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How to File an Adversary Proceeding or Notice of Removal

Opening an Adversary proceeding involves entering the necessary information regarding the plaintiff, defendant, and basic statistical data. The complaint is incorporated into this process and will not need to be docketed separately.

Prepare the complaint *(or notice of removal if the case is being removed to federal court)* in PDF format before you begin the process of opening the adversary proceeding. The Adversary Proceeding Cover Sheet can be filed as part of the petition as one PDF document, as an attachment to the petition or separately as an individual PDF document.

Note: Before beginning, you must carefully make note of the case number of the main bankruptcy case with which this adversary proceeding will be associated.

Step 1   Click **Adversary** on the Main Menu Bar.

Step 2   Select the **Open Adversary/Complaint** Category *(Miscellaneous Proceeding, such as an ancillary proceeding cannot be opened by attorneys at this time and must be filed conventionally with the court.)*

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**Step 3**   The **OPEN ADVERSARY CASE** screen appears. The **Case Data** is
                  entered on this screen. .

                  1. The **Case Type** is **ap** for adversary proceeding.

                  2. The **Date Filed** box cannot be changed and should
                      display the current date.

                  3. The **Complaint** field signifies the lead event for this
                      proceeding. If you are filing something other than a
                      complaint such as a Notice of Removal, change the y to **n**.

                  4. Click **Next** to continue.

Step 4   Enter the main bankruptcy case number in the **Lead case number** field
                  including hyphens.
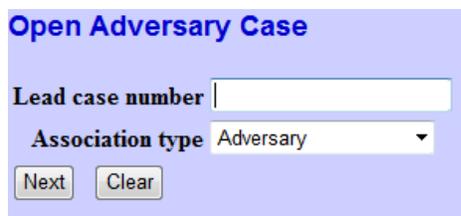
  Note: If the case number is invalid, it will state **Cannot find Case
                  YY-NNNNN** you will not be able to proceed with the case opening
                  process. Once you put in the correct case number you will be able
                  to proceed.

                          1. Select the **Association type** in the drop down box. It
                              should always be Adversary. A linkage between the two
                              cases will be created. *(Other associations are Consolidated,
                              Jointly Administered, and Related.)*

                          2. Before clicking **Next**, double check that you have entered

the correct number.

3. Click **Next** to continue.

Step 5   The **CASE ASSIGNMENT** screen displays. Case Assignment is based on the lead Bankruptcy case. Click **Next** to continue.

Open Adversary Case

Case is assigned to **Boston** Division, Judge **Boroff** based on the lead Bankruptcy case 02-12345.

Next   Clear

Step 6   The **Search for a Plaintiff** screen appears.

Search for a plaintiff

SSN / ITIN		**Tax ID / EIN**
Last/Business name		
First Name		
Middle Name		

Search   Clear

Party search results

Maavoadovid, David B., 101 Arch Street, Boston, MA

Select name from list   Create new party

1. Enter the last name of the party to be searched. If this is a business filing, enter the first word of the name to search the database. The entire business name is stored in the **Last/Business name field**. The field is 200 characters.

Search Hints:

$Enter one field or data for each search
$Format Social Security or Tax Id Numbers with hyphens
$Include punctuation (Garcia-Carrera)
$Try alternate search clues if your first search is not successful.
$Partial names may be entered.
$Wild cards (*) should not be used especially by itself. ALL records in the database will be searched and unnecessary system resources will be used.

Step 7   The **SEARCH RESULTS** screen appears.

Note: If the designated party was already in the database, the Party Search Results screen would provide a listing of parties matching your search criteria. In that situation, you would select the party by highlighting the name with your mouse and click on the **Select Name From List** button.

- The name search may find more than one record having the same name. Clicking on each name will display a window showing the party's address information for verification.

- If none of the parties displayed match the party you are looking for, click on the **Create new party** button to add a new person record with the correct address.

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Step 8   Once the party has been found or has been entered in the system, the
PARTY INFORMATION screen appears. Whether you add a party from a
master record or create a new party record, complete the party
Information.

Note: *It is essential that you select the correct Role in Bankruptcy*
Case from the drop down menu (Creditor, Debtor, Other/Not
Applicable, Trustee, U.S. Trustee/Bankruptcy Administrator).

- Always add the plaintiff first.

- The **Party Text** field is used for further party
  description, such as a Massachusetts Corporation, or
  Trustee for the Estate of .... or Chapter 7 Trustee.
  Whatever is entered in the Party Text field will appear
  in the Title of the adversary proceeding.

