Slide 1 - Welcome

Welcome to the United States Bankruptcy Court Eastern District of New York's lesson on Opening an Adversary Proceeding.
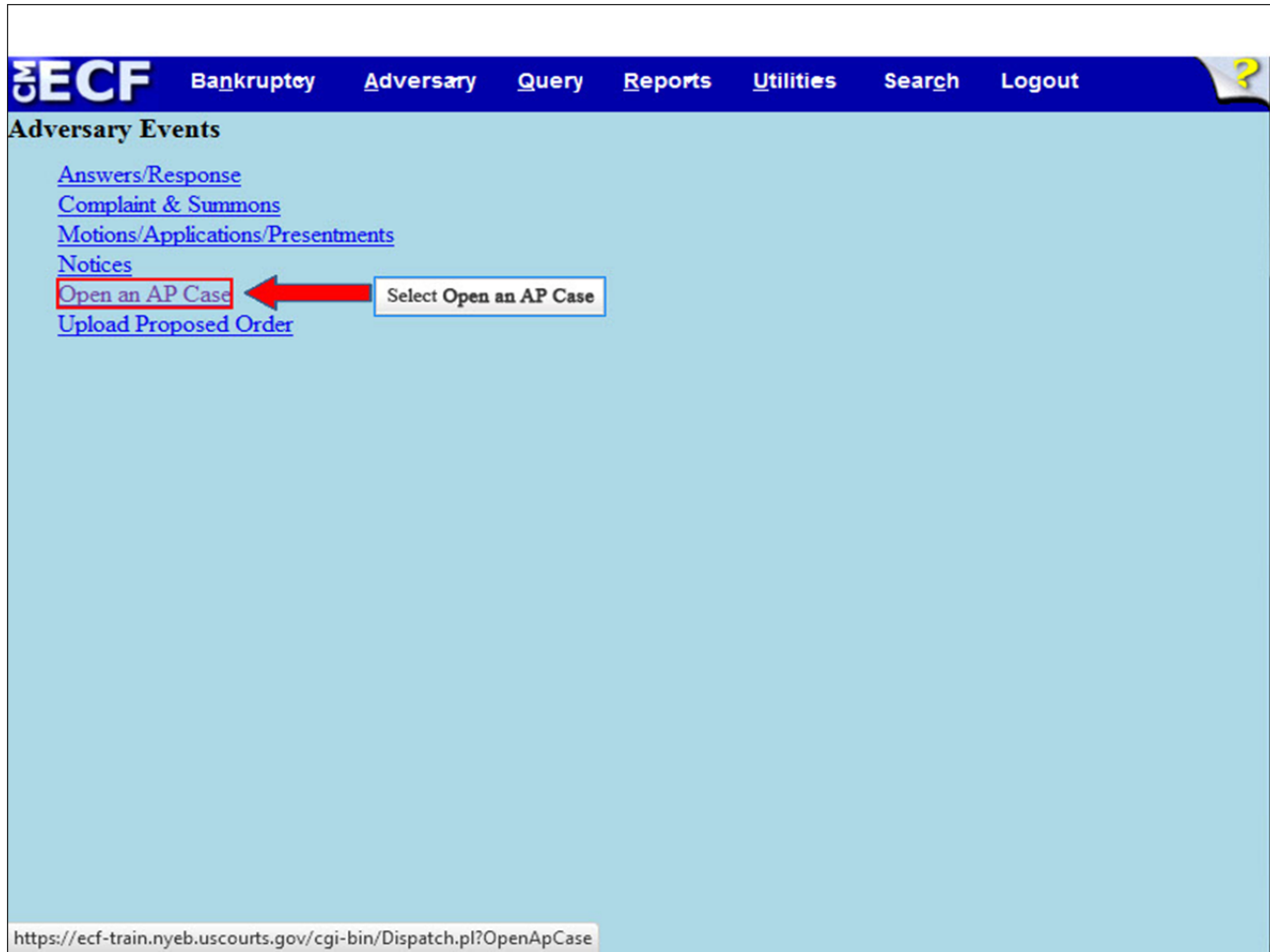
Slide 2 - Navigation Instructions

Slide 3 - Objective

Slide 4 - ECF Main Menu

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

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.

Slide 6 – Open Adversary Case

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.

Slide 7 – Open Adversary Case (Cont'd)

Select **Next** to continue.

