#### ADVERSARY CASE OPENING

Local Rule 7001-1

To open an adversary proceeding begin by selecting **Adversary** from the CM/ECF toolbar, then select **Open an AP/MP case.** 

STEP 1 The Open Adversary Case screen is displayed.



- ◆ Office: will always default to Butte.
- Date Filed: will always default to current date.
- ◆ Case Type: select "ap."
- ◆ Complaint: select "y" for a complaint, "n" for a Notice of Removal
- ◆ Select Next to continue (selecting Clear will reset defaults).

STEP 2 The Search for a party screen is displayed.



In this step you will be adding the parties to this adversary proceeding (plaintiffs and defendants), and their attorneys (if applicable). Parties may be added in any order.

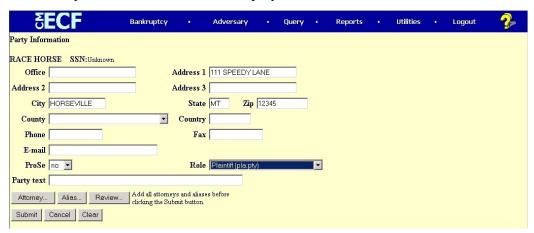
♦ Begin by searching the database for your first party to the adversary proceeding. The search may be done using either the SSN/Tax I.D. or the last/business name of the party. Note: the last/business name search is case-sensitive. Select Search.

### The Party search results are displayed.



- ◆ If the party's name appears in Party search results window, highlight the name and click the Select name from list button and proceed to **Step 3**.
- ◆ If the party's name does not appear in the Party search results window or you see a No person found response, proceed to **Step 4.**

# STEP 3 The Party Information screen is displayed.

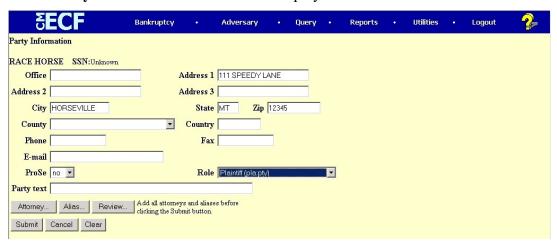


- ◆ Change the Role menu to reflect the role of your party either a plaintiff or defendant.
- Select appropriate status for the party in the Pro Se field.
- ◆ It is the preference of the Clerk's office that the remaining fields in this menu are blank. Note: if there is text after the party's name (i.e. "a Montana Corporation," "as Trustee," etc.) that you wish to be displayed in the docket header for this adversary proceeding, you may type it in the Party Text field.
- ◆ If the party has an alias, select Alias. The Create Alias screen will appear to allow for the inclusion of one or more aliases for the party. For more detailed instructions on adding aliases, see the Open A Case section of the manual.

◆ If the party is represented by an attorney, select Attorney. The Search for an Attorney screen will display. Proceed to **Step 5.** 

STEP 4 If your party does not appear in the pick list or you receive a **No person found** message, you will need to add the party to the database. Select **Create new** party.

**STEP 5** The **Party Information** screen will be displayed.



- ◆ Change the Role field to reflect the role of the party being added either Plaintiff or Defendant.
- Fill in name fields (use Last name field for a business name). The remaining fields should be left blank; however, if there is text that you wish to appear on the docket header after the party's name (i.e. "a Montana Corporation," "as Trustee," etc.), use the Party text field.
- Pro Se: select whether or not the party you are adding is pro se.
- ◆ If the party has an alias, select Alias. The Create Alias screen will appear to allow for the inclusion of one or more aliases for the party. For more detailed instructions on adding aliases, see the Open A Case section of the manual.
- ◆ If the party is represented by an attorney, select Attorney. The Search for an Attorney screen will display.



• Search for the party's attorney by typing in up to 10 letters of the attorney's last name in the **Last name** field - the search is case sensitive. Note: do not search for an attorney by **Bar Id.** Select **Search.** 

The **Attorney search results** are displayed. If the attorney's name appears in the **Attorney search results** window, proceed to **Step** 7.

**STEP 6** If the attorney's name is not listed, or "No Person Found" appears, select Create **New Attorney.** 

- Enter name and address of attorney for the party.
- **♦** Select **Add Attorney**
- ◆ The **Party Information** screen appears. Select **Submit** if you do not have another attorney to add for this party. If you have another attorney to add for this party, select **Attorney** and repeat **Step 5**.

