

Filing Adversary Proceedings

July 23, 2020

See [Fed. R. Bankr. P. 7001](#). Certain categories of relief may be granted in a bankruptcy court only through an adversary proceeding. The usual focus of the adversary proceeding is a trial of the allegations made by the plaintiff against the defendant.

In general, Fed. R. Bankr. P. 7001 requires that an adversary proceeding be commenced 1) to recover money or property; 2) to determine the validity, priority, or extent of a lien or other interest in property; 3) to obtain court approval for the sale of both the interest of the estate and of a co-owner of property; 4) to object to or revoke a discharge; 5) to revoke an order of confirmation of a plan; 6) to determine the dischargeability of a debt; 7) to obtain an injunction; 8) to subordinate an allowed claim or interest; 9) to obtain a declaratory judgment relating to any of the foregoing; or 10) to determine a claim or cause of action removed from a state court pursuant to section 1452 of title 28 (28 U.S.C. § 1452).

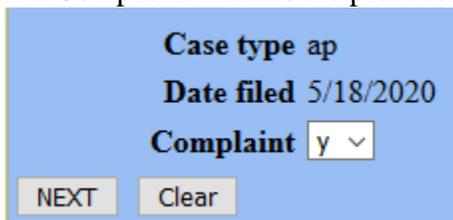
The first step in commencing an adversary proceeding is the filing of a complaint, setting forth the facts and allegations which the plaintiff believes justify the granting of relief against the defendant, and stating the relief which the plaintiff seeks. As each complaint is unique, there is no specific form provided by the court.

DO NOT file an Adversary Proceeding in CM/ECF by docketing a **Complaint** in the main bankruptcy case. Should this happen, the Clerk's staff will send a *Notice of Incorrect Event* directing you to correct the error by opening a new adversary proceeding.

Adversary Case Opening

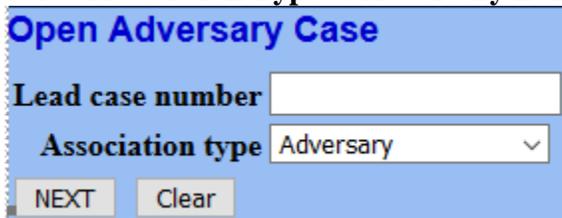
To file an Adversary Proceeding in CM/ECF, you must select **Adversary > Open AP Case >** The case type will default to ap, and the date filed will be the current date.

- If a Complaint initiates the proceeding, click "y" from the drop-down menu, then click [NEXT]



A screenshot of a web form titled "Open Adversary Case" with a blue background. It displays the following information: "Case type ap", "Date filed 5/18/2020", and "Complaint y" with a dropdown arrow. At the bottom, there are two buttons: "NEXT" and "Clear".

- Enter **Lead Case (BK case)** – Enter the main bankruptcy case number.
- Select **Association Type** as **Adversary** from the drop-down menu and click [NEXT].



A screenshot of a web form titled "Open Adversary Case" with a blue background. It displays the following information: "Lead case number" followed by an empty text input field, and "Association type" with a dropdown menu showing "Adversary". At the bottom, there are two buttons: "NEXT" and "Clear".

The adversary proceeding will be assigned to the same division and judge as the bankruptcy case. A link will be created between the main bankruptcy case and new adversary proceeding.

Adding the Plaintiff

- Search for Plaintiff or Create New Party (if not found in search),
- Enter Plaintiff's information and select **Role in Bankruptcy Case** from the drop down box >
- Review and if the information entered is correct, click **Submit**.
- If there are more Plaintiffs, repeat the steps above until all Plaintiffs have been entered.
- Click **End plaintiff selection**.

Adding the Defendant

- Search for Defendant (follow same instructions as entering Plaintiff).
- Enter Defendant's information and select **Role in Bankruptcy Case** from the drop down box >
- Review and if the information entered is correct, click **Submit**.
- If there are more Defendants, repeat the steps above until all Defendants have been entered.
- Click **End defendant selection**.

Entering Statistical Information

- Add the correct information in each box (if applicable) by clicking on the down arrow and selecting the correct entry.
- Choose **Nature of Suit**, etc.,
- If you have multiple Natures of Suit, enter all that apply. A 727 Nature of Suit should always be entered as the Primary Nature of Suit.
- Add the correct demand amount in the box to the nearest thousand. Example, if the amount is \$107,000, enter 107 in the box.
- Click **Next** to browse and upload the Complaint.
- Leave the receipt field blank to pay the AP filing fee once docketing is complete.

Note: If AP is filed on behalf of Debtor, no fee is required (enter the capital letter “O” in receipt field), review docket text for accuracy.

When the final docket text is submitted in the new Adversary Proceeding, an identical docket entry will be automatically entered in the lead bankruptcy case if it is an open case in ALNB. The entry lists the new Adversary Proceeding number, contains a PDF of the complaint, nature of suit, filing fee (if any) and who filed the complaint.