

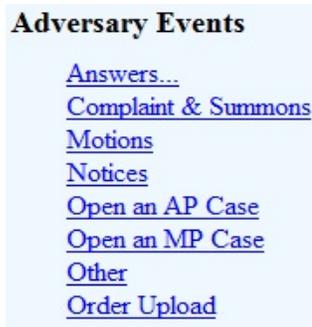
OPENING AN ADVERSARY PROCEEDING

3.3

Step 1 - Click on the **Adversary** hyperlink on the CM/ECF Main Menu Bar.



Step 2 - The ADVERSARY EVENTS screen displays.



Click on **Open an AP Case** hyperlink.

For further information on each of these categories, click the (?Help) icon.

Step 3 - An ADVISORY MESSAGE will appear.

Open Adversary Case

Select **COMPLAINT N** if this is a notice of removal.

NOTE: If neither party in the notice of removal is a debtor in a pending bankruptcy case in this district, please abort and open a Miscellaneous Proceeding.

This screen advises to select complaint “N” on the next screen if you are filing a notice of removal.

Click the [Next] button.

Step 4 - The OPEN ADVERSARY CASE screen displays.

Open Adversary Case

Case type ap

Date filed 2/13/2018

Complaint y ▼

The Case Type defaults to AP.

The Date Filed is the date the adversary is being entered into the system. This date defaults to current date.

Complaint defaults to “y”. Change this default to “n” only if you are filing a notice of removal.

Click the [Next] button.

Step 5 - The OPEN ADVERSARY CASE screen displays.

Open Adversary Case

Lead case number

Association type

Enter the Lead Case (Main Bankruptcy Case) Number into the appropriate field. **Note:** You will not be able to open an adversary where the lead case is closed.

Choose one of the following from the Association Type drop-down list.

- For 523 relief, choose “Adversary, Objection to Discharge of Debt”
- For the relief type 727, choose “Adversary, Objection to Discharge of Debtor”
- For any other Adversary Relief type, choose, “Adversary”

Click the [Next] button.

Step 6 - The DIVISION/JUDGE screen is displayed.

Open Adversary Case

Case is assigned to **Macon** Division, Judge **Carter**
based on the lead Bankruptcy case 18-50001.

The Division and Judge defaults to that of the main case.

Click the [Next] button.

Step 7 - ADVISORY MESSAGE is displayed.

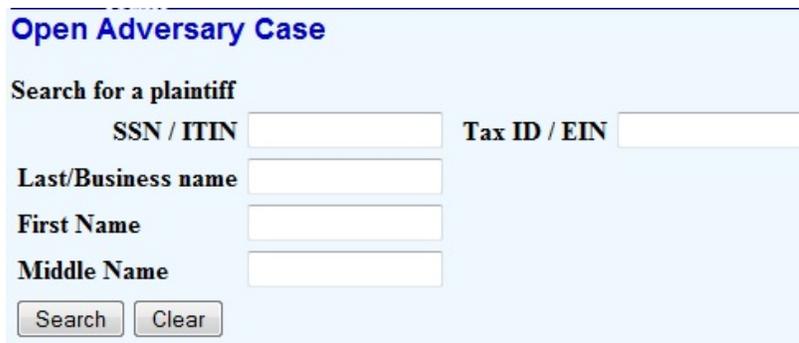


Open Adversary Case
Do NOT add an attorney for the defendant.
Next Clear

This screen advises you not to add an attorney for the defendant when adding parties on the following screens.

Click the [Next] button.

Step 8 - The SEARCH FOR A PLAINTIFF screen displays.



Open Adversary Case
Search for a plaintiff
SSN / ITIN Tax ID / EIN
Last/Business name
First Name
Middle Name
Search Clear

NOTE: When opening an adversary case, you will be prompted to add information for the plaintiff(s) and defendant(s). Do not add any other parties.

Before adding a party, a search of the database for the party must be performed.

Search Hints:

- Enter one field of data for each search.
- Format Social Security Number or Tax ID with hyphens.
- Include punctuation. (O'Brien)
- Try alternate search clues if your first search is not successful.
- Partial names can be entered.
- Wild cards (*) are not required at the end of search strings.
- A search may be performed by Social Security Number, Tax Identification Number, or Last/Business Name.
- Enter the last name or the first few characters of the last name to search. The search can be further refined by entering the first and/or middle name if desired.
- If this is a business filing, enter the first word or significant words of the name to search the database. The entire business name is stored in the Last/Business name field.
- The field size is 80 characters.

