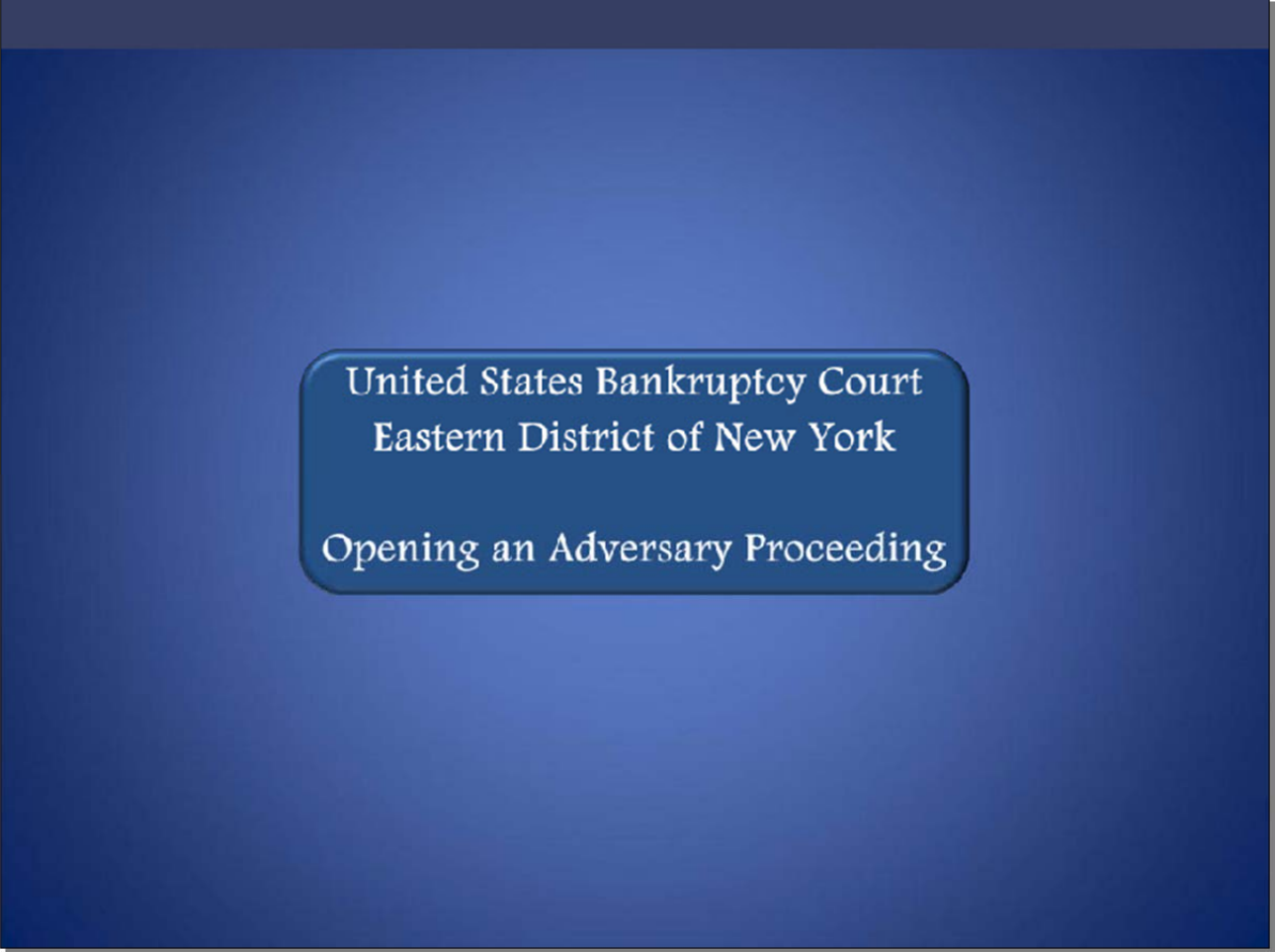


Opening an Adversary Proceeding

Slide 1 - Welcome



United States Bankruptcy Court
Eastern District of New York
Opening an Adversary Proceeding

Welcome to the United States Bankruptcy Court Eastern District of New York's lesson on Opening an Adversary Proceeding.

Opening an Adversary Proceeding


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

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 an Adversary Complaint
- Know whether to pay the Adversary Filing Fee immediately after filing the Petition or at a later time

CONTINUE

Opening an Adversary Proceeding

Slide 4 - ECF Main Menu



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**

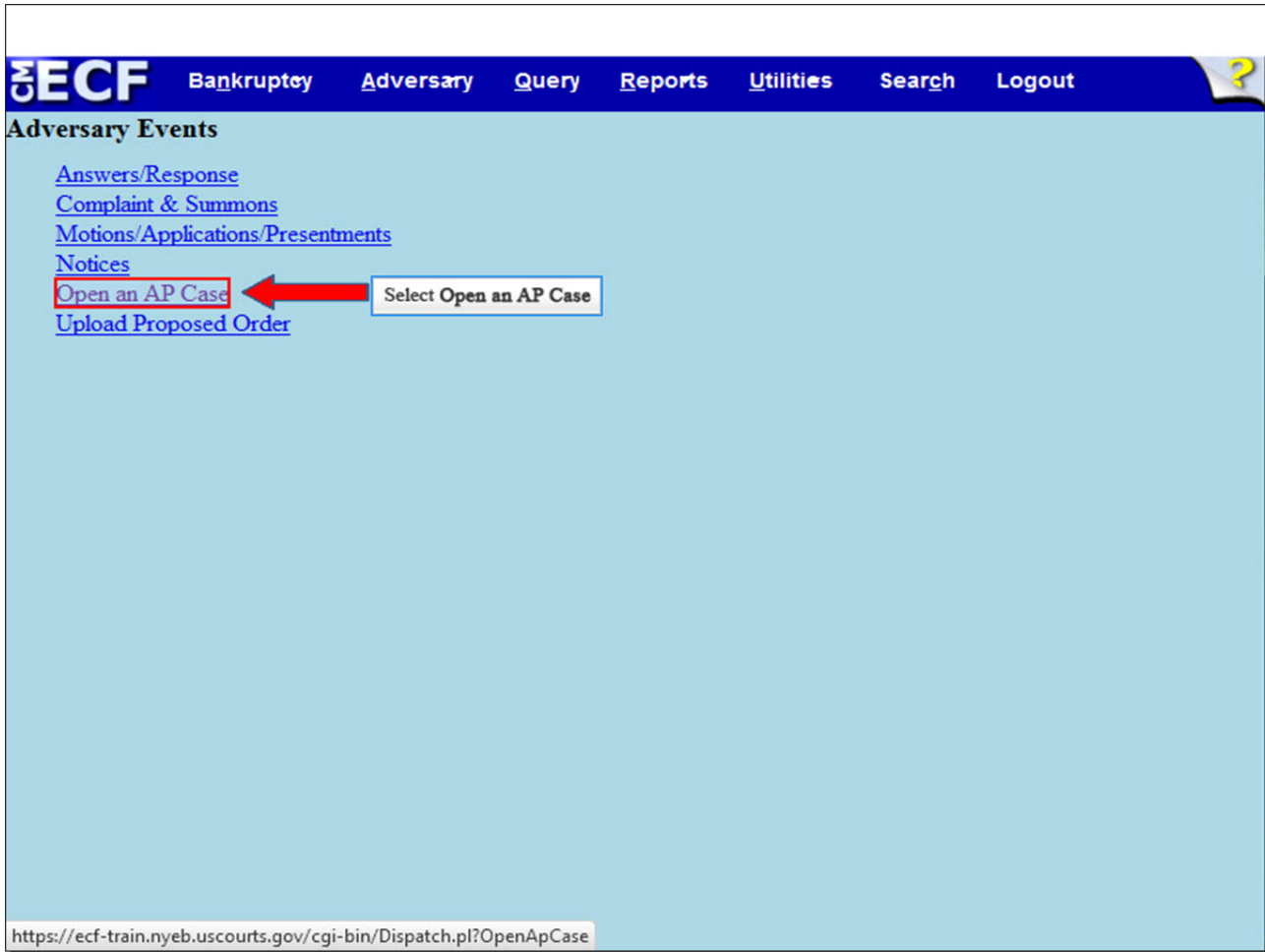
PLEASE NOTE: CM/ECF is unavailable every weekday morning between 5:30 a.m. and 5:45 a.m. We apologize for any inconvenience.

