Filing a New Adversary Proceeding

In this scenario, we will be opening a new Adversary Proceeding. We will be representing the creditor, Service Merchants. We will be filing a complaint for an objection to the dischargeability of the debt that is owed to the creditor by the debtor.

Prior to starting the action, you will need to verify any information that needs to be redacted is redacted in your word document of the new Adversary Proceeding Then please print your new Adversary Proceeding document into PDF format (which flattens the document). NOTE: Do not just save the word document as a PDF because that does not flatten the document and may allow for editing to occur.

1. To begin filing, you will click on **Adversary** from the main menu bar.





2. You now see the Adversary events screen. To open a new Adversary Proceeding, click on **Open AP Case**.



3. The system is asking if we are filing a complaint, y (yes) or n (no). We are filing a complaint, so we will leave the default as **y** and click **Next**.



4. The system is now prompting you to add the Lead case number. The Lead case number is the bankruptcy case we are filing this case in. The bankruptcy case we are filing this complaint in is 23-10020. Enter the **Lead case number**.





Next, you will need to determine the Association type. You can click the down arrow to see the association types. We are filing an Adversary Proceeding, so we will leave it set to Adversary Proceeding.



6. After selecting the Lead case number and Association type, click **Next**.

CMme	CF Bankruptcy -	Adversary -	Query	Reports -	Utilities -	Sear <u>c</u> h	Help	Log Out
Open Adversar	y Case							
Lead case number	23-10020	Find This Case						
Association type	Adversary Proceeding	-						
Next Clear								

7. The system has found the bankruptcy case and has provided brief details on the case. Click **Next** to continue.



8. You now need to search for the Plaintiff. We are entering this case on behalf of our clients, Service Merchants.

CMmEC	F Bankruptcy	• <u>A</u> dversary •	Query	<u>R</u> eports -	<u>U</u> tilities -	Sear <u>c</u> h	Help	Log Out
Open Adversary	Case							
Search for a plaintiff								
SSN / ITIN		Tax ID / EIN						
Last/Business name								
First Name								
Middle Name								
Search Clear								

9. We will search for our client by entering them name in Last/Business name. After the name has been entered, click **Search**.

CMmEC	E Bankruptcy	 <u>A</u>dversary - 	Query	Reports -	Utilities 🗸	Sear <u>c</u> h	Help	Log Out
Open Adversary	Case							
Search for a plaintiff	t i i i							
SSN / ITIN		Tax ID / EIN						
Last/Business name	Service Merchants							
First Name								
Middle Name								
Search Clear								

10. The system did not find that party in the database, so the party will need to be created. Click on **Create new party**.

CMmecf	Bankruptcy -	Adversary -	Query	<u>R</u> eports -	Utilities -	Sear <u>c</u> h	Help	Log Out
Search for a plaintiff								
SSN / ITIN	1	fax ID / EIN						
Last/Business name								
First Name								
Middle Name								
Search Clear								
Party search results								
No person found.								
Create new party								

CMmECF Bankruptcy -	Adversary - Query Reports - Utilities - Search Help Log Out
Plaintiff Information	
Last name Service Merchants	First name
Middle name	Generation Title
SSN/ITIN 999-99-99	99 Tax Id/EIN 12-1234567
Office	Address 1
Address 2	Address 3
City	State Zip
County	✓ Country
Phone	Fax
E-mail	
Party text	
Role in Bankruptcy Case	V
Add additional attorney Alias Corporate p	arent / affiliate Review Add all additional attorneys, aliases and corporate parents or affiliates before clicking the Submit button.
Submit Cancel Clear	

11. The system will remember the search criteria we entered and place that in the last name field.

12. The system will need to know what role they play in the bankruptcy case. Click the down arrow next to Role in Bankruptcy Case. Service Merchants is a creditor in the bankruptcy case, so we will click on **Creditor**.

CMm	ECF	Ba <u>n</u> kru	uptcy 🗸	Adversary -	Query	Reports -	Utilities -	Sear <u>c</u> h	Help	Log Out	
Plaintiff Info	rmation										
Last name	Service Mer	chants				First nam	ie 📃				
Middle name						Generatio	n) T	itle 📃		
SSN/ITIN			999-99	-99999		Tax Id/EE	N		12-123	4567	
Office						Address	1				
Address 2						Address	3				
City						Stat	te	2	Zip 📃		J
County					~	Countr	у 📃				
Phone						Fa	x				
E-mail											
Party text Role in Bankr	uptcy Case				v]						
Add additional a	attorney)	Creditor Debtor Other/N Trustee	lot Appli	cable	ŝ	W Add all ac before cli	dditional attor cking the Sub	neys, aliases mit button.	and corpo	rate parents or	r affilsates
		U.S. Tru	istee/Bai	nkruptcy Adminis	trator						

