

ADVERSARY PROCEEDING CASE OPENING

A completed Summons and Notice of Pretrial (including the date of the pre trial conference **if** available on the judges' web calendars) must be filed as an attachment to the complaint during the filing process. It is not necessary to include as attachments an Adversary Cover Sheet or a Joint Proposed Scheduling Order with the filing.

Prior to the pre trial conference, parties in an adversary must submit either a Joint Proposed Scheduling Order or a Pre Trial Memorandum. If a Joint Proposed Scheduling Order is submitted, the pre trial conference will not be held and the scheduling order will be signed setting forth a trial date. If however, a Joint Proposed Scheduling Order is not submitted, the parties must file pre trial memoranda, which shall include all items listed on the Pre Trial Instructions. The parties must attend a pre trial conference on the day set forth on the original summons.

The [Joint Proposed Scheduling Order](#), [Pre Trial Instructions](#) and [Summons and Notice of Pre Trial](#) are available on our web site: www.njb.uscourts.gov.

NOTE: During the filing of a complaint, you will be asked to enter the case number of the related bankruptcy. It will be helpful to determine this information before filing the complaint.

- STEP 1** Choose **Adversary** from main menu

- STEP 2** Choose **AP/MP Case Opening** category

- STEP 3** Select the office where main case was filed. Case type is "ap" and complaint is "y", click [NEXT]

- STEP 4** Adding Party Routine. Please refer to the sub-steps on the following page when adding Parties.

TIPS for adding parties:

- ◆ **All Plaintiffs must be added first, followed by all Defendants.**

- ◆ **Steps 4.a & 4.b must be repeated for each party added to the case.**

STEP 4.a Search database for name of party by entering the name of the party in the Last/Business name field

Hints for Searching Party/Attorney Database

- Searching is case sensitive.
- Include punctuation.
- Partial names can be entered.
- Significant words or names are effective (Radio for Radio Shack or Northwest Radiology).
- Try alternate search clues if your first search is not successful.
- Wildcards (*) are not required but may be used.

IF	THEN
If party found	Click [SELECT NAME FROM LIST]; indicate the party type in the “Role” field; if entering plaintiff click [ATTORNEY] and add yourself
If party <i>not</i> found	Click [CREATE NEW PARTY]

STEP 4.b Enter party’s information; if entering plaintiff(s) click [ATTORNEY] and add your information. If entering a Defendant DO NOT add an attorney; click [SUBMIT]. Repeat this process for each party to the case

 *TIP -DO NOT enter attorney information for defendants; our court presumes the defendant to be Pro Se unless an attorney files an Answer on their behalf.*

STEP 4.c Click [END PARTY SELECTION] when all parties have been entered

STEP 5 Enter Statistical information; click [NEXT]

 *TIP 1 - Follow Nature of Suit guidelines as follows:*

IF	AND	THEN
One Nature of Suit (NOS) is indicated		Select the appropriate NOS
More than one NOS is indicated	One is 424 (§ 727 obj.)	Select 424
More than one NOS is indicated	One is 426 (§ 523 obj.)	Select an NOS other than 426

 *TIP 2 - Demand will default to 000's. For example, if demand is \$5,000, you need only enter 5.*

STEP 6 Enter case number of related bankruptcy case in the “Lead case number” field; click [NEXT] to accept Adversary as the Association Type.

STEP 7 Confirm office and judge assigned to lead case; click [NEXT]

STEP 8 Upload PDF file; click [NEXT]

 *TIP - The completed Summons and Notice of Pre Trial must be uploaded as an attachment to the complaint.*

STEP 9 DO NOT enter a Receipt Number; Enter a description in the Nature of Suit variable box; click [NEXT]

 *TIP - If multiple reliefs are request, include a description of each.*

 *EXAMPLE - Objecting to Discharge; To Recover Money or Property, etc.*

STEP 10 Click [NEXT] at **Open Adversary/MP Case** screen

STEP 11 Docket text appears; review for accuracy, modify if appropriate; click [NEXT]

☛ *TIP - Text of docket entry cannot be modified from this screen; if modification is necessary use [BACK] button on your browser. **THIS IS THE ONLY OPPORTUNITY TO MODIFY INFORMATION OR ABORT TRANSACTION.***

SAMPLE DOCKET TEXT

Complaint by American Airlines against Wilbur Wright . Nature of Suit: To Recover Money or Property. (Attachments: # (1) Summons)(Hughes, John)

STEP 12 Summary of Current Charges window displays. You may *PAY NOW* or *CONTINUE FILING*.

STEP 13 **Notice of Electronic Filing (NEF)** displays. The NEF will contain the case number of the Adversary Proceeding. A notation indicating the filing of the complaint will appear in the related bankruptcy case.