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

After successfully logging into CM/ECF, select **Adversary**.

Opening an Adversary Proceeding

Slide 5 - Adversary Events



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

TIP: When an Adversary Proceeding is opened, a cross-reference of the filing is entered on the Lead Bankruptcy case. Generally, do not docket on the Lead Bankruptcy case if the filing pertains to the Adversary Proceeding.

Opening an Adversary Proceeding

Slide 6 – Open Adversary Case

The screenshot shows the ECF (Electronic Case Filing) interface for opening an adversary case. The top navigation bar includes links for Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. The main form area is titled 'Open Adversary Case' and contains the following fields:

- Case type:** ap
- Date filed:** 5/11/2012
- Complaint:** A dropdown menu with options 'y' and 'n'. The 'y' option is currently selected, and a tooltip labeled 'Select y' is pointing to it.

Below the 'Complaint' field are two buttons: 'Next' and 'Clear'.

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

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

The Complaint field has two options: **n** for no, and **y** for yes. Select **n** for no if you are filing a Notice of Removal. Here, let's assume you are filing a Complaint, so select **y** for yes.

TIP: If you were filing a Notice of Removal, you would select **n** for no next to Complaint, and beneath the Complaint field you would be prompted to indicate whether you are Counsel for the plaintiff or the defendant. Ensure that the caption for the Notice of Removal matches the original caption used in State Court before it was removed to this Court.

Opening an Adversary Proceeding

Slide 7 – Open Adversary Case (Cont'd)

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Open Adversary Case

Case type ap
Date filed 5/11/2012
Complaint y

Next Clear

Select Next

Select **Next** to continue.

Opening an Adversary Proceeding

Slide 8 - Lead Case Number / Association Type

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Open Adversary Case

Lead case number: 12-70001 Find This Case

Association type: Adversary

Next Clear

Object to Disc Debt
Object to Disc
Adversary
Bankruptcy Consolidated
Jointly Administered
Related

The relief requested is a 523 Objection to Dischargeability of a Debt (codes 61-68)

The relief requested is a 727 Objection to Discharge (code 41)

The relief requested is other than a 727 or 523 complaint

On this screen, you would enter the Lead Bankruptcy case number, and select an **Association type** from the list you see here. Ignore the bottom four options, as they do not relate to an adversary proceeding. Select **Object to Disc Debt** if the relief requested / nature of suit is a 523 Objection to Dischargeability of a Debt. Select **Object to Disc** if the relief requested / nature of suit is a 727 Objection to Discharge. Select **Adversary** if the relief requested / nature of suit is other than a 727 or 523 complaint. In this example, let's assume that you are seeking a 523 Objection to Dischargeability of a Debt. Select **Object to Disc Debt**.

Opening an Adversary Proceeding

Slide 9 – Lead Case Number / Association Type (Cont'd)

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Open Adversary Case

Lead case number 12-70001 Find This Case

Association type Object to Disc Debt

Next Clear

Select Next

Select **Next** to continue.

Opening an Adversary Proceeding

Slide 10 – Assignment of Judge and Office

ECF Bankruptcy Adversary Query Reports Utilities Search Logout ?

Open Adversary Case

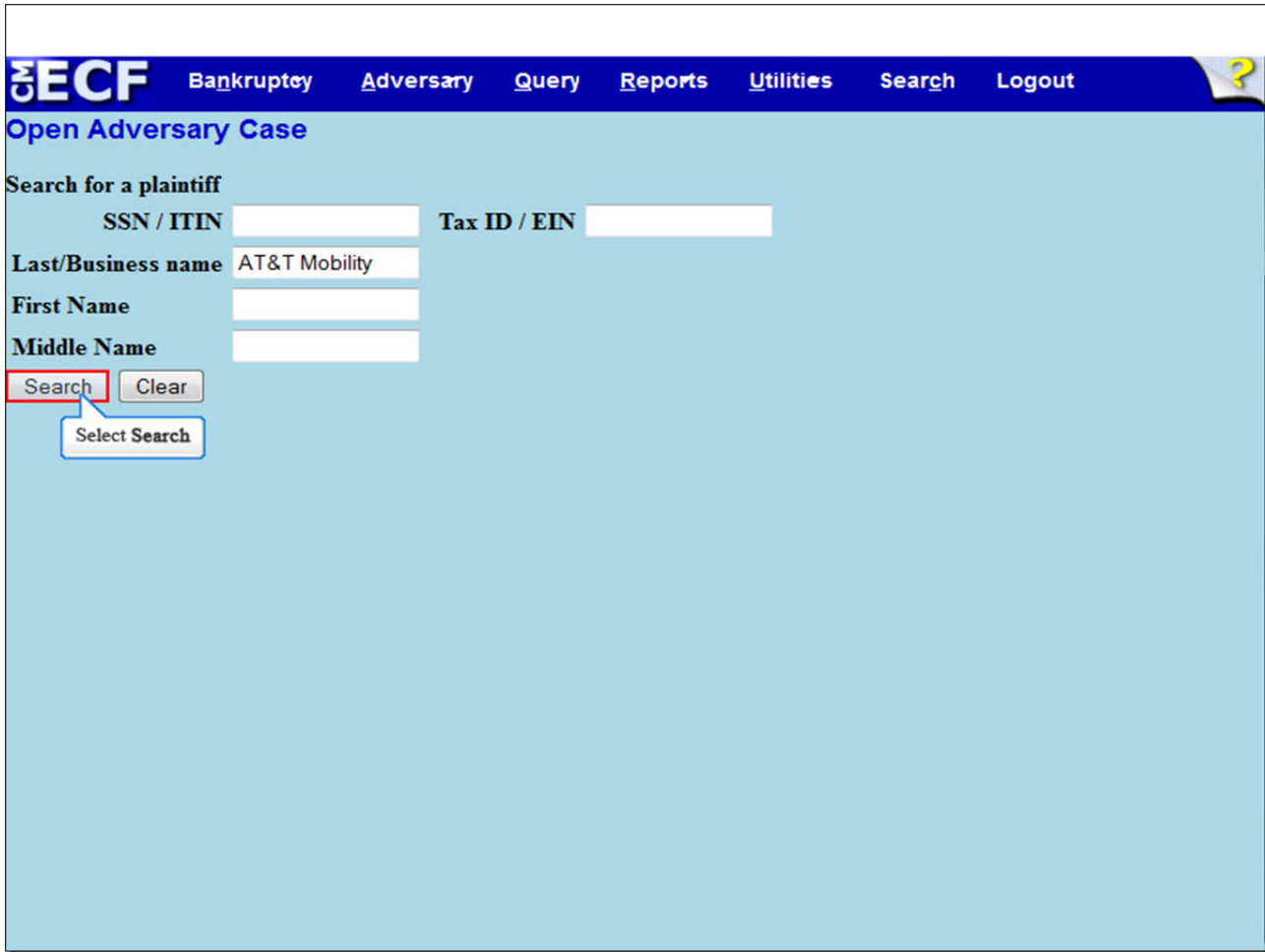
Case is assigned to **Central Islip** Division, Judge **Trust**
based on the lead Bankruptcy case 8-12-70001-ast.