**STEP 7** A successful attorney search will display the **Attorney search results** screen with the attorney's name listed.



- Select the attorney's name from the results.
- ◆ Click on Select name from list.

**STEP 8** The **Attorney Information** screen is displayed.



- ◆ If needed, you may change the contact information. Any changes made to the attorney's contact information will apply only to this adversary proceeding. If you determine that this is not the correct attorney, select **Cancel Attorney** and return to the last instruction of Step 4.
- ◆ **Lead attorney** select "yes" if this is the lead (or only) attorney for this party.
- **♦** Select **Add Attorney**.

# **STEP 9** The **Party Information** screen is displayed again.

- ◆ Verify information. Selecting the **Review** button allows you to view all aliases and attorneys you have added for this party.
- Select **Submit**. This will add the party to this adversary proceeding.

STEP 10 The Search for a party again displays.



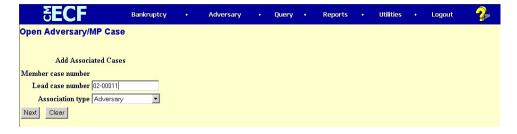
- Refer back to **Step 2** to add remaining parties.
- ♦ When all parties have been added, select **End Party Selection**.

# STEP 11 The Adversary Statistical Information screen is displayed.



- Party Code: select the role of the United States in this adversary proceeding.
- ◆ Nature of Suit: select the relief being sought. Note: if there are multiple counts to the complaint, select the one that appears first on the list.
- Origin: select the origin of this complaint. This will usually be 'original proceeding.'
- ◆ Transfer date: leave this field blank.
- ◆ Rule 23 (class action): select yes or no.
- ◆ Jury demand: select yes or no. Note: if selecting 'yes,' a motion requesting a jury trial must be filed.
- ◆ Demand (\$000): if this adversary complaint seeks monetary relief, enter the amount in thousands of dollars.
- ♦ Select Next.

STEP 12 The Add Associated Cases screen is displayed.



◆ Lead case number: type in the case number of the main case in the format shown in the example.

- ◆ Association type: select 'Adversary.'
- ◆ Select **Next**.

**STEP 13 The Select PDF Document** screen is displayed. In this step you will be attaching the complaint document file. Note: don't forget the Adversary Proceeding Cover sheet (available online).



- ♦ Attachments to Document: select 'yes' if you will be attaching more than one .pdf file.
- ◆ Type file name in blank, being sure to include the .pdf suffix. or
- Click on **Browse** to navigate to the appropriate directory and file:
- ◆ Change **Look in:** to the appropriate drive where the document is located
- Click on appropriate file name, and then click on **Open**.

#### STEP 14 The Open Adversary/MP Case screen is displayed:



- ◆ Record "CC" in the **Receipt** # field
- Record or verify amount in the **Fee** filed.
- Click **Next** to continue or **Clear** to start over.

**STEP 15** The **Docket Text: Modify as Appropriate** screen is displayed, allowing for addition of prefix and/or additional text.



- In the first box you may add a prefix if applicable.
- ◆ In the second box you may type any additional information about the complaint. We encourage a brief description of the complaint (i.e. 'to determine dischargeability of a debt').
- ♦ Select Next.

**STEP 16** The **Docket Text: Final Text** screen is displayed.



- ♦ Verify the text docket entry. This is what will be displayed on the docket and is your final chance to correct any errors. Any text you added in the previous step will appear in italics.
- ♦ Select **Next** to submit filing or go back to correct any errors.

# Receipt of Filing

Once entry is submitted after final approval, the **Notice of Electronic Filing** screen appears. This screen gives confirmation that the system has received the entry, and the entry now is an official court document. Scroll down to view entire receipt.



The **Notice of Electric Filing** appears each time you submit a filing to the court through the ECF System. Each notice will include the following:

- ♦ Who filed the document:
- ◆ Date and Time:
- ♦ Case Name:
- ◆ Case Number:
- Document Number:
- Original filename (pdf):
- ◆ Electronic document Stamp:

#### **Print receipt**

- Click on File at top of Internet Explorer screen and select **Print**, or
- Click on the Printer Icon at the top of the page.

[Note: It is highly suggested that copies of receipts be maintained for your records]