

REQUIRED DOCUMENTS.

- ▶ Complaint.
- ▶ Filing fee, when applicable.
- ▶ Statement of Corporate Ownership for a corporate plaintiff other than a debtor.

1. OPEN ADVERSARY PROCEEDING IN CM/ECF BY GOING TO:

Adversary
Open an Adversary Proceeding

Office: Select the division based on the venue of the associated bankruptcy case. Example: Bankruptcy Case Number 24-40096 is Southern (Sioux Falls).

Case type: Defaults to ap for adversary proceeding
Date filed: Defaults to the current date
Complaint: Defaults to y – yes
Origin: Defaults to 1 Original Proceeding
Next

Add Associated Cases Screen
Lead case number: Enter the associated bankruptcy case number
Association type: Defaults to Adversary
Next

Review the display (based on the example from above): "Case is assigned to Southern (Sioux Falls) Division, Judge Kulm Ask, based on the lead Bankruptcy case 24-40096."
Next

2. PLAINTIFF(S).

Search for a Plaintiff.

Add each plaintiff listed in the Complaint. Search to determine if that party already exists in the database (to eliminate duplicate records in the system). Search by Social Security Number, Tax ID, or Last/Business name.
Click on "Search."

Party 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 on "Select name from list."

Party not found?
If the party is not found, click on "Create new party." The Plaintiff Information screen appears. Enter only the plaintiff's last name, first name, and middle name. We do not require the address of the plaintiff.

Role in Bankruptcy Case.

Click the down arrow and select the role of the plaintiff in the lead bankruptcy case, i.e., Creditor.

As the e-filer, you will automatically be added as the attorney for the plaintiff. If there are additional attorneys for the plaintiff, you can add them by selecting "Add additional attorney."

If the Plaintiff Information is correct, click on "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 on "End plaintiff selection."

3. DEFENDANT(S).

You must add each defendant listed in the 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 "Attorney" and search for the attorney by typing the attorney's last name.

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

Highlight the attorney's name in the "Attorney search results" box
Click on "Select name from list"
Click on "Add attorney"
Submit

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

4. REQUIRED STATISTICAL DATA.

Party code:	Unless the U.S. is a plaintiff or a defendant in this case, accept the default, "3 U.S. not a Party."
Rule 23 (class action):	Unless this is a class action suit, accept the default of n (no).
Jury demand:	Unless there is a jury demand, accept the default of None.

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Demand (\$000): If there is a dollar demand, enter the amount in thousands 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 n (no).

Nature of suit: Up to five nature of suit codes can 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.

Next

5. PDF DOCUMENT.

Browse for the PDF of the Complaint. You may NOT bypass associating an imaged document.

If there are exhibits to the Complaint, select the "Yes" radio button following "Attachments to Document." Attach any exhibits.

Next

6. FILING FEE.

Review the Schedule of Fees:

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

Next

Next

7. FINAL DOCKET 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 on Next.

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The Notice of Electronic Filing screen appears. The assigned adversary case number will be displayed. The filing of the adversary complaint will automatically populate to the associated bankruptcy case docket.

8. PAYMENT BY CREDIT CARD.

If a fee is due, a screen will pop up with the summary of current charges. You have the option to Pay Now or Continue Filing. When you click on 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 fee is incurred. You will be directed to your PACER account to complete the payment. See the Internet Payment Guide for specifics.

9. STATEMENT OF CORPORATE OWNERSHIP.

A Statement of Corporate Ownership, captioned for the adversary proceeding and referencing only 7007.1, must be prepared and filed by the plaintiff, other than a debtor, when the adversary proceeding is filed. See Appendix 1C and the Committee Note in the local rules.

To file the Statement of Corporate Ownership, go to:

Adversary
Other
Enter Case Number
Next
Statement of Corporate Ownership

FOLLOWING THE OPENING OF THE ADVERSARY PROCEEDING.

- ▶ The Clerk's office will issue a Summons and docket it in the adversary proceeding.
- ▶ 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 7 days of the issuance of the Summons.
- ▶ If the attorney for the plaintiff is unable to complete service within 7 days, contact the Clerk's office.
- ▶ Following service of the Summons and the Complaint, prepare and file a Certificate of Service and electronically file it by going to Adversary/Complaint & Summons (use only AFTER an Adversary case is opened) - Summons Service Executed. See Electronic Filing Guide - Adversary - Summons Service Executed/Unexecuted.