Select Next

In this lesson, the Adversary proceeding will be 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.

Opening an Adversary Proceeding

Slide 11 - Search for a Plaintiff



The screenshot shows the ECF (Electronic Case Filing) interface for opening an 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" (containing "AT&T Mobility"), "First Name", and "Middle Name". At the bottom of this section are "Search" and "Clear" buttons. A red box highlights the "Search" button, and a blue callout box labeled "Select Search" points to it.

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 Complaint to avoid creating duplicate profiles in the electronic database. In this example, your client, the Plaintiff, is a creditor, and the defendants are Joint Debtors. 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 creditor/plaintiff is a business, we will search for that business's name in the **Last/Business name** field. The business name has already been entered. Select **Search**.

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

Opening an Adversary Proceeding

Slide 12 – Search for a Plaintiff (Cont'd)

The screenshot shows the ECF (Electronic Case Filing) system interface. At the top, there is a blue navigation bar with the ECF logo and menu items: Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. Below the navigation bar, the main content area is light blue. The section is titled "Search for a plaintiff". It contains several input fields: "SSN / ITIN", "Tax ID / EIN", "Last/Business name", "First Name", and "Middle Name". Below these fields are "Search" and "Clear" buttons. The section is titled "Party search results" and displays the message "No person found." Below this message, there is a button labeled "Create new party". A red rectangular box highlights this button, and a blue callout box with an arrow points to it, containing the text "Select Create new party".

The search results display all matching records or the message **No person found**. If you were filing a Complaint for a Plaintiff who had filed previously, that Plaintiff would show up in the search results, and you would select that party and continue. In this instance, no party was found matching the business name we inputted. Select **Create New Party** to add Plaintiff's profile.

Opening an Adversary Proceeding

Slide 13 - Plaintiff Information

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

Select Creditor

Add all additional 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 the party's role in the Lead Bankruptcy case. Our plaintiff is a creditor in the Lead Bankruptcy case, so we would select **Creditor**.

Opening an Adversary Proceeding

Slide 14 – Plaintiff Information (Cont'd)

The screenshot shows the ECF Plaintiff Information form. The header includes the ECF logo and navigation links: Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. The form is titled "Plaintiff Information" and contains the following fields:

- Last name: AT&T Mobility
- First name: [Empty]
- Middle name: [Empty]
- Generation: [Empty]
- Title: [Empty]
- SSN / ITIN: 222-11-1234
- Tax ID / EIN: 11-2222222
- Office: [Empty]
- Address 1: [Empty]
- Address 2: [Empty]
- Address 3: [Empty]
- City: [Empty]
- State: [Empty]
- Zip: [Empty]
- County: [Dropdown menu]
- Country: [Empty]
- Phone: [Empty]
- Fax: [Empty]
- E-mail: [Empty]
- Party text: [Empty]
- Role in Bankruptcy Case: Creditor [Dropdown menu]

At the bottom of the form, there are several buttons: "Add additional attorney...", "Alias...", "Corporate parent / affiliate...", and "Review...". A note states: "Add all additional attorneys, aliases and corporate parents or affiliates before clicking the Submit button." Below these buttons are "Submit", "Cancel", and "Clear" buttons. A red box highlights the "Submit" button, and a callout box points to it with the text "Select Submit".

The **Add Additional Attorney...** button allows the filer to add other attorneys to the case if the Plaintiff is represented by more than one attorney. The **Alias** button can be used to add other names the Plaintiff is using or has used. The **Corporate Parent/affiliate** button should be used if the Plaintiff has such. 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.

Opening an Adversary Proceeding

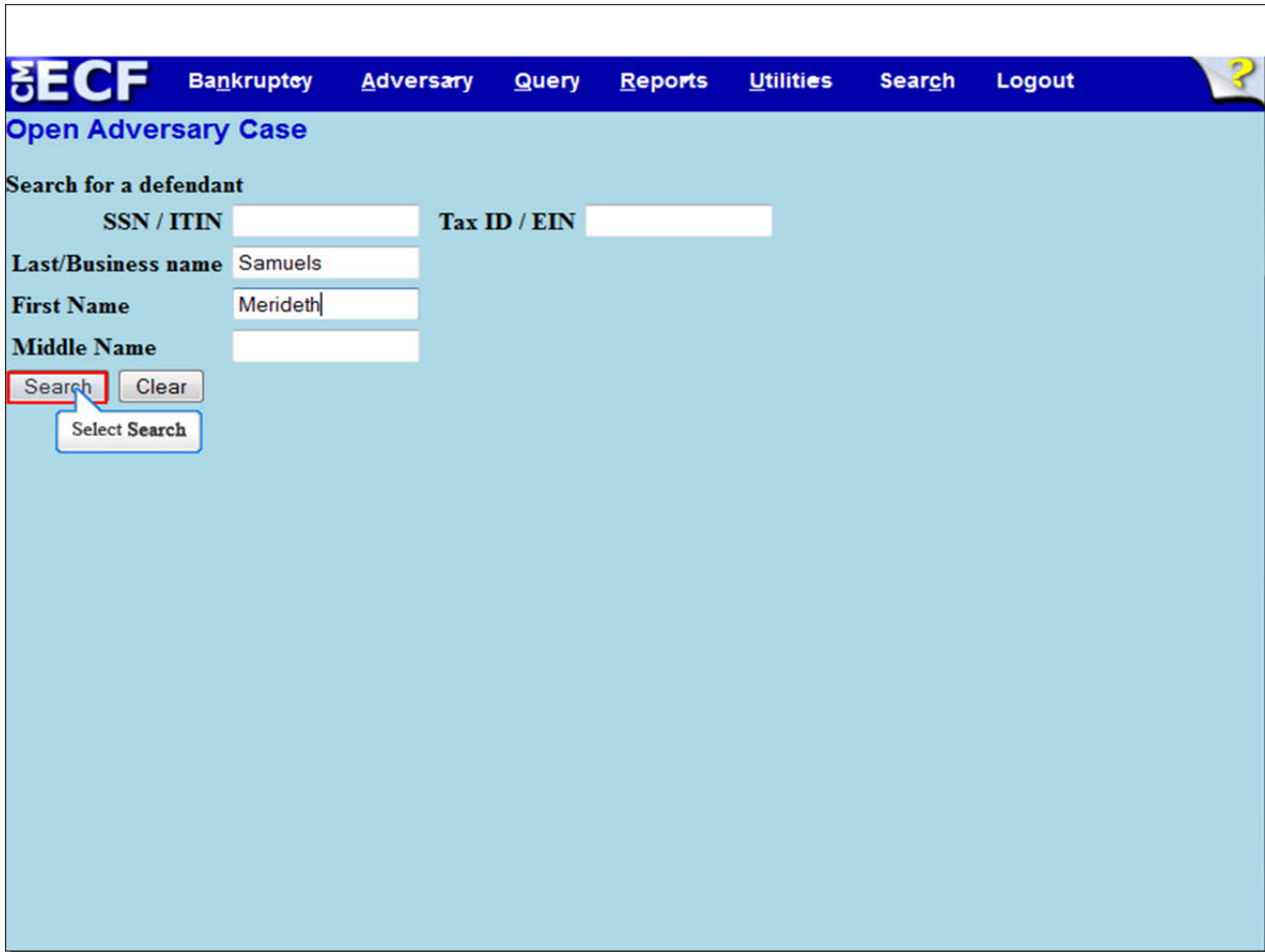
Slide 15 – Search for a plaintiff (Cont'd)

The screenshot shows the ECF (Electronic Case Filing) interface for opening an 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. 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 on the case, 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 (Slides 11-14). In this example, there is only one Plaintiff on the case, so we would select **End plaintiff selection**.