- You will automatically be added as the attorney for
  the Plaintiff. You may add an additional attorney for
  the plaintiff by clicking on Add additional attorney. If
  so, click "Add additional attorney" and follow the steps
  below.

Step 9   The **PARTY SEARCH** screen appears again. If there are no other plaintiffs to enter, click on **End Plaintiff Selection**.

Step 10   The **Search for a defendant** screen appears. Follow steps 6 and 7 to find a defendant. Enter a search clue to bring up records related to the defendant's name. Highlight the matching name retrieved from the database and verify that you have found the correct party before you select them. Selecting the party will open the **PARTY INFORMATION** screen.

1. You must select the correct Role in Bankruptcy Case from the drop down menu *(Creditor, Debtor, Other/Not Applicable, Trustee, U.S. Trustee/Bankruptcy Administrator)* and click **Submit**.

2. The **PARTY SEARCH** screen will reappear. If there are more than one defendant, repeat the process of searching and adding defendants until they are all entered.

3. Click the **End Defendant Selection** button when there are no more parties to add.

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Note: When adding a defendant you must add an address for that
                 defendant. Do not add an attorney for the defendant. The attorney
                 for the defendant will be added when the defendant files its first
                 responsive pleading in the adversary case.

Step 11   The **ADVERSARY STATISTICAL** screen appears. Please complete the
                 required information by reviewing and selecting the appropriate option in
                 each drop down box.

1. The **Party code** field has three choices *(click the down arrow)* to
indicate whether the United States is a party and if so, whether it is
a plaintiff or a defendant. Unless the U.S. is a plaintiff or defendant,
accept the default **US is not a Party**.

2. The **Nature of Suit (NOS)** field includes a list of types of claims
for relief. Choose the primary claim for relief and highlight any
additional choices under the Secondary Nature of Suit box. You
may select up to 5 Nature of Suits.

IMPORTANT NOTE

**IF THE COMPLAINT ALLEGES MULTIPLE CLAIMS FOR
RELIEF AND IF ONE IS A SECTION 727 OBJECTION TO
DISCHARGE, ALWAYS SELECT "41 *(OBJ/REVOCATION
DISCHARGE 727)* AS THE PRIMARY NATURE OF SUIT"**

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3. The default in the **Rule 23 (Class Action)** box is "**n**". Change the default to "**y**" only if this is a Class Action suit.

4. Select the appropriate response in the **Jury demand** box *(Both, Defendant, None Plaintiff).*

5. If the complaint seeks a money judgment, complete the **Demand ($000)** field. Type in the amount in thousands, e.g., to indicate a demand of $100,000, type "100" into the Demand field. If the demand for a money judgment is for less than $1,000, type in "1." If the complaint does not seek a money judgment, leave the field blank.

6. If State Law applies changes the default to **y**.

7. Double check the information provided, and then click on **Next** and continue.

Step 12   If the filing fee is exempt for any of the three reasons, change the **n** to **y** and click **Next**.
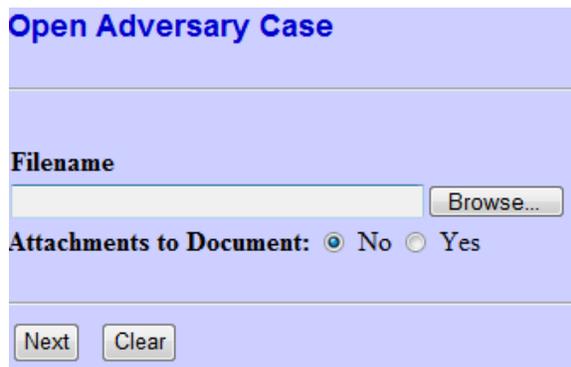

Step 13   If the filing fee is deferred because Plaintiff is a Trustee or Debtor in Possession, change the **n** to **y** and click **Next.**

Note: You must file the Motion to Defer Filing Fee after you open the Adversary Proceeding.

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Step 14   The **BROWSE FOR PDF DOCUMENT** screen appears. Retrieve the PDF
                   document which should consist of the **Adversary Cover Sheet and the
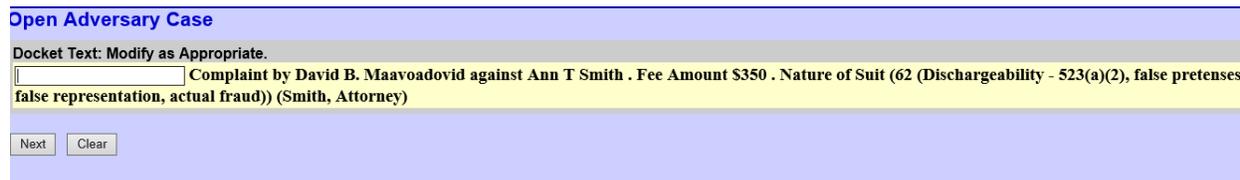   Complaint**.