Slide 8 - Lead Case Number / Association Type

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**.

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

Select **Next** to continue.

Slide 10 – Assignment of Judge and Office

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.

Slide 11 - Search for a Plaintiff

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.

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

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.

Slide 13 - Plaintiff Information

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**.

Slide 14 – Plaintiff Information (Cont'd)

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.

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

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**.

Slide 16 - Search for a Defendant

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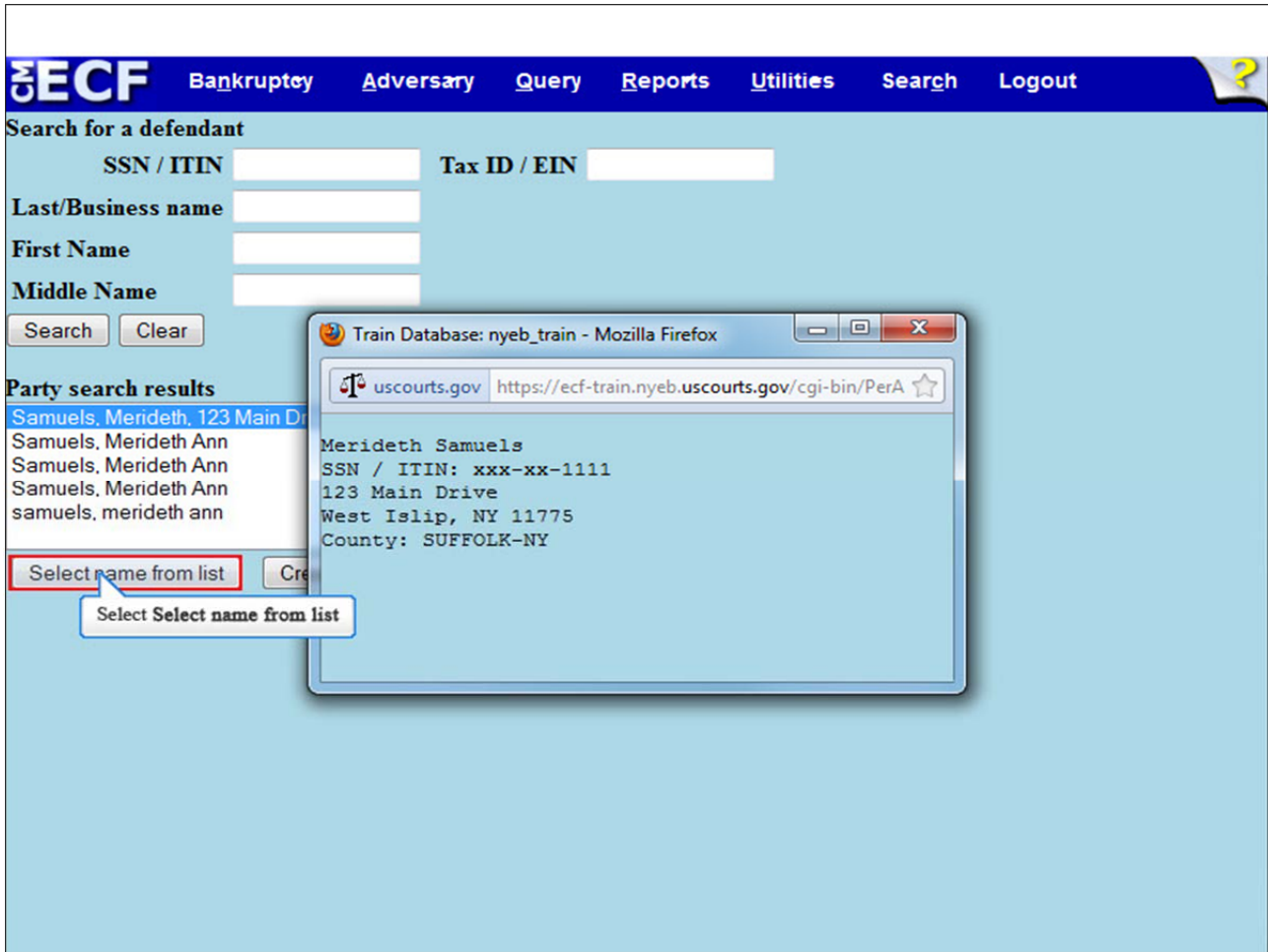
Slide 17 - Search for a Defendant (Cont'd)

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.