Opening an Adversary Proceeding

Slide 16 - Search for a Defendant



The screenshot shows the ECF (Electronic Case Filing) interface for opening an 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 defendant" with several input fields: "SSN / ITIN", "Tax ID / EIN", "Last/Business name" (containing "Samuels"), "First Name" (containing "Merideth"), and "Middle Name". At the bottom of the search section, there 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 two defendants in our Adversary proceeding are the Debtor and Joint Debtor. We have entered the first defendant / joint debtor's first and last name, so we will now select **Search**.

Opening an Adversary Proceeding

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

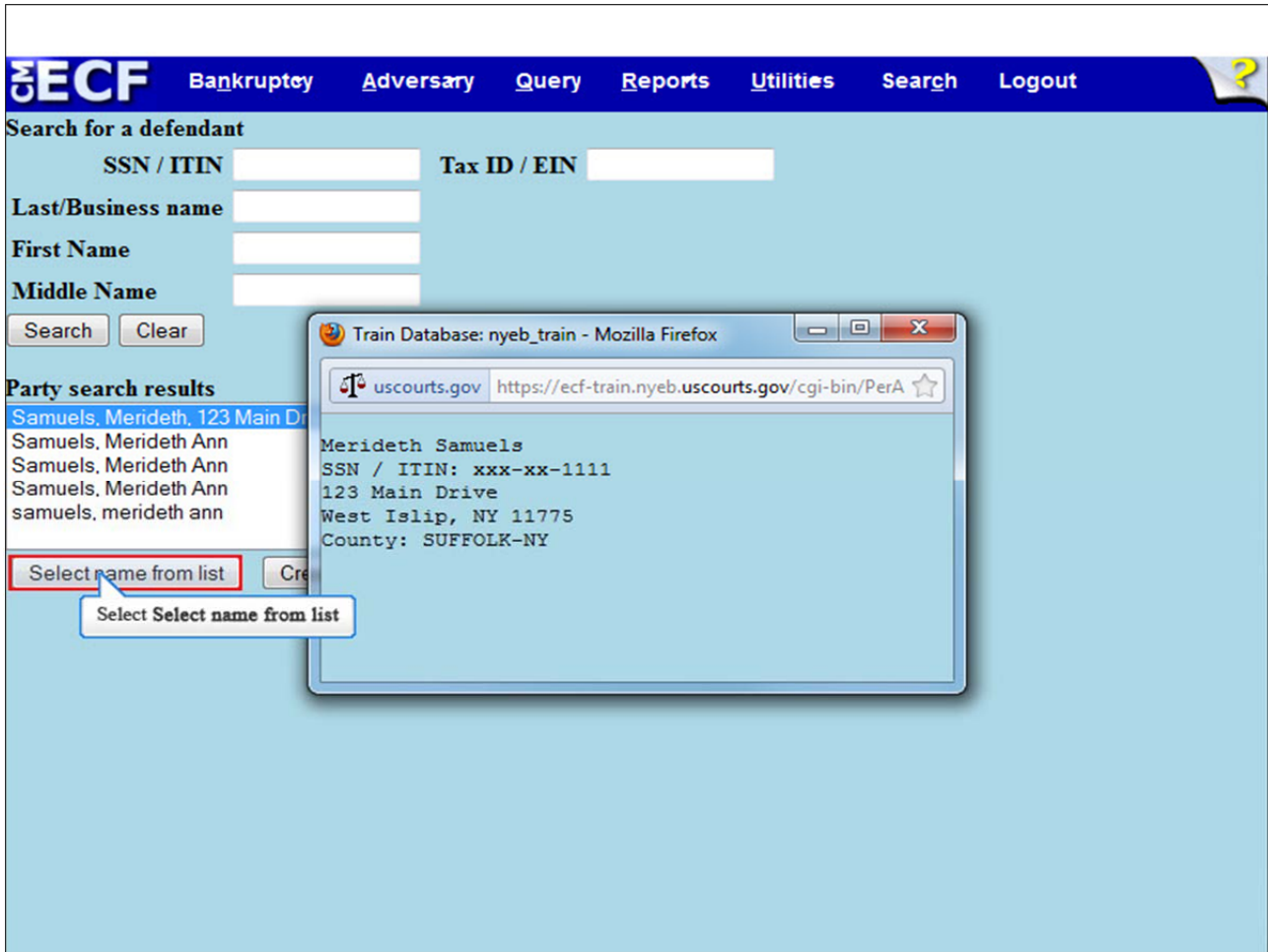
The screenshot shows the ECF system interface. At the top is a blue navigation bar with the ECF logo and links for Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. Below the navigation bar is a search form titled "Search for a defendant". The form includes input fields for "SSN / 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. A red box highlights the first result: "Samuels, Merideth, 123 Main Drive, West Islip, NY". A red arrow points from this result to a callout box that says "Select Samuels, Merideth, 123 Main Drive, West Islip, NY". Below the results list are two buttons: "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 as that in the Complaint.

Opening an Adversary Proceeding

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



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.

Opening an Adversary Proceeding

Slide 19 - Defendant Information

The screenshot shows the ECF Defendant Information form for Merideth Samuels. The form includes fields for 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, and Role in Bankruptcy Case. The Role in Bankruptcy Case dropdown menu is open, showing options: Creditor, Debtor (highlighted with a red box and arrow), Other/Not Applicable, Trustee, and U.S. Trustee/Bankruptcy Administrator. A 'Select Debtor' button is also visible next to the Debtor option. Below the dropdown are buttons for Alias..., Corporate parent..., Submit, Cancel, and Clear. A note on the right side of the form reads: 'and corporate parents or affiliates' and '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 is a joint debtor in the Lead Bankruptcy case, so we would select Debtor.

TIP: 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.

Opening an Adversary Proceeding

Slide 20 - Defendant Information (Cont'd)

The screenshot shows the ECF (Electronic Case Filing) interface for Bankruptcy Adversary Proceedings. The header includes the ECF logo and navigation links: Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. The main content area is titled "Defendant Information" and displays the name "Merideth Samuels" with a masked SSN/ITIN: xxx-xx-1111. The form contains several input fields: Office, Address 1 (123 Main Drive), Address 2, Address 3, City (West Islip), State (NY), Zip (11775), County (SUFFOLK-NY (36103)), Country, Phone, Fax, and E-mail. There is also a "Party text" field and a "Role in Bankruptcy Case" dropdown menu set to "Debtor". At the bottom, there are buttons for "Alias...", "Corporate parent / affiliate...", and "Review...", along with a note: "Add all aliases and corporate parents or affiliates before clicking the Submit button." Below these are "Submit", "Cancel", and "Clear" buttons. A red box highlights the "Submit" button, and a tooltip labeled "Select Submit" points to it.