United States Bankruptcy Court for the Northern District of Oklahoma

CM	ECF Bankruptcy - Adversary - Query Reports - Utilities - Search Help Log Out
Plaintiff Info	rmation
Last name	Service Merchants First name
Middle name	Generation Title
SSN/ITIN	999-99-9999 Tax Id/EIN 12-1234567
Office	Address 1
Address 2	Address 3
City	State Zip
County	✓ Country
Phone	Fax
E-mail	
Party text	
Role in Bank	ruptcy Case Creditor
Add additional	attorney] Alias] Corporate parent / affiliate] Review] Add all additional attorneys, aliases and corporate parents or affiliates before clicking the Submit button.
Submit Cano	el Clear

13. To complete the information, we will enter the Address, City, State and Zip of the creditor.

14. After the Address, City, State and Zip have been entered, click on Submit.

CMm	ECF Ba <u>n</u> kruptcy - <u>A</u> dversary - <u>Q</u> uery <u>R</u> eports - <u>U</u> tilities - Sear <u>c</u> h Help Log Out
Plaintiff Info	mation
Last name	Service Merchants First name
Middle name	Generation Title
SSN/ITIN	999-99-9999 Tax Id/EIN 12-1234567
Office	Address 1 123 Main Street
Address 2	Address 3
City	Tulsa State OK Zip 74103
County	 Country
Phone	Fax
E-mail	
Party text	
Role in Bankr	aptcy Case Creditor
Add additional	ttorney Alias Corporate parent / affiliate Review Add all additional attorneys, aliases and corporate parents or affiliates
Submit Cance	Clear



CIVILLECF Bankruptcy Adversary Query Reports Utilities Seargn Help Log Out
Plaintiff Information
Last name Service Merchants First name
Middle name Generation Title
SSN/TTIN 999-99-9999 Tax Id/EIN 12-1234567
Office Address 1 123 Main Street
Address 2 Address 3
City Tulsa State OK Zip 74103
County Country
Phone Fax
E-mail
Party text
Role in Bankruptcy Case Creditor
Add additional attorney Alias Corporate parent / affiliate Review Add all additional attorneys, aliases and corporate parents or affiliates
Submit Cancel Clear
⊕ ecf+test.oknb.uscourts.gov
Warning: The First name is blank.
ox IIII

15. The system is warning us that the first name is black, which is fine for a business. Click **Ok**.

16. You are now being asked to enter another plaintiff. If we had more plaintiffs, we would enter then one at a time until they are complete. In this case, we only have one plaintiff. We can click **End plaintiff selection** to proceed.

CMmecf	Bankruptcy -	<u>A</u> dversary -	Query	Reports -	Utilities -	Sear <u>c</u> h	Help	Log Out
Open Adversary Cas	se .							
Search for a plaintiff								
SSN / ITIN		Fax ID / EIN						
Last/Business name								
First Name								
Middle Name								
Search Clear								
End plaintiff selection								



17. You are not being prompted to enter the defendant.

CMmecf	Ba <u>n</u> kruptcy –	<u>A</u> dversary -	Query	Reports -	<u>U</u> tilities –	Sear <u>c</u> h	Help	Log Out
Open Adversary Ca	se							
Search for a defendant								
SSN / ITIN		Tax ID / EIN						
Last/Business name								
First Name								
Middle Name								
Search Clear								

 In this case, we are filing against the debtor First Middle Last. Enter the information you have into the search criteria. In this case, we are using Last/Business name, First Name, and Middle Name. You could use SSN/ITIN and/or Tax ID/EIN also or in place of. Then click Search.



19. The database will show the parties it has found.

CMmEC	F Bankruptcy	Adversary -	<u>Q</u> uery	<u>R</u> eports -	Utilities -	Sear <u>c</u> h	Help	Log Out
Search for a defendat	nt							
SSN / ITIN		Tax ID / EIN						
Last/Business name								
First Name								
Middle Name								
Search Clear								
Party search results								
Last, First Middle, Addre	ess, City, OK	^						
Last, First Middle, 123 A	Anywhere Drive, Tulsa	а, ОК ~						
Select name from list	Create new party							

United States Bankruptcy Court for the Northern District of Oklahoma 20. In this case, it appears that the second result is the one we want. Click on the second line.