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.

Slide 19 - Defendant Information

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.

Slide 20 - Defendant Information (Cont'd)

Select **Submit** to continue.

Slide 21 - Search for Defendant (Cont'd)

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**.
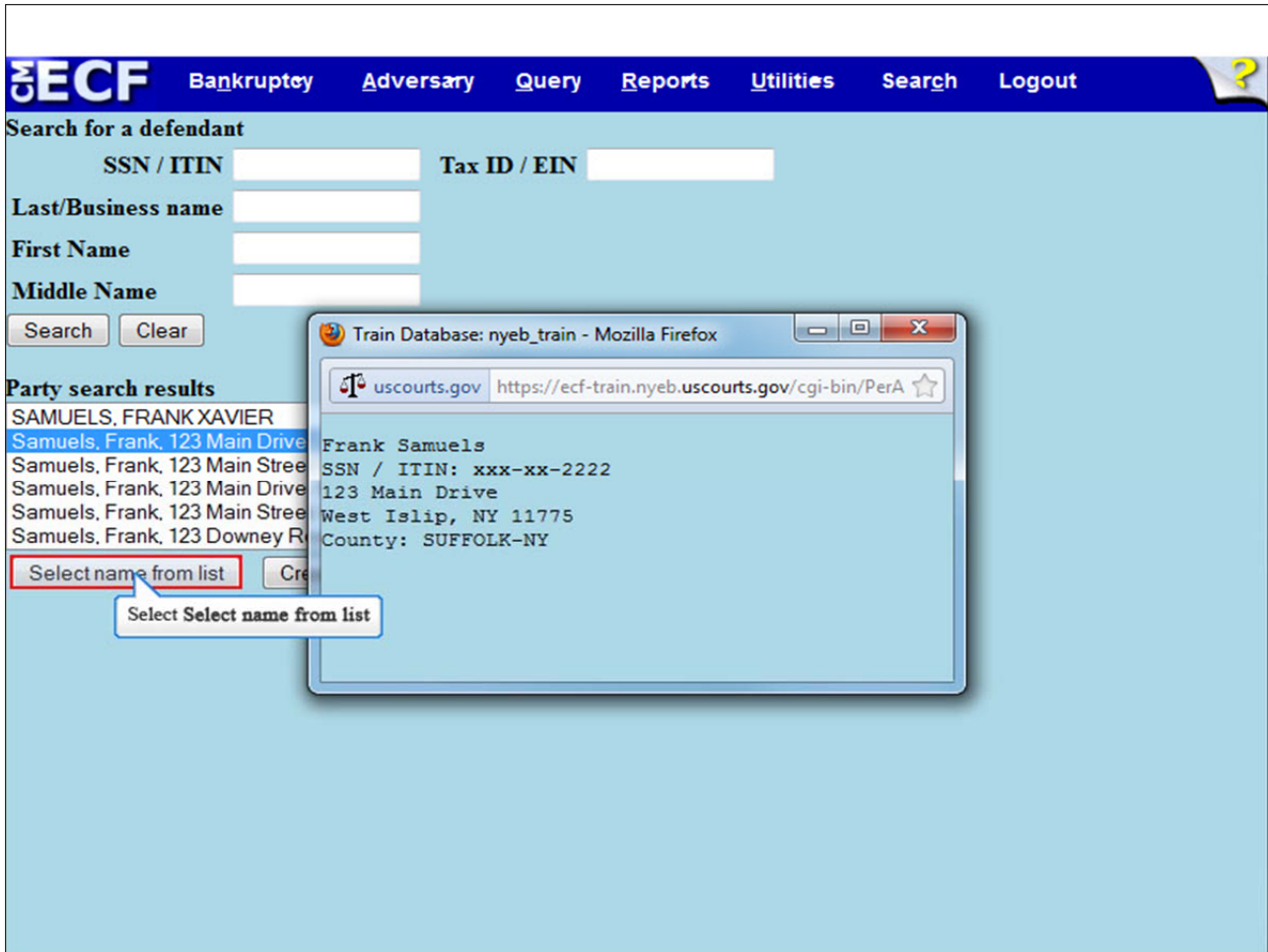
Slide 22 – Search for Defendant (Cont'd)

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.

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.

Slide 24 – Defendant Information (Cont'd)

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**.

Slide 25 - Defendant Information (Cont'd)

Select **Submit** to continue.

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

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**.

Slide 27 - Nature of Suit / Statistical Information

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.

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

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**.

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

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.

Slide 30 - Upload Complaint

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).

Slide 31 - Upload Complaint (Cont'd)
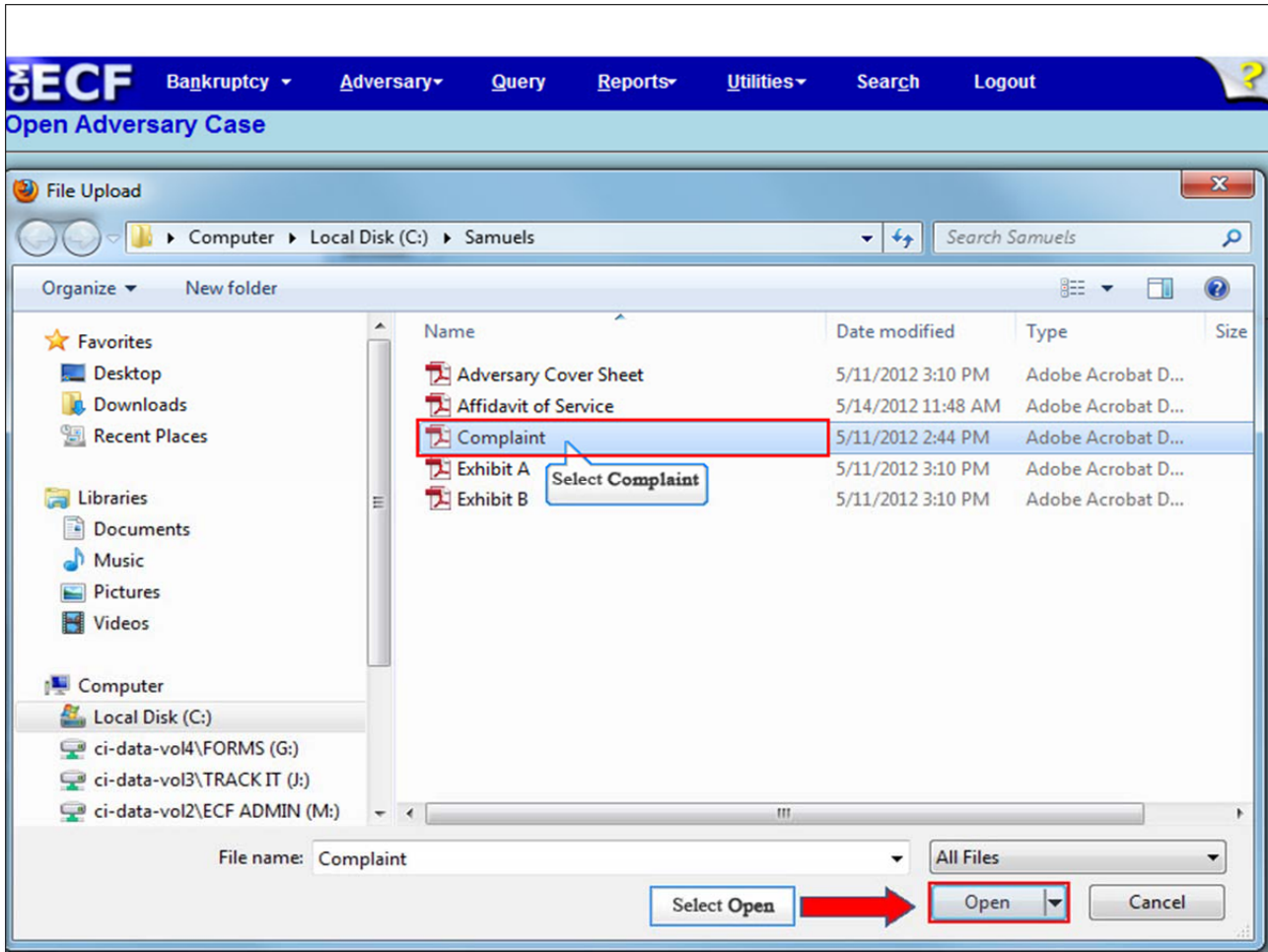

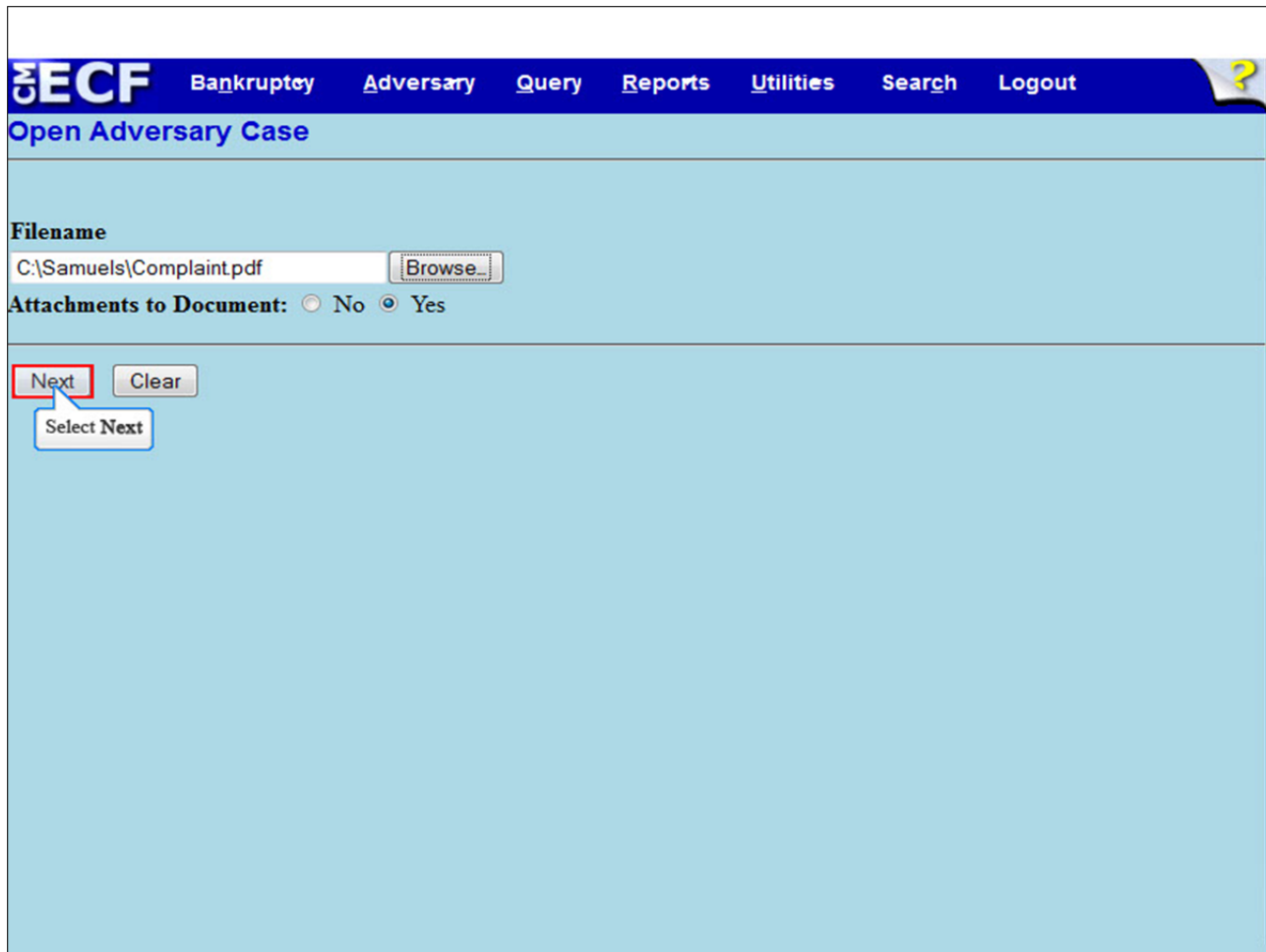Select **Browse...** to upload the Complaint in PDF.

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.

