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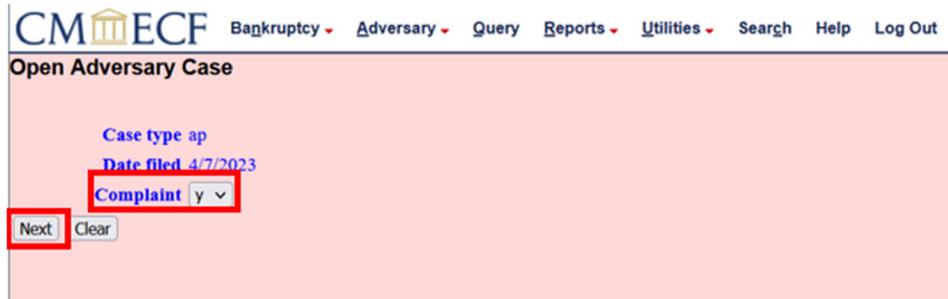
4. The system is now prompting you to add the Lead case number. The Lead case number is the bankruptcy case we are filing this case in. The bankruptcy case we are filing this complaint in is 23-10020. Enter the **Lead case number**.

5. 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**.

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.

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

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

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**.

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.

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.

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

18. 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.

20. In this case, it appears that the second result is the one we want. Click on the second line.

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.

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

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.

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

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

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.

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

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**.

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**.

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.

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

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

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**.

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

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**.

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.

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.

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.

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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.

CM ECF Bankruptcy ▾ Adversary ▾ Query Reports ▾ Utilities ▾ Search Help Log Out

Open Adversary Case

***NOTICE: This document constitutes an official stamp of the Court and, if attached to the document identified below, serves as a file stamped copy of the pleading. The first page of this document may be used in lieu of the Court's mechanical file stamp for the named document only, and misuse will be treated the same as misuse of the Court's official mechanical stamp. The Court's Electronic Document Stamp is a verifiable mathematical computation unique to the filed document and the Court's private encryption key. This alpha-numeric code assures that any change can be detected.

U.S. Bankruptcy Court

Northern District of Oklahoma

Notice of Electronic Filing

The following transaction was received from Johnny Paxer entered on 4/7/2023 at 2:09 PM CDT and filed on 4/7/2023
Case Name: Service Merchants v. Last
Case Number: 23-01001-M
Document Number: 1

Docket Text:
Complaint by Service Merchants vs. First Middle Last. Fee Amount $350. Nature of Suit: 62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud). Filed by Johnny Paxer on behalf of Service Merchants. (Paxer, Johnny)

Document description: Main Document
Original filename: Service Merchants Adversary.pdf
Electronic document Stamp:
[STAMP bkecfStamp_ID=1052166465 [Date=4/7/2023] [FileNumber=5187686-0]
[db55383fe81f3ccc9e7c5d9cf1ccfa7cf83c2c4cd117c61555662fcc727ef4190ec1
641e6a4edeb343bc35fadad182397c50aa66c41d7d9987dd876414b711c5]]

23-01001-M Notice will be electronically mailed to:

Johnny Paxer on behalf of Plaintiff Service Merchants
crdoknb+jpaxer@gmail.com, jole_awtrey@oknb.uscourts.gov

23-01001-M Notice will not be electronically mailed to:

First Middle Last
123 Anywhere Drive
Tulsa, OK 74103

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

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