CMmEC	ЪFв	a <u>n</u> kruptcy -	Adversary -	Query	Reports -	Utilities -	Sear <u>c</u> h	Help	Log Out
Search for a defenda	nt								
SSN / ITIN			Tax ID / EIN						
Last/Business name									
First Name									
Middle Name									
Search Clear									
Party search results									
Last, First Middle, Addre	ess, City,	ОК	^						
Last, First Middle, 123 /	Anywhere	Drive, Tulsa	a, OK						
Select name from list	Create	new party							

21. Once you click on the second line of the search results. Once that is clicked, you will see additional information on that party. That is the party we are filing our complaint against. So, click on the X in the upper right-hand side of the popup box.

🍅 CM/ECF TEST - U.S. Bankruptcy Court:oknb — Mozilla Fir —		\times
🔿 🔒 ब्² https://ecf-test.oknb. uscourts.gov /cgi-bin/Pe 🏠	பி	≡
First Middle Last SSN / ITIN: xxx-xx-0000 123 Anywhere Drive Tulsa, OK 74103 St County: TULSA-OK		
Middle Name		
Search Clear		
Party search results		
Last, First Middle, Address, City, OK		
Last, First Middle, 123 Anywhere Drive, Tulsa, OK		
Salact name from list Croate new party		

22. After closing the box, click **Select name from list**.

CMmEC	F Bankruptcy	- <u>A</u> dversary -	Query	Reports -	Utilities -	Sear <u>c</u> h	Help	Log Out
Search for a defendan	it							
SSN / ITIN		Tax ID / EIN						
Last/Business name								
First Name								
Middle Name								
Search Clear								
Party search results								
Last, First Middle, Addre	ss, City, OK	^						
Last, First Middle, 123 A	nywhere Drive, Tuk	a, OK						
		~						
Select name from list	Create new party							

23. The defendant information screen will appear with the appropriate information already keyed in. You could change any of this information if needed. This information is correct, so we will leave as is.

CM	ECF	Ba <u>n</u> kruptcy -	<u>A</u> dversary -	Query	<u>R</u> eports -	<u>U</u> tilities –	Sear <u>c</u> h	Help	Log Out
Defendant I First Middle	nformation Last SSN /	ITIN:xxx-xx-000	0						
Office					Address 1	123 Anywh	ere Drive		
Address 2					Address 3				
City	Tulsa				State	OK Zij	p 74103		
County	TULSA-OK (4	0143)		v	Country				
Phone					Fax				
E-mail									
Party text									
Role in Bank	cruptcy Case			×					
Alias Corp	orate parent /	affiliate Revie	w Add all alias before clicki	es and corport ng the Subn	orate parents or a nit button.	iffiliates			
Submit Can	cel Clear								



CMÍ	ECF	Bankruptcy -	<u>A</u> dversary -	Query	Reports -	<u>U</u> tilities	-	Sear <u>c</u> h	Help	Log Out
Defendant	Information									
First Middle	Last SSN/	ITIN:xxx-xx-000	0							
Office					Address 1	123 Any	wher	e Drive		
Address 2					Address 3					
City	Tulsa				State	OK	Zip	74103)
County	TULSA-OK (4)143)		~	Country					
Phone					Fax					
E-mail										
Party text										
Role in Ban	kruptcy Case			~						
Alias Cor	porate parent /	Creditor			arate parents or a	ffiliates				
Submit Car	col Clear	Debtor			in concli					
Submit Cal	iter tied	Other/Not Appli	able							
		Trustee								
		ILC Tautes/Da	les este c Adminis	heater						
		U.S. Irustee/Bar	Kruptcy Adminis	trator						

24. You will need to select the Role in the Bankruptcy Case.

25. The defendant is the **debtor**, so select Debtor and click **Submit**.

CM	ECF	Ba <u>n</u> kruptcy -	Adversary -	Query	Reports -	Utilities 🗸	Sear <u>c</u> h	Help	Log Out
Defendant I	nformation								
First Middle	Last SSN /	TTIN:xxx-xx-000	0			122 Annuh	Delas		
Office					Address 1	123 Anywn	ere Drive	_	
Address 2					Address 3				
City	Tulsa				State	OK Zij	74103		
County	TULSA-OK (4	0143)		~	Country				
Phone					Fax				
E-mail									
Party text									
Role in Bank	cruptcy Case	Debtor		~					
			Add all alias	es and corpo	rate parents or a	ffiliates			
Alias Corp	orate parent /	affiliate Revie	w before clicki	ng the Subm	it button.				
Submit Can	cel Clear								



26. You are now being asked to enter another defendant. If we had more defendants, we would enter then one at a time until they are complete. In this case, we only have one defendant. We can click **End defendant selection** to proceed.