Enter the plaintiff's search criteria.

Click the [Search] button.

Step 9 - If your search results in no matches found, the following screen will appear.

Search for a plaintiff

SSN / ITIN Tax ID / EIN

Last/Business name

First Name

Middle Name

Party search results

No person found.

Click the [Create new party] button.

If your search results in a match, the following screen will appear.

Search for a plaintiff

SSN / ITIN Tax ID / EIN

Last/Business name

First Name

Middle Name

Party search results

Sallie Mae, Inc. ▲

Click to highlight and select a name from the party search results list.

A pop up screen will display the address information for the selected party.

Verify the information.

Click the X at the top of the screen to return to the party search results screen.

Click the [Select name from list] button to select the party.

If the search results are not correct, click the [Create new party button].

Step 10 - The PLAINTIFF INFORMATION screen appears.

Plaintiff Information

Last name First name

Middle name Generation Title

SSN/ITIN Tax Id/EIN

Office Address 1

Address 2 Address 3

City State Zip

County Country

Phone Fax

E-mail

Party text

Role in Bankruptcy Case

Add all additional attorneys, aliases and corporate parents or affiliates before clicking the Submit button.

- Enter plaintiff's name in the appropriate box if it does not appear there.
- Do not enter the plaintiff's address information **unless the plaintiff is pro se**. If the address information for the plaintiff appears in the address fields, blank the information out of the fields.
- Click the down arrow in the "Role in Bankruptcy Case" field. Click to highlight and select the appropriate plaintiff's role in Bankruptcy Case.
- Be sure to use correct capitalization and punctuation when entering address information for a pro se plaintiff.

If the party has an alias, click the [Alias] button.

You can enter up to 5 alias records at a time. Alias Role selections include aka, dba, fdba, fka.

To add more alias records, click the [Alias] button again

When you are finished adding alias records, Click [Add aliases].

*If additional attorneys represent the plaintiff, follow steps 11 - 15. Otherwise, skip to Step 16.

Note: The "Role in Bankruptcy Case" field must be indicated. Bypass the warning message regarding any other blank fields.

There is no need to add yourself as the attorney for the plaintiff since CM/ECF does so automatically.

Step 11 - The PLAINTIFF INFORMATION screen appears again. See page 7 for the illustration of that screen.

Clicking on the [Review] button presents a screen summarizing the attorney and alias information entered for this plaintiff. This is an automatic QC of the case information.

Verify the information.

Be cautious of the [Clear] button. You could accidentally delete information.

After reviewing the information displayed, click [Return to Party Screen].

Step 12 - The PLAINTIFF INFORMATION screen appears once more.

Click the [Submit] button. **NOTE:** you will receive warning messages regarding the blank fields. Click OK to bypass those warning messages.

Repeat steps 8 - 11 if additional plaintiffs need to be added.

Once all Plaintiff(s) have been added to the system, click [End Plaintiff Selection]

Step 13 - The SEARCH FOR A DEFENDANT screen will appear.

The screenshot shows a light blue background with the title "Open Adversary Case" in bold blue text. Below the title, the heading "Search for a defendant" is followed by four input fields: "SSN / ITIN", "Tax ID / EIN", "Last/Business name", "First Name", and "Middle Name". At the bottom of the form are two buttons: "Search" and "Clear".

The procedure for adding defendant(s) are nearly identical as those for adding the plaintiff's information, however, **please note the exceptions below:**

- When adding a defendant, DO complete the defendant's address fields
- DO NOT associate an attorney for the defendant. An attorney for a defendant will be added to the case upon the filing of an answer.

Once all Defendant(s) have been added to the system, click [End Defendant Selection].

Step 14 - The NATURE OF SUIT INFORMATION screen displays.