Select **Submit** to continue.

Opening an Adversary Proceeding

Slide 21 - Search for Defendant (Cont'd)

The screenshot shows the ECF (Electronic Case Filing) interface for opening an 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 defendant" with several input fields: "SSN / ITIN", "Tax ID / EIN", "Last/Business name" (containing "Samuels"), "First Name" (containing "Frank"), and "Middle Name". There are "Search" and "Clear" buttons. A "Select Search" button is also visible, with a tooltip that says "Select Search". At the bottom of the form, there is a partially visible "End defendant selection" button.

If this were the only defendant on the case, you would now select **End defendant selection**. However, our adversary case has two defendants, so we will instead enter the first and last name of the other defendant / joint debtor, and select **Search**.

Opening an Adversary Proceeding

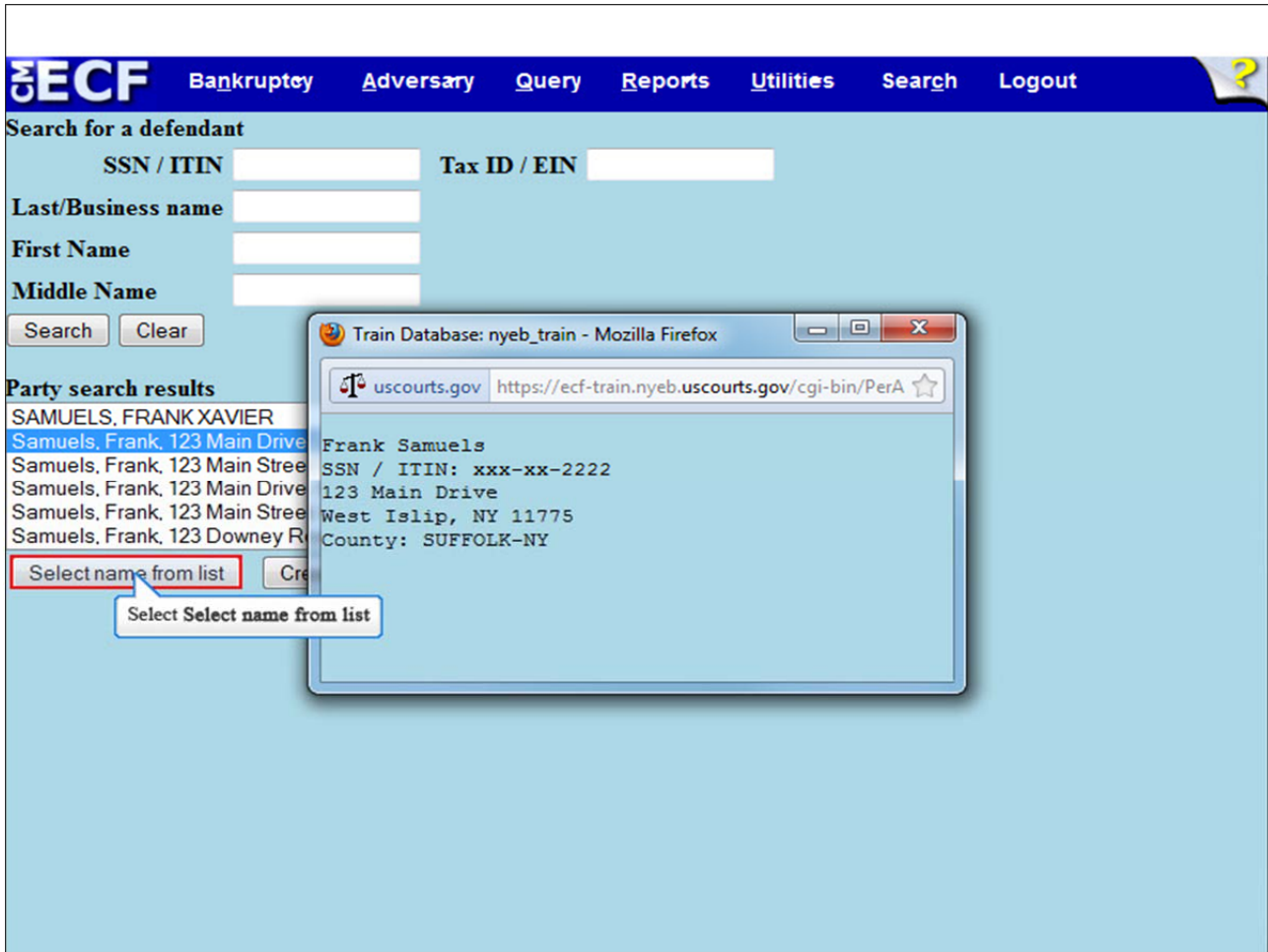
Slide 22 – Search for Defendant (Cont'd)

The screenshot shows the ECF system interface. At the top is a blue 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". The form includes 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. A dropdown menu is open, showing a list of search results. The first result, "SAMUELS, FRANK XAVIER", is highlighted with a red box. A red arrow points from this result to a callout box that says "Select Samuels, Frank, 123 Main Drive, West Islip, NY". Below the dropdown menu are two buttons: "Select name from list" and "Create new party".

As was the case when we searched for the first defendant, the second defendant's record has shown up in the **Party search results**. We will therefore select this record.

Opening an Adversary Proceeding

Slide 23 – Search for Defendant (Cont'd)



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.

Opening an Adversary Proceeding

Slide 24 – Defendant Information (Cont'd)

The screenshot shows the ECF Defendant Information form for Frank Samuels. The form includes fields for 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, and Role in Bankruptcy Case. A dropdown menu for Role in Bankruptcy Case is open, showing options: Creditor, Debtor (highlighted with a red box and arrow), Other/Not Applicable, Trustee, and U.S. Trustee/Bankruptcy Administrator. There are buttons for Alias..., Corporate parent, Submit, Cancel, and Clear. A note on the right says 'and corporate parents or affiliates' and '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. Like the first defendant, this defendant is a joint debtor in the Lead Bankruptcy case, so we would select **Debtor**.

Opening an Adversary Proceeding

Slide 25 - Defendant Information (Cont'd)

The screenshot shows the ECF system interface for entering defendant information. The header includes the ECF logo and navigation links: Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. The form is titled "Defendant Information" and is for "Frank Samuels" with an SSN/ITIN of xxx-xx-2222. The form contains several input fields: 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, and Role in Bankruptcy Case (Debtor). Below the form are buttons for "Alias...", "Corporate parent / affiliate...", and "Review...". A note states: "Add all aliases and corporate parents or affiliates before clicking the Submit button." At the bottom, there are "Submit", "Cancel", and "Clear" buttons. A red box highlights the "Submit" button, and a callout box labeled "Select Submit" points to it.

Select **Submit** to continue.

Opening an Adversary Proceeding

Slide 26 – Search for a Defendant (Cont'd)

The screenshot shows the ECF (Electronic Case Filing) interface for opening an 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 defendant" with several input fields: "SSN / ITIN", "Tax ID / EIN", "Last/Business name", "First Name", and "Middle Name". There 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, you would search for them here as was demonstrated earlier. In our example, we have entered the two defendants in our case, so we would then select **End defendant selection**.

Opening an Adversary Proceeding

Slide 27 - 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 ▾ Select Primary nature of suit

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 defendants in our case 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 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 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 Complaint 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 adversary proceeding. Select the drop-down arrow to view a list of natures of suit.