CMMECF	Bankruptcy	• <u>A</u> dversary •	Query	Reports -	Utilities -	Sear <u>c</u> h	Help	Log Out
Open Adversary Ca	ise							
Search for a defendant								
SSN / ITIN		Tax ID / EIN						
Last/Business name								
First Name								
Middle Name								
Search Clear								
End defendant selection								

27. This screen is to enter in further information regarding the adversary proceeding.

	ersary 🗸 🛛 Query	<u>R</u> eports -	Utilities -	Sear <u>c</u> h	Help	Log Out
Open Adversary Case						
		Primary natu	re of suit			
Party code 3 U.S. not a Party	~	none				v
Bula 22 (class action)	1	Second nature	e of suit			
Rule 25 (class action) II V		none				×
Turni domand None		Third nature	of suit			
Jury demand None		none				v
Demand (\$000)	1	Fourth nature	of suit			
Demand (3000)		none				×
State law n x	1	Fifth nature o	f suit			
State law II V		none				v
Next Clear						



Open Adversary Case			
		Primary nature of suit	
Party cod	3 U.S. not a Party 💙	none	×
Rule 23 (class action	1 U.S. is a Plaintiff 2 U.S. is a Defendant	Second nature of suit none	v
Jury deman	3 U.S. not a Party	Third nature of suit none	v
Demand (\$000	0	Fourth nature of suit none	v
State lav	w n v	Fifth nature of suit none	v
Next Clear			

28. In our case, the U.S. is not a party. Select 3 U.S. not a Party.

29. The next item is asking if this is a Rule 23 class action suit. It is not, so we will leave the default as **n**.

Open Adversary Case	kruptcy • Adversary • S	Query <u>R</u> eports - Utilities - Seargh Help LogOut	
Party code	3 U.S. not a Party 💙	Primary nature of suit	×
Rule 23 (class action Jury demand		Second nature of suit none Third nature of suit	v
Demand (\$000)		Fourth nature of suit	• •
State law	n •	none	~
Next Clear			



30. The next item is asking if we have a jury demand. If you click the drop-down box, you see options as Both, Defendant, None, or Plaintiff. We do not have a jury demand, so we will click on **None**.

	y Reports - Utilities - Search Help Log Out
Open Adversary Case	
	Primary nature of suit
Party code 3 U.S. not a Party V	none v
Rule 23 (class action) n 👻	Second nature of suit none v
Jury demand None 🗸	Third nature of suit none v
Demand (\$000) Defendant	Fourth nature of suit none v
State law None Plaintiff	Fifth nature of suit none v
Next Clear	

31. Next, we need to enter an amount for our dollar demand. We have a dollar demand of \$50,000.00. The Demand is in thousands. If you enter **50**, it will report as \$50,000.00.

CMmECF Bagkruptcy - Adversary - Qu)uery <u>R</u> eports - <u>U</u> tilities - Sear <u>c</u> h Help Log Out
Open Adversary Case	
	Primary nature of suit
Party code 3 U.S. not a Party V	none v
Pule 22 (class action) a vi	Second nature of suit
Rule 23 (class action) n V	none v
Town domand Money and	Third nature of suit
Jury demand None	none v
Durning of stands [50]	Fourth nature of suit
Demand (\$000) 50	none v
Etata hum an an	Fifth nature of suit
State law n V	none v
Next Clear	



32. The issue doesn't involve a state law issue, so it will remain at **n** for no.

	ry <u>Reports Utilities Search</u> Help Log Out
Open Adversary Case	
Party code 3 U.S. not a Party V	none v
Rule 23 (class action) n ×	Second nature of suit
Intry demand Note	Third nature of suit
Sury ochano Troke	none v
Demand (\$000) 50	none v
State law n 🛩	Fifth nature of suit
n	
Next Clear V	

33. The next option is Primary nature of suit for this action. Click on the down arrow for a list of options.

	Primary nature of suit
Party code 3 U.S. not a Party V	none
Rule 23 (class action) n ×	none
	01 (Determination of removed claim or cause)
Jury demand None 💉	02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))
	11 (Recovery of money/property - 542 turnover of property)
Demand (\$000) 50	12 (Recovery of money/property - 547 preference)
	13 (Recovery of money/property - 548 fraudulent transfer)
State law n 🗸	14 (Recovery of money/property - other)
	21 (Validity, priority or extent of lien or other interest in property)
Clear	31 (Approval of sale of property of estate and of a co-owner - 363(h))
	41 (Objection / revocation of discharge - 727(c),(d),(e))
	51 (Revocation of confirmation)
	61 (Dischargeability - 523(a)(5), domestic support)
	62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)
	63 (Dischargeability - 523(a)(8), student loan)
	64 (Dischargeability - 523(a)(15), divorce/sep property settlement/decree)
	65 (Dischargeability - other)
	66 (Dischargeability - 523(a)(1),(14),(14A) priority tax claims)
	67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)
	68 (Dischargeability - 523(a)(6), willful and malicious injury)
	······································



34. Our nature of suit is list at 60 (Dischargeablity – 523(a)(2), false pretenses, false

representation, actual fraud), which has been selected. If applicable, you can add more natures of suit. In this case, there is only one Nature of Suite, and we are ready to proceed. Click **Next**.

