

1. REQUIRED DOCUMENTS.

- Complaint.
- Filing fee, when applicable.
- Statement of Corporate Ownership for any corporate plaintiff or defendant.

2. ELECTRONICALLY FILING IN CM/ECF.

Login to CM/ECF with your attorney login and password, and go to:

Adversary

Open an Adversary Case

Office: Select division based on the venue of the bankruptcy main case. Example:
Case Number 11-40012 is Southern (Sioux Falls).

Case Type: ap for adversary proceedings

Date Filed: the current date is displayed

Complaint: y - yes

Next

Lead Case Number: enter the bankruptcy case number

Association Type: accept the default of Adversary

Next

Review the display: "Case is assigned to Southern (Sioux Falls) Division, Judge Nail, Jr.,
based on the lead Bankruptcy Case 11-40101."

Next

3. PLAINTIFF(S).

Search for a plaintiff.

You must add each plaintiff listed on your original complaint. Search the database to see if that party already exists in the database (to eliminate duplicate records in the system). Search by Social Security Number, Tax ID, Last Name, or Business Name. Click Search.

Found?

If the party is found in the database, the **Party search results** will provide a list of those parties. Select the party by highlighting the name and click **Select name from list**.

Not found?

If the party is not found, click the **Create New Party** button. The **Plaintiff Information** screen appears. Enter only the last name, the first name, and the middle name of the plaintiff. We do not require the address of the plaintiff.

Role in Bankruptcy Case - click on the down arrow and select the role of the plaintiff in the lead bankruptcy case, i.e., "Creditor."

Note: As of November 21, 2011 and the system upgrade to Release 4.2, you no longer need to add yourself as the attorney for the plaintiff. As the e-filer, you will be added as the attorney for the plaintiff automatically. If there are additional attorneys for the plaintiff, they can be added.

If the **Plaintiff Information** is correct, click **Submit**. You have now added one plaintiff.

Search for a plaintiff screen will reappear. If there are additional plaintiffs, repeat the process.

When finished adding plaintiffs, click **End plaintiff selection**.

4. DEFENDANT(S).

The **Search for a defendant** screen appears. You must add each defendant listed on your original complaint. Follow the same process as when searching and/or adding a plaintiff (including picking the Role in Bankruptcy Case).

Note: Each defendant's address is required. Street, City, State, and Zip Code only. Do not add the Country, Phone, Fax, or E-mail.

If you know the name of the attorney for the defendant, click on Add Attorney and Search for the attorney by typing in the last name of the attorney.

Attorney search results will appear. Most often you will be able to select a name from the list.

Highlight the name
Click Select name from list
Add attorney
Submit

If there are additional defendants, repeat the process. When finished adding defendants, click **End defendant selection**.

5. REQUIRED STATISTICAL DATA.

Party code:	Unless the U.S. is a plaintiff or a defendant in this case, accept the default, <i>U.S. not a Party</i> .
Rule 23 (class action):	Unless this is a class action suit, accept the default of <i>n</i> (no).
Jury demand:	Unless there is a jury demand, accept the default of <i>none</i> .
Dollar demand:	If there is a dollar demand, enter the amount <u>in thousands</u> to the nearest thousand. For example, if the dollar demand is \$4,550, \$5,000, or \$5,499, enter 5 for \$5,000.00.
State law:	Unless the case involves a substantive issue of state law, accept the default of <i>n</i> (no).
Nature of suit:	Up to five nature of suit codes can now be entered for an adversary. Enter nature of suit codes in the order of their importance, starting with the lead cause of action. Note: If Objection/Revocation of Discharge applies, it should always be listed as the primary nature of suit.

Verify, click Next.

6. PDF DOCUMENT.

Select the PDF document. You may NOT bypass associating an imaged document.

If you have exhibits to your complaint, select **yes** for the ***Attachments to Document*** radio button. Attach any exhibits you may have.

Click **Next**.

7. FILING FEE.

Review the Schedule of Fees:

- If Plaintiff is the United States, the debtor, a child support creditor or its representative, type exempt in the receipt field.
- If Plaintiff is the case trustee, type deferred in the receipt field.
- Otherwise, to pay by credit card, leave the receipt field blank.

Click **Next**.

Click **Next**.

8. FINAL TEXT SCREEN.

The Docket Text: Final Text screen displays. Proof this screen carefully! No further editing in the case opening process is allowed after this screen. If any part of the docket text is incorrect, click the browser **Back** button to return to the screen you need to correct. Then process the screens again with the respective **Next** or **Submit** buttons.

If the docket text is correct, click **Next**.

The Notice of Electronic Filing screen appears. The assigned adversary case number will be displayed. Also, please note that a docket entry with this complaint information will be automatically entered in the main bankruptcy case.

9. PAYMENT VIA CREDIT CARD.

If a fee is due, a separate panel will pop up with the summary of current charges outstanding. You have the option to Pay Now or Continue Filing. When you click Pay Now, the Internet Payment Due screen appears. You can select all or you can check which fees to pay. All fees are due the day the pleading is filed. You will be directed to the Online Payment screen to complete your credit card payment. See the Credit Card Payment Guide for specifics.

10. STATEMENT OF CORPORATE OWNERSHIP.

When a corporation, other than the debtor, is a plaintiff or a defendant in the adversary proceeding, caption the statement for the adversary proceeding, change the rule reference to Fed.R.Bankr.P. 7007.1, and file the statement in the adversary proceeding by going to:

Adversary
Other
Statement of Corporate Ownership

See our local form "Statement of Corporate Ownership."

11. FOLLOWING THE OPENING OF THE ADVERSARY PROCEEDING.

- ▶ The Clerk's office will issue a Summons and will electronically file it.
- ▶ The attorney for the plaintiff will receive electronic notice of the filing of the Summons. Print as many copies of the Summons as needed.
- ▶ The attorney for the plaintiff must serve copies of the Summons and the Complaint on each Defendant within 14 days of the issuance of the Summons.
- ▶ If the attorney for the plaintiff is unable to complete service within 14 days, contact the Clerk's office.
- ▶ Following service of the Summons and the Complaint, prepare and file a Certificate of Service and electronically file the same by going to Adversary/Complaint & Summons (use only AFTER an Adversary case is opened)/Summons Service Executed. (See Attorney Filing Guide - Guide to Filing Summons Service Executed/Unexecuted.)