1. To associate the imaged document with this entry, select the
PDF filename of the complaint you are filing.

2. Click **Browse**, then navigate to the directory where the
appropriate PDF file is located and select it with your mouse.

3. Make certain it is the correct document by right clicking the
filename with your mouse and select **Open**.

4. This will launch Adobe Acrobat Reader displaying the contents
of the imaged document. Verify that the document is correct then
close the Adobe application.

5. If the file was the correct document, click **Open** on the File
Upload dialogue box.

Note: Select "**yes**" if there are attachments to be added to this
document.

6. Click **Next** to continue.

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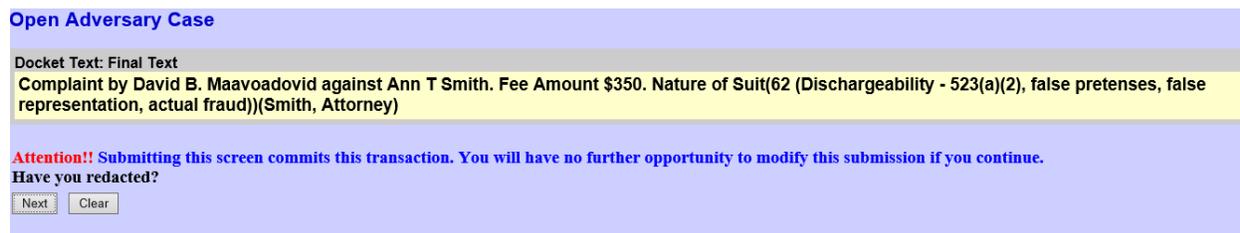**Step 15**   The **FINANCIAL** screen appears.

Step 16   Proofread your entry and click **Next**.

Step 17   The **FINAL TEXT** screen appears. Verify the accuracy of the docket text. The information displayed here is what will print on the docket

Step 18   **Final Text.** Proofread this screen carefully and click **Next.**

Note: This is your final opportunity to review the docket text and make any corrections necessary. Click the browser **Back** button at the top of the screen to return to the needed screen to make corrections or click on Adversary and start over.

When an adversary proceeding is opened, the complaint information will spread over to the main bankruptcy case. Please make sure your information is correct on this screen.

Clicking **Next** commits the transaction to the database and can no longer be modified by you.

Step 19   The **Notice of Electronic Filing** screen displays. This Notice of Electronic Filing screen verifies the filing has been sent electronically to the court's database.

Open Adversary Case

United States Bankruptcy Court

District of Massachusetts TRAIN DATABASE

Notice of Electronic Filing

The following transaction was received from Attorney Smith entered on 11/2/2015 at 11:27 AM EST and filed on 11/2/2015
Case Name: Maavoadovid v. Smith
Case Number: 15-01001
Document Number: 1
Case Name: Mark Siarvilvrk and Joe Smoetmite
Case Number: 02-12345
Document Number: 230

Docket Text:
Adversary case 15-01001. Complaint by David B. Maavoadovid against Ann T Smith. Fee Amount $350. Nature of Suit(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud))(Smith, Attorney

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename: H:\2005 Training\complaint.pdf
Electronic document Stamp:
[STAMP bkecfStamp_ID=1021399670 [Date=11/2/2015] [FileNumber=181910-0]
[4d7ec8c09c197a5b7f7d8c919eb682092e366b69ee436083830fc28aab4c28f68732
2f4aa56166bad4da56570ceb79f6296fec89f6e23fb46c31e2dca6bc0b02]]
Document description: Main Document
Original filename: H:\2005 Training\complaint.pdf
Electronic document Stamp:
[STAMP bkecfStamp_ID=1021399670 [Date=11/2/2015] [FileNumber=181911-0]
[69a43b0d328c083de320391fb6cdc2945d969a8effed04cb32675173e01f887def14
bfabe815eaffc49a060a68761a98cb2910dc8e98ff485c1292f48ce49f6d]]

15-01001 Notice will be electronically mailed to:

15-01001 Notice will not be electronically mailed to: