

Adversary Proceeding

Last Updated: February 8, 2024

[Fed. R. Bank. P. 7001](#)

[Fed. R. Bank. P. 7004\(b\)\(9\)](#)

[11 U.S. Code § 523](#)

[11 U.S. Code § 727](#)

Event: Adversary > Open an Adversary Case

An adversary proceeding (also referred to as a “complaint”) is a lawsuit arising in or related to a bankruptcy case that begins by filing a complaint with the court. It is an action commenced by a plaintiff filing a complaint against one or more defendants. A plaintiff is an individual or business that files a formal complaint with the court. A defendant is an individual or business against whom a lawsuit is filed. A list of the types of actions that are required to be brought on as an adversary proceeding is set forth in [Federal Rules of Bankruptcy Procedure 7001](#).

Opening an Adversary Proceeding

- 1) Select **Adversary Menu**
- 2) Select **Open an Adversary Case**
- 3) At **Complaint** drop down menu select **Y**. If filing a Notice of Removal select **N** (see procedure Notice of Removal) click **Submit**
- 4) Within the **Search for a plaintiff** screen, enter the last name of the plaintiff. The search can be narrowed down by including a first name. Click **Search**
- 5) Within the **Party search results** window select the applicable party if listed. A pop-up window with the party information will appear. If the party information matches your party information exactly, click **Select name from list**. If the party is not listed, click **Create new party** button. At the next screen, add correct address information for the newly created party.
- 6) Select appropriate **Role in Bankruptcy Case** from the dropdown menu.
- 7) Add additional attorneys for party if applicable. Do not add yourself as an attorney, you will be automatically added. Click **Submit**.
- 8) Once all plaintiffs are added select the **End plaintiff selection** button.
- 9) ECF will now prompt to add defendants to the case. Follow the same basic steps as adding a plaintiff to add or create a new defendant. **Do not add address information for the defendant unless the defendant is the debtor.** Address information will be added once an answer is filed. Once all defendants have been added, select **End defendant selection** button.

- 10) If the U.S. is not a party leave the Party code drop down option to the default 3. U.S. not a Party. If the U.S. is the Plaintiff or Defendant in the case, select accordingly.
- 11) From the Primary nature of suit drop down menu select the appropriate nature of suit. Four additional natures of suits may be selected.
- 12) Rule 23 (class action): select y or n from the dropdown menu
- 13) Jury Demand choose as applicable
- 14) Demand (\$000): if there is a demand, type amount to the nearest thousand (i.e. 5,000 = 5)
- 15) State law: select n, u, or y as applicable
- 16) Click the **Submit** button to continue
- 17) Enter the **Lead Case Number**
- 18) **Association type** choose Adversary – click **Submit**
- 19) Check to be sure the case is assigned to the correct Division and Judge and the lead Bankruptcy case number is correct, click **Submit**
- 20) **Is the plaintiff the Debtor, Trustee, US Trustee, Debtor in Possession or Examiner? [y or n]** – Select appropriate answer – click **Submit**
- 21) ECF will now prompt you to upload the complaint and any additional documents, click **Submit**
- 22) The next screen will show the appropriate fee, click **Submit**
- 23) The next screen will indicate **Docket Text: Modify as Appropriate.** If necessary, modify the docket text. Click **Submit**
- 24) The final screen **Docket Text: Final Text** commits the transaction, if everything is correct, click **Submit**
- 25) The **Notice of Electronic Filing** screen will appear. The notice includes the Adversary case number assigned and the related lead bankruptcy case number.
- 26) Issuance of the Summons – The court will prepare the Summons and send it to the filing attorney for service.

NOTE: If you are adding an address for the defendant, enter the address upon which the summons and complaint will be served. If the defendant is the debtor, the defendant must be served at the address stated on the petition or if an address update was filed with the court, at that address. Fed. R. Bankr. P. 7004(b)(9). Counter or cross claimants and/or third-party plaintiffs or defendants in a Notice of Removal may not be added.

NOTE: If the complaint includes a count objecting to the discharge under Section 727, be sure to select 41. If your complaint is only objecting to the discharge of the debt under Section 523, do not select a nature of suit that includes a Section 727 objection to discharge. An action under Section 523 does not hold up the debtor's discharge.