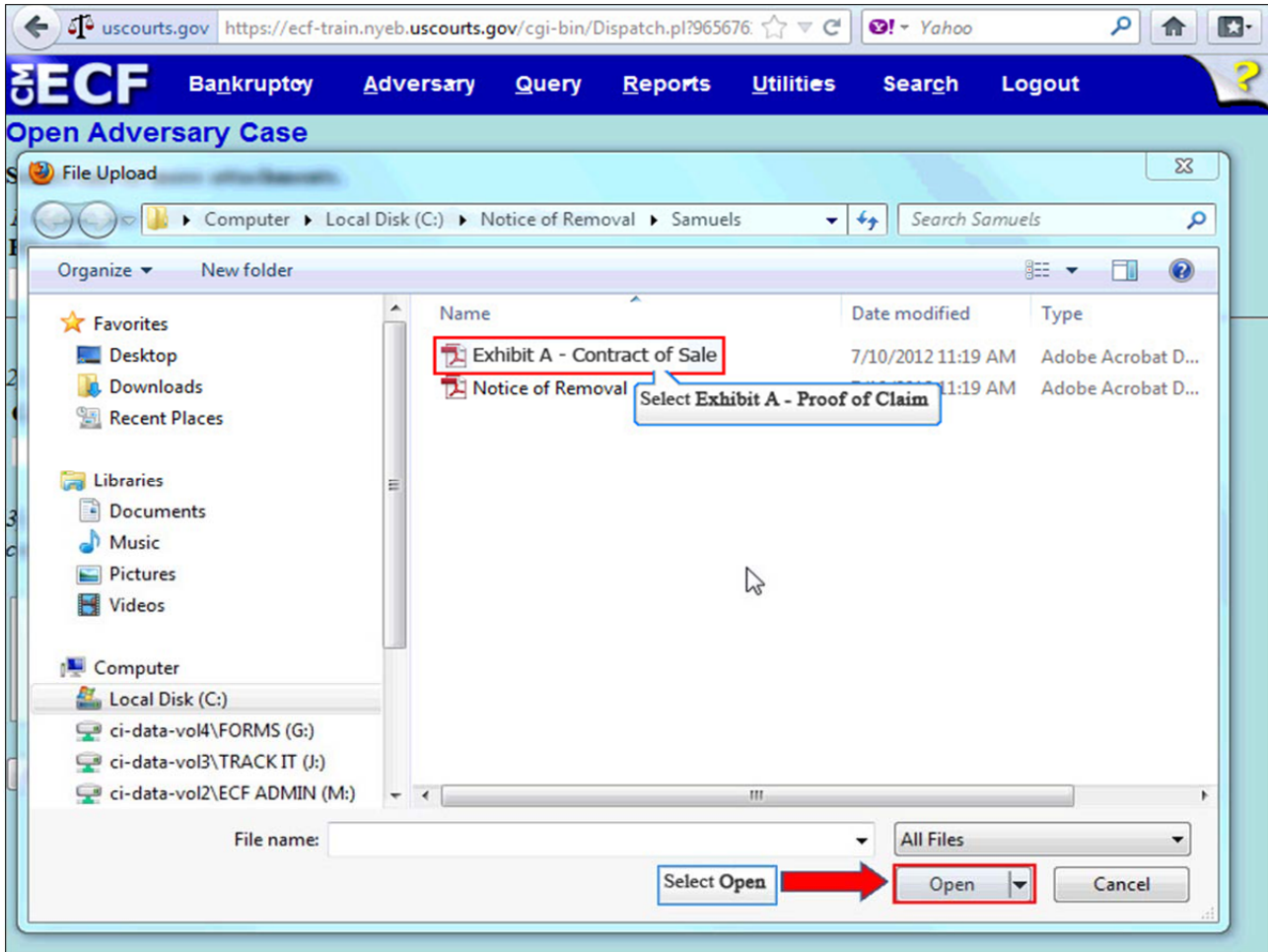
Instructions: "3) Add the filename to the list box below. If you have more attachments, go back to Step 1. When the list of filenames is complete, click on the Next button."

Form elements: A list box with "Add to List" and "Remove from List" buttons, and a "Next" button.

Here, we will attach Exhibit A, which in this case will be a Contract of Sale. Select **Browse...**

Notice of Removal

Slide 33 - Upload Exhibit A (Cont'd)



Select **Exhibit A – Contract of Sale**, and then select **Open** to upload Exhibit A.

TIP: It is highly recommended that you first right click to open and view any file you are uploading to confirm that it is the correct document.

Notice of Removal

Slide 34 - Upload Exhibit A (Cont'd)

uscourts.gov https://ecf-train.nyeb.uscourts.gov/cgi-bin/Dispatch.pl?712796 Yahoo

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Open Adversary Case

Select one or more attachments.

1) Select the PDF document that contains the attachment.

Filename
C:\Notice of Removal\Samuels\Exhibit. [Browse...]

2) Fill in the fields below.

Category and/or **Description**

[Red box around Category dropdown] Select Category

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]

The complete filename displays in the **Filename** field.

The next step in adding an attachment is to identify the category. Select the drop down arrow to view a list of categories.

Notice of Removal

Slide 34 – Upload Exhibit (Cont'd)

A list of categories appears. Select **Exhibit** from the Category List and type **A – Contract of Sale** in the **Description** field to call this attachment “Exhibit A – Contract of Sale.” This **Description** field can also be used to name an attachment if the category for your attachment is not listed in the Category list.