CMIECF Bankruptcy - Adversar	ry - Query Reports - Utilities - Search Help Log Out	
Open Adversary Case		
	Primary nature of suit	
Party code 3 U.S. not a Party	 62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud) 	×
Rule 23 (class action) n 👻	Second nature of suit	v
Jury demand None	Third nature of suit	~
Demand (\$000) 50	Fourth nature of suit none	v
State law n 💌	Fifth nature of suit none	v]
Next Clear		

35. You now need to **Browse** to find the adversary complaint that was saved as a PDF before we started.

CMmecf	Bankruptcy -	<u>A</u> dversary -	Query	<u>R</u> eports -	Utilities 🗸	Sear <u>c</u> h	Help	Log Out
Open Adversary Cas	e							
Filename Browse No file selected. Attachments to Document	: ● No ○ Ye	S						
Next Clear								



36. When you successfully navigate to the fold where you adversary is located, select the complaint. You want to verify the adversary is complete and ready to file by right clicking the document and viewing it before filing. When you have verified you have the completed correct document, click on open. Click **Next**.

CMmecf	Ba <u>n</u> kruptcy –	<u>A</u> dversary -	Query	Reports -	Utilities 🗸	Sear <u>c</u> h	Help	Log Out
Open Adversary Cas	e .							
Filename								
Browse Service Merchant	s Adversary.pdf							
		•						
Next								

37. Sometimes we run across screens like that that have no information other than the **Next** button. This usually indicates that the system is preforming some function in the background. Just click on **Next** to continue.

CMmecf	Bankruptcy -	Adversary -	Query	Reports -	Utilities -	Sear <u>c</u> h	Help	Log Out
Open Adversary Cas	e							
Next Clear								

38. You are now being asked if a fee is required, deferred, or not required. Generally, a fee is required unless a Plaintiff is the U.S., and debtor, or a child support creditor or representative. If you have any questions as to if a fee is due, you may view the fee schedule on our website or contact the Clerk's office. In our case today, a fee is required. Please click on the radio button by Fee Required, and then click Next.



39. The current fee amount of \$350.00 appears. Please click on Next.



40. The next for your docket entry will appear. We see we are filing a complaint by Service Merchants vs. First Middle Last. The fee amount of \$350.00 appears, as well as the nature of suit. There is a prefix box which is a list of predefined lists of words created by the court to further identify the pleading, but in this case, nothing needs to be added. Click on **Next** to continue.

CMmECF Bagkruptcy - Adversary - Que	ry Reports - Utilities -	 Search Help Log Out 	
Open Adversary Case			
Docket Text: Modify as Appropriate.			
 Complaint by Service Merr pretenses, false representation, actual fraud). Filed by John 	chants vs. First Middle La my Paxer on behalf of Ser	.ast - Fee Amount \$350. Nature of Suit: 62 (Dischargeability - \$23(a)(2). ervice Merchants - (Paxer, Johnny)	, false
Next Clear			

41. We now see our final text for our filing. The system is now warning that clicking on next will commit this filing to the court's database and we will have no further opportunity to modify this filing. It is also reminding you that any personal identifiers need to be redacted as outlined in the Federal Bankruptcy Rules and Procedures 9037. Please click on Next since you are ready to proceed.





42. The complaint has been filed with the court and a new Adversary Proceeding has been opened. The Summary of current charges appears as a pop-up box. Click on **Continue Filing.**

Summary of current charges					
2023-04-07 14:09:42	Complaint(23-01001-M) [cmp,cmp] (350.00)	\$ 350.00			
	Pay Now Continue Filing				

43. The Notice of Electronic Filing, also known as NEF, appears on the screen is our confirmation of filing. Please review the NEF to familiarize yourself with this receipt of filing.



If you have any questions regarding filing in the CM/ECF system, you can contact the CM/ECF Helpdesk using one of the methods below.

Phone: 918-699-4072 Email: cmecf@oknb.uscourts.gov

