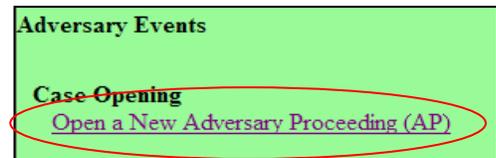


## OPENING A NEW ADVERSARY PROCEEDING

An Adversary Proceeding (or “AP”) is a lawsuit arising in or related to a bankruptcy case and filed in the bankruptcy court. It is started by filing a complaint and the issuance of a summons for service on the defendant(s). There is not an official form or local form for filing an AP. Common AP cases include complaints to determine the dischargeability of a debt under Section 523 and complaints to deny or revoke a discharge under Section 727.

- Go to our website which is [www.flnb.uscourts.gov](http://www.flnb.uscourts.gov).
- Click on the link for either the LIVE or TRAIN database. **Remember: the LIVE database is only for actual cases.**
- Log in using your ECF login and password.
- Select “**Adversary**” from the blue menu bar. A list of bankruptcy events will appear.



- Click on “**Open a New Adversary Proceeding.**”
- The first screen will confirm the case type and the date of filing of the Adversary Proceeding. You will be asked to confirm that the case is being open by the filing of a complaint. (Some cases may be opened with a Motion for Removal or other pleading instead of a complaint.)

- On the next screen you will enter the lead bankruptcy case number. (The number of the main case to which the AP should be associated). Click “**Next**”.

- The system will verify the case number, division location and the judge to whom the case is assigned. Click “**Next**”.

- The system will ask you to search for a plaintiff to determine if they are already listed in the system. Enter the last name or business name of the plaintiff and click **“Search.”**

- If the party is found, highlight the party from the list and click **“Select name from list”**.

- If the party is not found, click **“Create new party”** and follow the steps for adding a new party. Be sure to change the “Role” on the party information as appropriate. Click **“Submit”** when finished.

- If you are filing the AP on behalf of more than one plaintiff, search for and add additional plaintiffs in the same manner described above.

- Once you have added all plaintiffs, click **“End plaintiff selection”**.

- The next screen will prompt you to search to determine if the defendant is already listed in the system. Search for the defendant by entering the last name or business name of the defendant and click **“Search.”**

- If the party is found, highlight the name of the party and click **“Select name from list”**.

- If the party is not found, click **“Create new party”** and follow the steps for adding a new party. Be sure to change the role type on the party information as appropriate. Click **“Submit”** when finished.

- If you are filing the AP against more than one defendant, search for and add additional defendants in the manner described above. Once you have added all defendants, click **“End defendant selection.”**
- On the next screen, complete the appropriate information for each box.

- Party code. Select whether the U.S. is a party to the AP case.
- Rule 23. Select “Y” if you will designate the AP as a class action (not common).
- Jury demand. Select whether you request trial by jury (not common).
- Demand. Enter nearest dollar amount of judgment sought. (i.e., if you are requesting a judgment for \$8000.00, enter “8.”)
- State law. Select “Y” if the AP case involves a substantive issue of state law.
- Nature of suit. You must select a primary nature of suit. You may select up to 5 natures of suit.

#### Practice tip:

When selecting multiple “nature of suits” choose as the primary nature of suit the cause of action with the most severe consequences to the defendant(s). For example, a complaint to revoke or object to discharge as a whole is more severe than a complaint objecting to discharge of a single debt.

- The next screen will prompt you to enter the .pdf file containing your complaint. Click on the “browse” button and navigate to the location on your computer where your complaint .pdf file is stored. Also, you must include an AP Cover Sheet (form B104) as an attachment. Click “Yes” for attachments and then click “Next.”

- After attaching the complaint, the next screen will prompt you for the .pdf file containing the AP Cover Sheet. Click on the “browse” button and navigate to the location on your computer where your cover sheet .pdf file is stored. In the “Description” field, type the phrase “AP Cover Sheet.” Click on “Add to List.” The path and file name will be added to the blank field at the bottom of the screen. If you have other attachments, repeat the process and add them to the list. Once all attachments have been added, click “Next.”

**Practice tip:**

An AP cover sheet is required pursuant to Local Rule (N.D. Fla. LBR) 7001-1.

The Clerk's Office will issue one summons list all defendants. The plaintiff is responsible for downloading and printing an original summons for service upon each defendant.

- The next screen will ask you if you are filing the Adversary Proceeding on behalf of the debtor. Check the radio button for either “yes” or “no” and click “Next.”
- The next screen will inform you whether a filing fee will be due for the filing of the Adversary Proceeding. If applicable, you will be prompted to pay the filing fee after the case opening process is complete.
- The next screen is very important! You will see a warning that says: **“Attention!! Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.”** You have not committed anything to the ECF system at this point and if you determine that an error has been made, you can click on the blue menu bar to start over. Read the text completely (this is how it will appear on the docket sheet) and, if it is correct, click “Next”.

**Open New Adversary Proceeding**

Docket Text: Final Text

(11 (Recovery of money/property - 542 turnover of property)): Complaint by ABC Credit against Joe Schmo Jr. Fee Amount \$293 (Attachments: # (1) A.P. Cover Sheet)

**Attention!!** Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.

- The next screen gives you the “**Notice of Electronic Filing**”, which gives you the new AP case number. It also has the original bankruptcy case number to which the AP has been associated. You will notice that the case numbers and document numbers for both cases are underlined. Those are hyperlinks to those cases. You may click on those and login into Pacer to view the document or docket sheets.
- The final step in opening an Adversary Proceeding is payment of the filing fee, if applicable. Adversary cases filed by the debtor do not require a filing fee. For instructions on electronic payment of filing fees, please see page 56.