Notice of Removal

Slide 34- Upload Exhibit A (Cont'd)

uscourts.gov https://ecf-train.nyeb.uscourts.gov/cgi-bin/Dispatch.pl?712796 Yahoo

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Open Adversary Case

Select one or more attachments.

1) Select the PDF document that contains the attachment.

Filename
C:\Notice of Removal\Samuels\Exhibit.

2) Fill in the fields below.

Category and/or **Description**
Exhibit A - Contract of Sale

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.

Select Add to List

Add to List

Remove from List

Next

Select **Add to List** to add the attachment to the Add to List box.

Notice of Removal

Slide 34 - Upload Exhibit A (Cont'd)

uscourts.gov https://ecf-train.nyeb.uscourts.gov/cgi-bin/Dispatch.pl?550046 Yahoo

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Open Adversary Case

Select one or more attachments.

1) Select the PDF document that contains the attachment.

Filename

2) Fill in the fields below.

Category and/or **Description**

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.

Exhibit A - Contract of Sale.pdf

If you have more Exhibits to attach, select **Browse...** and repeat the process of adding additional attachments (Slides 32-34) until all Exhibits are listed and properly identified. In this lesson, we have no more additional attachments. Select **Next** to continue.

Notice of Removal

Slide 35 - Receipt #/Fee

uscourts.gov https://ecf-train.nyeb.uscourts.gov/cgi-bin/Dispatch.pl?426316 Yahoo

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Open Adversary Case

Attorneys leave receipt box blank, click Next button below to continue:

EXCEPTION: Ch 7 / 13 Attorney for debtor must enter *DEFERRED* in the receipt box.

Receipt #: Fee: \$ 293

Select Next

This screen prompts the filer for a receipt number and a fee amount. The **Fee** amount defaults to \$293.00 and should not be changed. The **Receipt #** field should always be left blank, **UNLESS** the filer represents the Chapter 7 or 13 debtor, in which case you would enter the word **Deferred** in the **Receipt #** field. In this case, the filer is representing a Chapter 11 debtor, so the **Receipt #** field is left blank. Select **Next** to continue.

Notice of Removal

Slide 36 - Final Docket Text

uscourts.gov https://ecf-train.nyeb.uscourts.gov/cgi-bin/Dispatch.pl?252 Google

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Open Adversary Case

Docket Text: Modify as Appropriate.

Notice of Removal re: Shell vs. Merideth Samuels by Shell . Fee Amount \$293
(14 (Recovery of money/property - other)) . (Attachments: # (1) Exhibit A - Contract of Sale)
(Marcus, Simon)

Next Clear

Select Next

The filer is given the opportunity to modify the Docket Text by selecting from the prefix drop down pick list and/or adding information to the white text box. In the white text box, type in the name of the State Court action, which in this lesson is Shell vs. Merideth Samuels. Select **Next** to continue.

Notice of Removal

Slide 37 - Final Docket Text (Cont'd)

uscourts.gov https://ecf-train.nyeb.uscourts.gov/cgi-bin/Dispatch.pl?608

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Open Adversary Case

Docket Text: Final Text

Notice of Removal re: Shell vs. Merideth Samuels by Shell. Fee Amount \$293 (14 (Recovery of money/property - other)). (Attachments: # (1) Exhibit A - Contract of Sale) (Marcus, Simon)

Attention!! Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.

Have you redacted?

Select Next

Review the Final **Docket Text** before submitting. By selecting **Next**, the filer commits the transaction and will have no further opportunity to modify the submission.

Have you redacted? This question refers to the filer's uploaded documents and not the data entries. This is a final reminder to comply with the Redaction Requirements (Fed. R. Bankr. P. 9037). The Electronic Case Filing system does not redact the content of any document uploaded by the filer.

Select **Next** to continue.

TIP: The Clerk's Office will amend the docket text to correctly reflect who is filing the Notice of Removal. In this lesson, the defendant Merideth Samuels, not the plaintiff, Shell, in the State Court action, is filing the Notice of Removal, and the Clerk's Office will amend the docket text to reflect this--(*Notice of Removal re: Shell vs. Merideth Samuels filed by Merideth Samuels*).

Notice of Removal

Slide 38 - Summary of Current Charges

Summary of current charges

Date Incurred	Description	Amount
2012-07-10 15:00:12	Notice of Removal(8-12-08024-ast) [cmp,ntcrmv] (293.00)	\$ 293.00
		Total: \$ 293.00

Pay Now Continue Filing

The **Summary of current charges** appears with the **Notice of Electronic Filing** in the background. If the **Summary of current charges** did not appear, go to the ECF menu bar and select **Utilities**, then select **Internet Payment Due** to make a payment. If you have more filings that require a fee, it is recommended that you select **Continue Filing**. Otherwise, you would select **Pay Now** to pay the fee at this time.

For more information on the procedure for paying filing fees electronically, see the separate module entitled Pay.Gov on the Court's website at:


http://www.nyeb.uscourts.gov/elms/pay_gov/Paygov.htm

TIP: If you select **Continue Filing**, the **Notice of Electronic Filing** will appear. If you select **Pay Now**, you will not be able to see the **Notice of Electronic Filing** on ECF, but you will receive it via e-mail.

Notice of Removal

Slide 39 - Summary

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
Hon. Carla E. Craig, Chief Judge Robert A. Gavin Jr., Clerk of Court



You have completed the lesson on Notice of Removal. You should now be able to:

- File a Notice of Removal to Bankruptcy Court
- Know whether to pay the Filing Fee immediately after filing the Notice of Removal or at a later time

To exit this module press Ctrl W on your keyboard or click on the X on the page tab at the top of the screen to close the current tab.