Opening an Adversary Proceeding

Slide 28 - Nature of Suit / Statistical Information (Cont'd)

The screenshot shows the ECF 'Open Adversary Case' form. The top navigation bar includes 'Bankruptcy', 'Adversary', 'Query', 'Reports', 'Utilities', 'Search', and 'Logout'. The form title is 'Open Adversary Case'. Below the title, there is a red instruction: 'If you only have one Nature of Suit select from Primary. For additional Nature of Suit select from Secondary.' The form contains several input fields: 'Party code' (3 U.S. not a Party), 'Rule 23 (class action)' (n), 'Jury demand' (None), 'Demand (\$000)' (5), and 'State law' (n). The 'Primary nature of suit' dropdown menu is open, showing a list of options. A tooltip points to option 62, which is highlighted in red. The tooltip text is 'Select 62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)'. The list of options includes: none, 01 (Determination of removed claim or cause), 02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)), 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 / r), 51 (Revocation), 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/decreed), 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), and 71 (Injunctive relief - reinstatement of stay).

A list appears of different options for **nature of suit**, and you would select whichever option best describes the relief requested, or purpose, of the Plaintiff's complaint. In our example, remember that we selected **Object to Disc Debt** on the **Association type** screen (Slide 8), so we would need to select one of codes 61-68. Let's say the Plaintiff was disputing the dischargeability of a debt due to false pretenses, false representation, or actual fraud. You would therefore select code **62**.

Opening an Adversary Proceeding

Slide 29 - Nature of Suit / Statistical Information (Cont'd)

The screenshot shows the ECF 'Open Adversary Case' form. At the top, there is a navigation bar with 'Bankruptcy', 'Adversary', 'Query', 'Reports', 'Utilities', 'Search', and 'Logout'. Below the navigation bar, the title 'Open Adversary Case' is displayed. A red instruction reads: 'If you only have one Nature of Suit select from Primary. For additional Nature of Suit select from Secondary.' The form contains several fields: 'Party code' (3 U.S. not a Party), 'Primary nature of suit' (62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)), 'Rule 23 (class action)' (n), 'Jury demand' (None), 'Demand (\$000)' (5), 'State law' (n), and five 'nature of suit' dropdown menus (Primary, Second, Third, Fourth, Fifth), all currently set to 'none'. At the bottom left, there are 'Next' and 'Clear' buttons. The 'Next' button is highlighted with a red box, and a blue callout bubble points to it with the text 'Select Next'.

If you have 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 complaint. When you have entered your natures of suit and the other required information on this screen, select **Next** to continue.

TIP: If one of the multiple suits is **41 (Objection/revocation of discharge - 727 (c), (d), (e))**, it **MUST** be entered as the **Primary nature of suit**, and you must have selected **Object to Disc** on the **Association type** screen (Slide 8). Only the primary nature of suit will appear in the docket text.

Opening an Adversary Proceeding

Slide 30 - Upload Complaint

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 (Exhibits) 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 Complaint file, or include them with the Complaint 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 the 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).

Opening an Adversary Proceeding

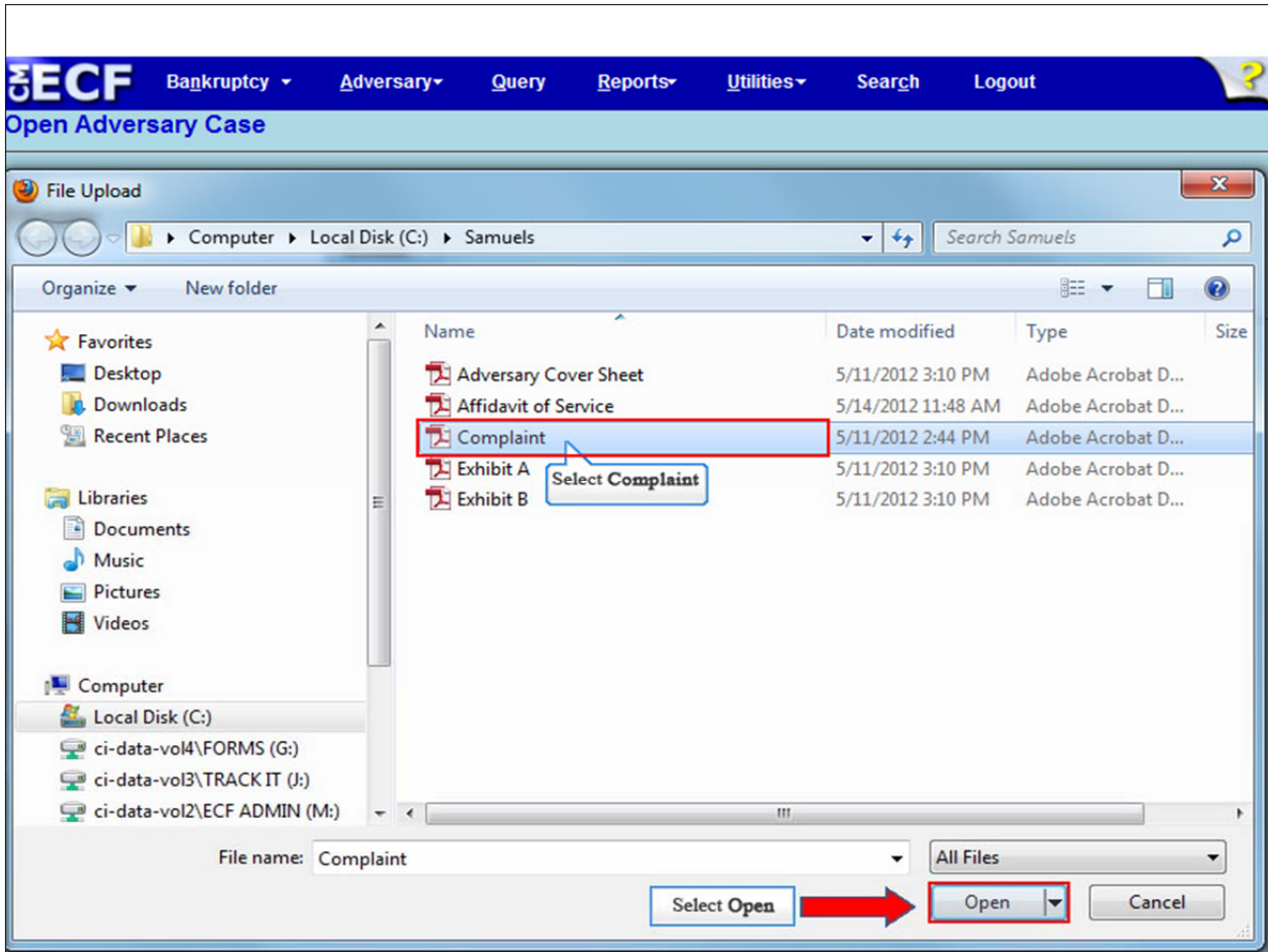
Slide 31 - Upload Complaint (Cont'd)

The screenshot shows the ECF (Electronic Case Filing) interface for opening an adversary case. At the top, there is a navigation bar with the ECF logo and links for Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. Below this is a header for 'Open Adversary Case'. The main form area contains a 'Filename' label above a text input field. To the right of the input field is a 'Browse...' button, which is highlighted with a red box. Below the filename field, there is a section for 'Attachments to Document:' with radio buttons for 'No' and 'Yes'. The 'Yes' option is selected. A blue callout box points to the 'Browse...' button with the text 'Select Browse...'. At the bottom of the form, there are two buttons: 'Next' and 'Clear'.

Select **Browse...** to upload the Complaint in PDF.

Opening an Adversary Proceeding

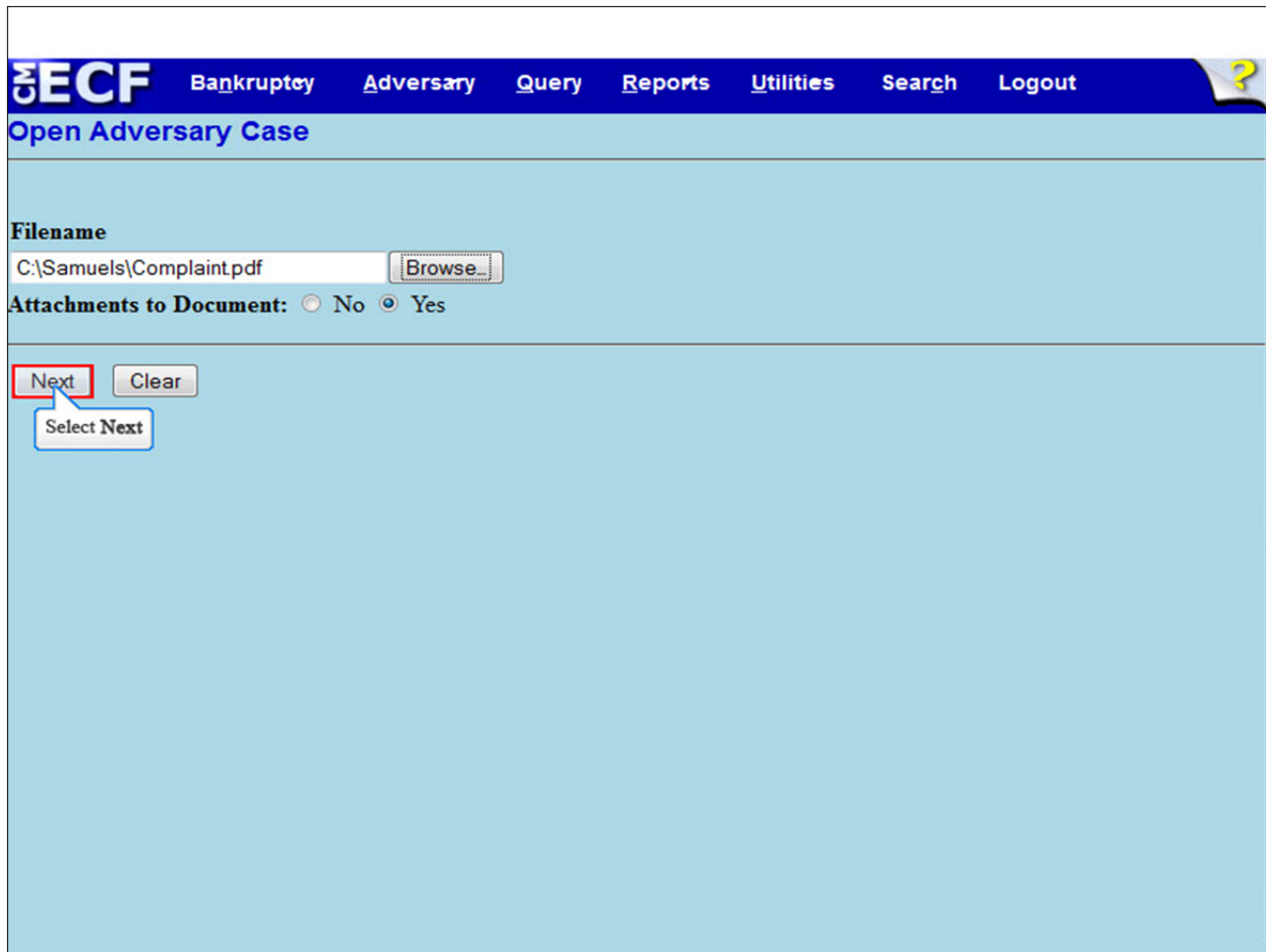
Slide 32 - Upload Complaint (Cont'd)



The **File Upload** screen appears. Select the **Complaint** 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 Complaint.

Opening an Adversary Proceeding

Slide 33 - Upload Complaint (Cont'd)



The screenshot shows the ECF (Electronic Case Filing) interface for opening an 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 "Filename" field containing the text "C:\Samuels\Complaint.pdf" and a "Browse..." button. Underneath, the "Attachments to Document:" section has two radio buttons: "No" and "Yes", with "Yes" being selected. At the bottom left, there are two buttons: "Next" and "Clear". The "Next" button is highlighted with a red rectangular box, and a tooltip with the text "Select Next" is pointing to it.

The complete filename displays in the **Filename** field. Since we indicated that we were going to add attachments, select **Next** to continue.

Opening an Adversary Proceeding

Slide 34 - Upload Attachment(s)

The screenshot shows the ECF (Electronic Case Filing) interface for opening an adversary case. The top navigation bar includes links for 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).

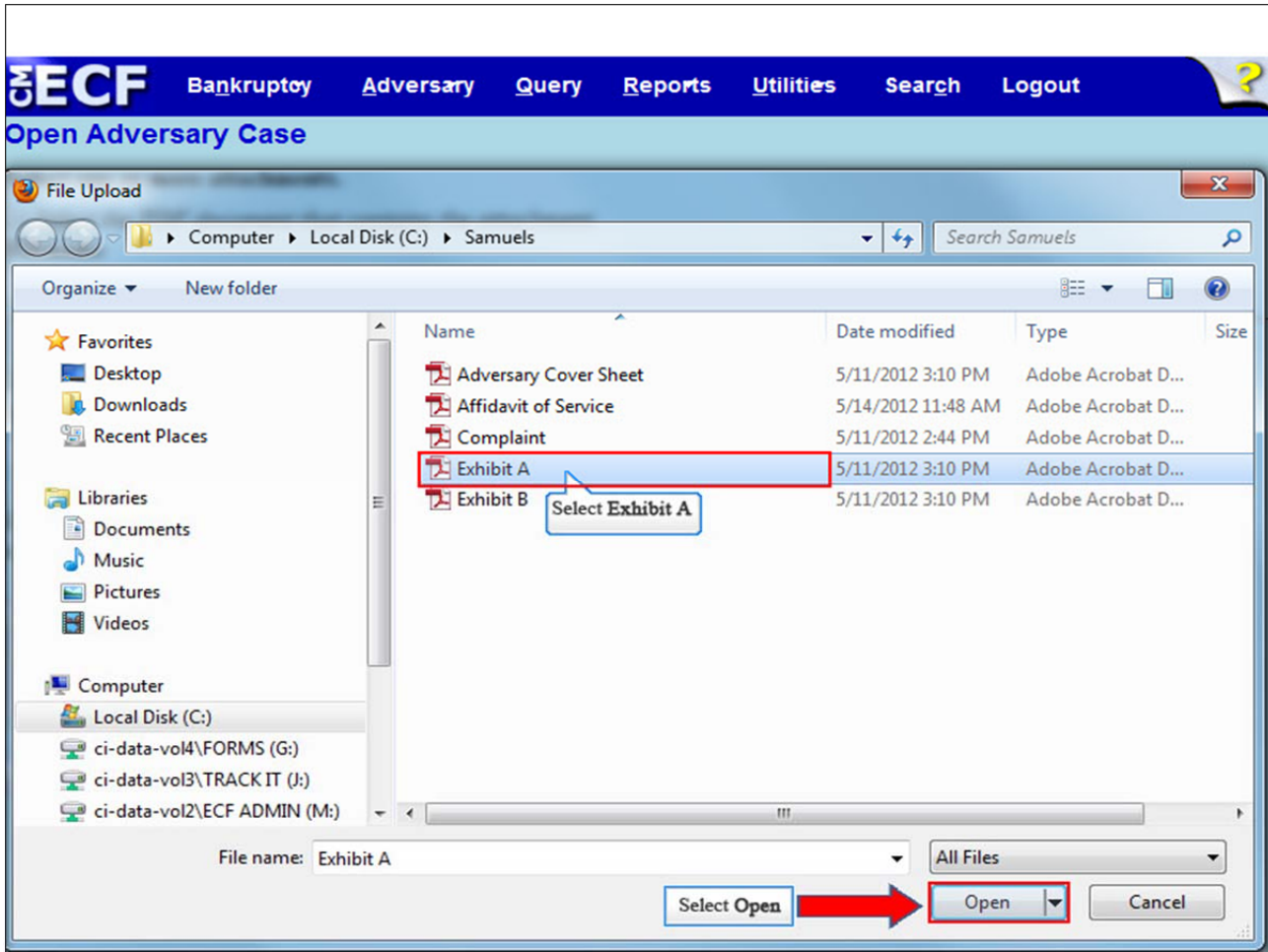
Instructions: "3) Add the filename to the list box below. If you have more attachments, go back to Step 1. When the list of filenames is complete, click on the Next button."

