

Adversary Case Opening Attorney Users Procedure

This procedure shows you how to open an adversary proceeding in the CM-ECF system. During this process you will enter the necessary information regarding the plaintiff and defendant and some basic statistical information.

NOTE: You need to know the related bankruptcy case number and the trustee assigned to the related bankruptcy case prior to opening the adversary proceeding. You will enter that information during case opening. Unless a chapter 11 case has an appointed trustee, they are assigned to the United States Trustee.

STEP 1 Access the **CM-ECF** database then left click on the Adversary hypertext link on the **CM-ECF Main Menu Bar**.

◆ The Adversary Events menu displays.



(See Figure 1.)

Figure 1

◆ Left click the Open an AP/MP Case hypertext link

STEP 2 The **Open Adversary Case** screen displays. (See Figure 2.)

Figure 2

- ◆ The default selection in the **Office** box is Delaware.
- ◆ The current date is automatically defined as **Date Filed**.
- ◆ The default in the **Case Type** box is “ap” (adversary proceeding.) **DO NOT** change this selection if you are opening an adversary proceeding.
- ◆ The default in **Complaint** box is “y” (yes.) **DO NOT** change this selection if you are filing a complaint.
- ◆ If you are filing a *Notice Of Removal*:
 - Left click the **Complaint** box drop down arrow, the left click “n” (no) to select.
- ◆ Left click **[Next]** to continue.

STEP 3 The **SEARCH FOR A PARTY** screen displays. (See Figure 3.)



The screenshot shows the ECF interface for opening an adversary case. The header includes the ECF logo and navigation links: Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. The main heading is "Open Adversary/MP Case". Below this, there are several input fields: "Case Number" (empty), "Office" (dropdown menu with "Delaware" selected), "Date Filed" (6/8/2001), "Case Type" (dropdown menu with "ap" selected), and "Complaint" (dropdown menu with "y" selected). At the bottom of the form are two buttons: "Next" and "Clear".

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screen you will be entering “search clues”. When you have finished entering the party’s information, CM-ECF will search to see if the party has already been added. If not, you will go on to enter information about the Party. If the party is already in CM-

ECF, you will need to review the information displayed for accuracy and make any needed corrections.

When you open an adversary proceeding, you need all of the plaintiffs, all of the defendants, and the trustee assigned to the associated bankruptcy case. Please review **Attachment A** to determine what information to enter when you are adding parties to adversary proceedings and for the detailed procedures for adding parties.

- ◆ Left click **[Search]** to continue when adding individual parties.

STEP 4 The **ADVERSARY STATISTICAL INFORMATION** screen displays. (See Figure 4.)

Figure 4

- ◆ The **Party Code** drop down box defaults to “3 US not a Party”.
 - If appropriate, left click on the **Party Code** box drop down arrow box, then left click to make another selection.

- ◆ The Nature of Suit defaults to “424 (Obj/Revocation Discharge 727).
NOTE: If there are multiple suits, only one can be selected.
 - If appropriate, left click on the **Nature of Suit** box drop down arrow, then left click to make another selection.

- ◆ The **Origin** drop down box defaults to “1 Original Proceeding”.
 - If appropriate, left click on the **Origin** box drop down arrow, then left click to make another selection.

- ◆ DO NOT make an entry in the **Transfer Date** box.

- ◆ The **Rule 23 (Class Action)** drop down box defaults to “n” (no).
 - If appropriate, left click on the **Rule 23 (Class Action)** box drop down arrow, then left click to select “y” (yes.)

- ◆ The **Jury Demand** box defaults to “n” (none)
 - If appropriate, left click the **Jury Demand** box drop down arrow, then left click to make another selection.

- ◆ The **Demand (\$000)** box default is blank (none).
 - If appropriate, left click in the **Demand (\$000)** box, then key the dollar amount to the nearest thousand (i.e. for \$5,000 key 5, leave off the 000).

- ◆ Left click [**Next**] to continue.

STEP 5 The **ADD ASSOCIATED CASES** screen displays. (See Figure 5.)



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, and Logout. Below the navigation bar, the page title is "Open Adversary Case". The main content area is titled "Add Associated Cases". It contains a form with the following fields: "Member case number" (with a sub-field for "Lead case number" and an input box), and "Association type" (a dropdown menu). The dropdown menu is open, showing options: Adversary, Consolidated, Jointly Administered, and Related. Below the form are "Next" and "Clear" buttons.

Figure 5

- ◆ Left click in the **Lead case number** box and key the related bankruptcy case number in the format yy-nnnnn.
- ◆ The default displayed in the **Association type** box is “Adversary”.
 - Left click the **Association type** drop down arrow and then click on “Related”. This will relate the adversary complaint to the bankruptcy matter.
- ◆ Left click [**Next**] to continue.

STEP 6 An Open Adversary Case screen displays. (See Figure 6.) No Yes'. At the bottom of the form are 'Next' and 'Clear' buttons." data-bbox="237 153 860 321"/>

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

Open Adversary/MP Case

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

Filename

Attachments to Document: No Yes

- ◆ Select the PDF filename of the voluntary petition you are filing.
- ◆ Click [**Browse**] and locate the file.
- ◆ Double-click the file name.
- ◆ Verify the path and file name of the document you have selected displays in the **Filename** box.

NOTE: The summons and notice should be filed as a separate document, not an attachment to the complaint.

STEP 7 The next screen will verify that the case has been opened. The next step would be to docket the adversary complaint and summons.

ATTACHMENT A ADVERSARY CASE OPENING, ADDING PARTIES

Refer to the Style Guide for the correct format and punctuation rules for individual and business debtor names.

LIST OF PARTIES AND INFORMATION TO ADD**First: Add Each Plaintiff.**

- ◆ Add titles only if shown on the complaint.
- ◆ Do NOT add an address for any plaintiff unless they are Pro Se.
- ◆ Select the party role type of "pla".

Second: Add Each Defendant.

- ◆ Add titles only if shown on the complaint.
- ◆ Do NOT add an address for any defendant.
- ◆ Select the party role type of "def".
- ◆ Select all defendants as being NOT Pro Se.

Third: Add the Associated Bankruptcy Case Trustee Only If They Have Not Already Added as a Plaintiff or Defendant.

- ◆ Add the panel trustee from the associated chapter 7 case OR
- ◆ Add the standing trustee from the associated chapter 12 or chapter 13 case OR
- ◆ Add the appointed trustee or the U.S. Trustee from the associated chapter 11 case.
- ◆ Select the party role of "intp" (interested party).
- ◆ Select all trustee's as being NOT Pro Se.
- ◆ Always add the trustee's address.

PROCEDURE FOR ADDING PARTIES

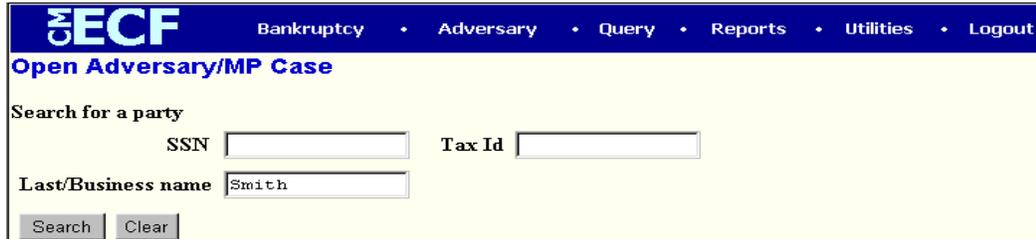
STEP 1 When the **SEARCH FOR A PARTY** screen displays:Attachment
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Figure7

NOTE: On this screen you will be entering “search clues”. When you have finished entering the party’s information, CM-ECF will search to see if the party has already been added. If the party you search for is NOT in CM-ECF, you will need to enter information about the party. If the party IS in CM-ECF, you will need to review the information already in CM-ECF for accuracy and make any needed corrections.

- ◆ Left click in the Last/Business name box and key the last name OR business name of the party to be added.
 - CM/ECF searches are not key word searches but require exact text matches.
 - Be sure to use appropriate upper and lower case characters since the search is case sensitive.
 - When searching for debtors, the more search clues you provide, the more likely you are to find the exact person you are searching for. For example, if you search for a last name of Grant, CM/ECF may return a list of 100 parties with that last name. However, if you search for a last name of Grant with a social security number of 111-22-3333, CE/ECF will return a single party.
 - When searching for creditors, it may be necessary to conduct multiple searches. First, search for the entire creditor name(i.e., World Communications.) If that is not successful, you can search for part of the creditors name, (i.e., World Comm or just World.) If there are articles in the title such as "A" or "The," you may or may not need to include the article in the search. For example a search request for The Portland Oregonian may not produce a result. But

a search request for Portland Oregonian will be successful. Likewise a search for Portland Oregonian may not produce a result; but a search for The Portland Oregonian will be successful. Finally, search with punctuation (i.e., A. & A, Metals) and without punctuation (i.e., A & A Metals).

- ◆ Left click **[Search]** to continue.
- ◆ If the search clues you have entered do not result in an exact match:
 - CM-ECF will display a message that no party was found that matched the search clues you entered. (See Figure 8.) - OR -
 - CM-ECF will display a list of parties that nearly match the search clues you entered. (See Figure 9.)

The screenshot shows the CM-ECF search interface. At the top, there is a navigation bar with links for Bankruptcy, Adversary, Query, Reports, Utilities, and Logout, along with a help icon. Below the navigation bar, the search area is titled "Search for a party". It contains three input fields: "SSN", "Tax Id", and "Last/Business name". The "Last/Business name" field is currently empty. Below the input fields are "Search" and "Clear" buttons. Underneath, the "Party search results" section displays the message "No person found." and a "Create new party" button.

Figure 8

The screenshot shows the CM-ECF search interface with search results. The "Last/Business name" field now contains the text "Smith". Below the "Search" and "Clear" buttons, the "Party search results" section displays a list of search results: "Smith, John J." and "Smith Accounting, ". Below the list are two buttons: "Select name from list" and "Create new party".

Figure 9

- You can continue to search for the party by changing the search clues you enter by keying a different search clue in **Last/Business name** box, then left clicking **[Search]**.
- If you have exhausted all ideas about search clues, you can add

the party by left clicking **[Create new party]**.

- ◆ If the exact party you are searching for displays, left click on it to highlight, then left click **[Select name from list]**.

Attachment A con't.

STEP 2 Whether you click **[Create new party]** or **[Select name from list]**, the **PARTY ADDRESS SCREEN** displays. (See Figure 10.)

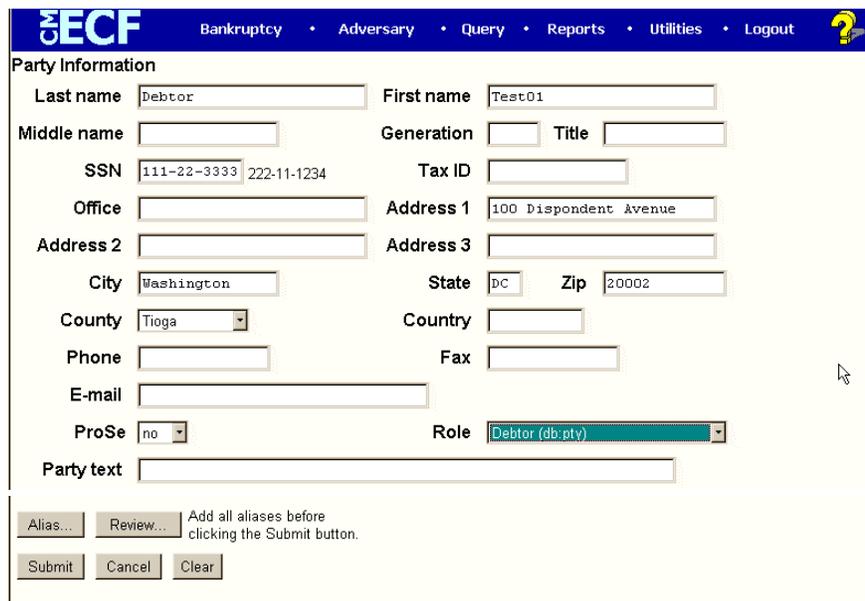


Figure 10

- ◆ Refer to the **LIST OF PARTIES AND INFORMATION TO ADD** section to determine address information to include for the party you are adding.
 - If you are adding a party who should not have address information, and address information displays when you select them, remove all address information.
 - Left click in the appropriate box, then press **[Delete]** until all information in the box has been removed.
 - Make sure you select the correct party role.
 - Do not add any alias information.
- ◆ Click **[Submit]** to continue.