Slide 33 - Upload Complaint (Cont'd)

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

Slide 34 - Upload Attachment(s)

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

Slide 35 - Upload Attachment(s) (Cont'd)
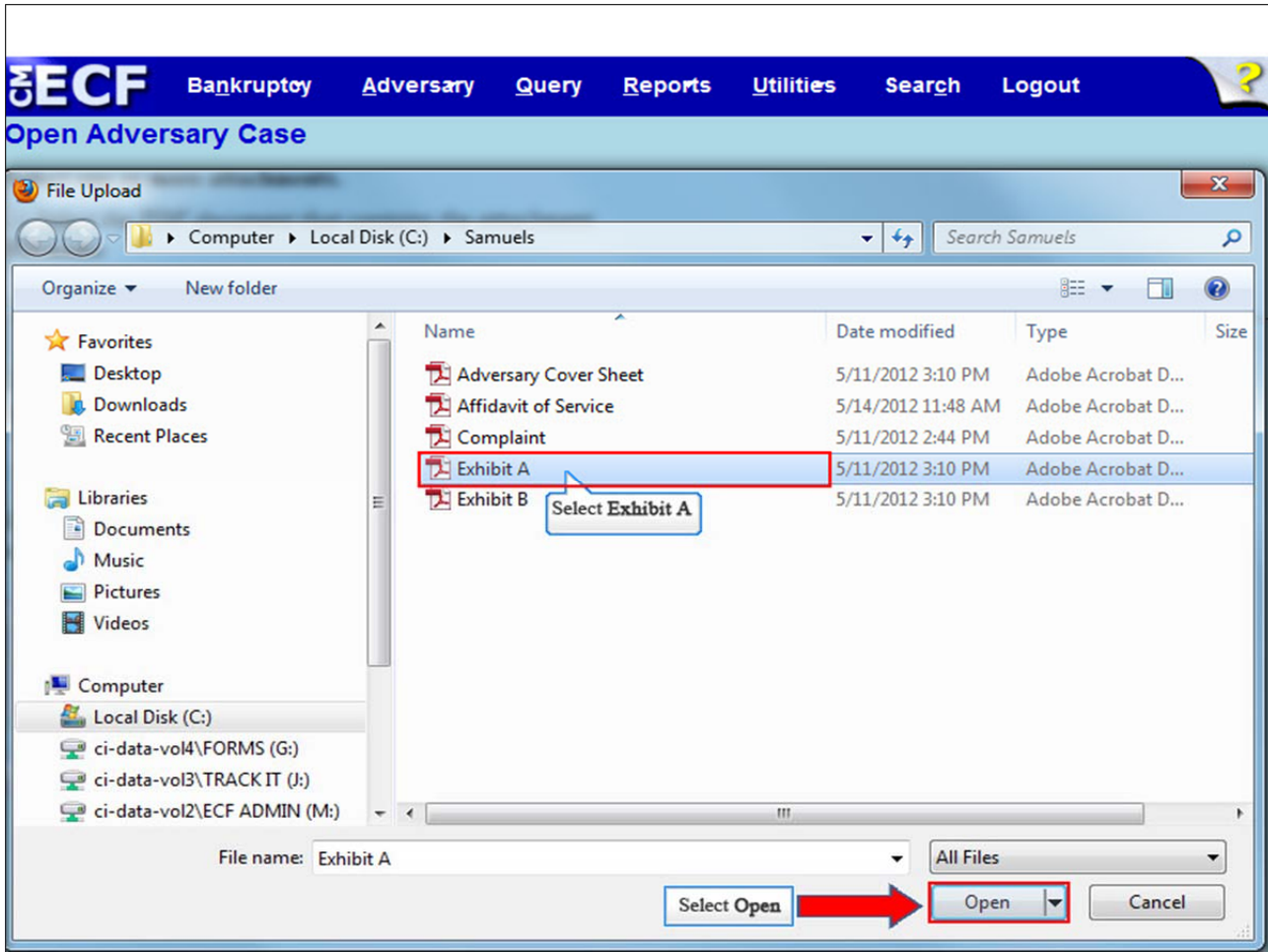
Select **Exhibit A**, and then Select **Open** to upload Exhibit A.

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.

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

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.

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

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.

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

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

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

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.

Slide 40 - ProBono?

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

Slide 41 – Pro Brono (Cont'd)

Select **Next** to continue.

Slide 42 - Receipt # / Fee

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.

Slide 43 – Receipt # / Fee (Cont'd)

Select **Next** to continue.

Slide 44 - Final Docket Text

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.

Slide 45 - Summary of Current Charges

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.

Slide 46 - Summary