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

Here, we will attach Exhibit A. Select **Browse...**

Opening an Adversary Proceeding

Slide 35 - Upload Attachment(s) (Cont'd)



Select **Exhibit A**, 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.

Opening an Adversary Proceeding

Slide 36 - Upload Attachment(s) (Cont'd)

CM/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:\Samuels\Exhibit A.pdf

2) Fill in the fields below.

Category and/or **Description**

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.

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

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

Opening an Adversary Proceeding

Slide 37 - Upload Attachment(s) (Cont'd)

The screenshot shows the 'Open Adversary Case' form in the CM/ECF system. At the top, there is a navigation bar with links for Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. The main heading is 'Open Adversary Case'. Below this, the instruction reads 'Select one or more attachments.' followed by '1) Select the PDF document that contains the attachment.' The 'Filename' field contains 'C:\Samuels\Exhibit A.pdf' and a 'Browse...' button. The second instruction is '2) Fill in the fields below.' There are two fields: 'Category' and 'Description'. The 'Category' dropdown menu is open, showing a list of options including 'Exhibit', which is highlighted with a red box and a 'Select Exhibit' button. The 'Description' field contains 'A - Proof of Claim' and is also highlighted with a red box. A note below the fields says 'Box below. If you have more attachments, go back to Step 1. When the list of filenames is ton.'

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

Opening an Adversary Proceeding

Slide 38 - Upload attachment(s) (Cont'd)

The screenshot shows the 'Open Adversary Case' form in the CM/ECF system. The form is titled 'Open Adversary Case' and includes a navigation bar with links for Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. The main content area is light blue and contains the following steps and fields:

- Step 1:** 'Select one or more attachments.' The instruction is '1) Select the PDF document that contains the attachment.' The 'Filename' field contains 'C:\Samuels\Exhibit A.pdf' and a 'Browse...' button.
- Step 2:** 'Fill in the fields below.' The 'Category' dropdown is set to 'Exhibit' and the 'Description' field contains 'A - Proof of Claim'.
- Step 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.'

The list box contains an 'Add to List' button (highlighted with a red box and a callout 'Select Add to List'), a 'Remove from List' button, and a 'Next' button.

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

Opening an Adversary Proceeding

Slide 39 - Upload attachment(s) (Cont'd)

The screenshot shows the 'Open Adversary Case' page on the CM/ECF system. The page has a blue header with navigation links: Bankruptcy, Adversary, Query, Reports, Utilities, Search, and Logout. A yellow question mark icon is in the top right corner. The main content area is light blue and contains the following elements:

- Section Header:** Open Adversary Case
- Instruction:** Select one or more attachments.
- Step 1:** 1) Select the PDF document that contains the attachment. Below this is a 'Filename' label, an empty text input field, and a 'Browse...' button.
- Step 2:** 2) Fill in the fields below. Below this are two labels: 'Category' and 'and/or Description'. Under 'Category' is a dropdown menu. Under 'and/or Description' is an empty text input field.
- Step 3:** 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. Below this is a list box containing 'Exhibit A.pdf' with up and down arrows. To the right of the list box are two buttons: 'Add to List' and 'Remove from List'.
- Next Button:** A 'Next' button is located at the bottom left, highlighted with a red box. A blue callout box with an arrow points to it, containing the text 'Select Next'.

If you have more Exhibits to attach, select **Browse...** and repeat the process of adding additional attachments (Slides 34-38) until all Exhibits are listed and properly identified. In this lesson, we have no more additional attachments. Select **Next** to continue.

Opening an Adversary Proceeding

Slide 40 - ProBono?

The screenshot shows the ECF (Electronic Case Filing) 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 main content area contains the question "Is this case being filed ProBono?". A dropdown menu is open, showing two options: "Yes" and "No". The "No" option is highlighted, and a tooltip with the text "Select No" is visible. To the right of the dropdown menu is a "Clear" button.

Is this case being filed ProBono? In this example, it is not, so we selected **No**.

Opening an Adversary Proceeding

Slide 41 – Pro Brono (Cont'd)

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Open Adversary Case

Is this case being filed ProBono?

No ▾

Next Clear

Select Next

Select **Next** to continue.

Opening an Adversary Proceeding

Slide 42 - Receipt # / Fee

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 you for a receipt number and a fee amount. The **Fee** amount defaults to \$293.00 and should not be changed. The **Receipt #** field should be left blank in this instance because the plaintiff is a creditor. **Important!** If, however, you were representing a Chapter 7 or 13 debtor, you would enter the word **Deferred** in the **Receipt #** field. Select **Next** to continue.

Opening an Adversary Proceeding

Slide 43 – Receipt # / Fee (Cont'd)

ECF Bankruptcy Adversary Query Reports Utilities Search Logout ?

Open Adversary Case

Next Clear

Select Next

Select **Next** to continue.

Opening an Adversary Proceeding

Slide 44 - Final Docket Text

The screenshot shows the ECF (Electronic Case Filing) system 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 main content area displays the docket text for a final text entry: "Complaint by AT&T Mobility against Merideth Samuels, Frank Samuels. Fee Amount \$293 (62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)). (Attachments: # (1) Exhibit A - Proof of Claim) (Marcus, Simon)". Below the docket text, there is a red warning message: "Attention!! Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue." Underneath the warning, the question "Have you redacted?" is displayed. There are three buttons: "Next", "Clear", and "Select Next". The "Next" button is highlighted with a red border, and a tooltip "Select Next" is visible over it.

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.

Opening an Adversary Proceeding

Slide 45 - Summary of Current Charges

Summary of current charges

Date Incurred	Description	Amount
2012-05-11 15:17:51	Complaint(8-12-08019-ast) [cmp,cmp] (293.00)	\$ 293.00
		Total: \$ 293.00

Pay Now **Continue Filing**

Select Pay Now

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 email.

Opening an Adversary Proceeding

Slide 46 - 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 now completed the lesson on Opening an Adversary Proceeding. You should now be able to:

- File an Adversary Complaint
- Know whether to pay the Adversary Filing Fee immediately after filing the Petition 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.