Open Adversary Case

Party code 3 U.S. not a Party

Rule 23 (class action) n

Jury demand None

Demand (\$000)

State law n

Primary nature of suit
63 (Dischargeability - 523(a)(8), student loan)

Second nature of suit
none

Third nature of suit
none

Fourth nature of suit
none

Fifth nature of suit
none

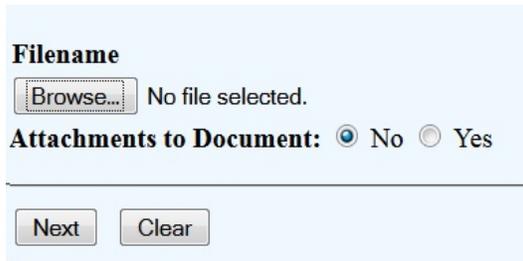
Next Clear

- Click the down arrow to reveal the list of Party Code options. If the U.S. is a plaintiff or a defendant in the adversary proceeding, click to highlight the correct party code. If the U.S. is not a plaintiff or defendant in the case, accept the default US is not a party in the case.
- Click the down arrow to reveal the list of Rule 23 (Class Action) options. The default is n for no. If the adversary being filed is a Rule 23 (Class Action) proceeding, change the default to y.
- Click the down arrow to reveal the list of Jury Demand options. Those options are Both, Defendant, None or Plaintiff. The system defaults to none. Choose the appropriate option. If a jury trial is requested in the complaint, indicate in the Jury demand field.
- In the Demand field, enter the demand amount specified in the complaint. Enter the amount to the nearest thousand (i.e. for a demand of \$5,000, enter 5, leaving off the 000). DO NOT use dollar signs or commas. If no dollar amount on demand, leave blank.
- In the State law field, indicate the appropriate response: “y”, “n”, or “u”.
- Click the down arrow to reveal the list of Primary Nature of Suit options. Click to highlight the primary nature of suit that applies to this case.
- If applicable, any other nature of suit options should be selected from the options in the pick lists of Second nature(s) of Suit, Third nature of suit, etc...

NOTE: If there is more than one Nature of Suit and one of them is an objection to discharge pursuant to §727, choose “41 (Objection / revocation of discharge - 727(a),(c),(d),(e)” first.

Click the [Next] button.

Step 15 - The PDF ATTACHMENT screen appears.

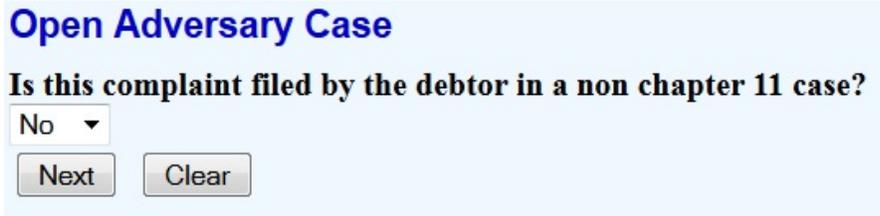


Filename
 No file selected.
Attachments to Document: No Yes

Select the .pdf file to associate with this event.

Click the [Next] button.

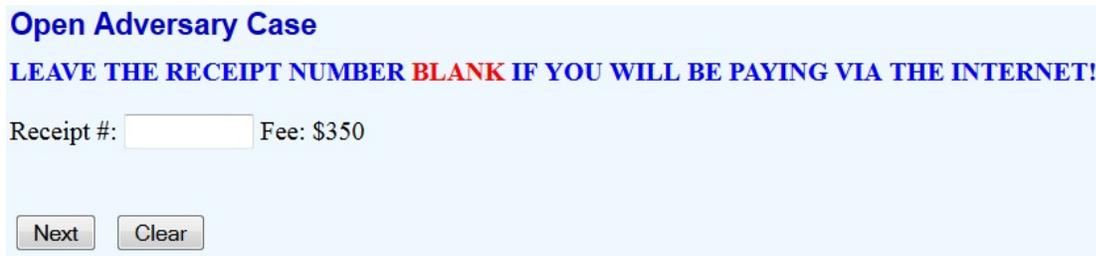
Step 16 - Is this complaint filed by the Debtor?



Open Adversary Case
Is this complaint filed by the debtor in a non chapter 11 case?
No ▾

Click the down arrow, highlight the appropriate response, then click Next. The adversary filing fee is not due if the complaint is filed by the debtor, **unless filed by the debtor in a chapter 11 case**. If the answer is "Yes", no fee prompt will display. If the answer is "No", or if the complaint is filed by a chapter 11 debtor, a fee prompt will display.

Step 17 - The FEE screen displays if the fee is due.



Open Adversary Case
LEAVE THE RECEIPT NUMBER BLANK IF YOU WILL BE PAYING VIA THE INTERNET!
Receipt #: Fee: \$350

Leave the Receipt # field blank.

Click the [Next] button.

Step 18 - The FINAL TEXT screen displays

Open Adversary Case

Docket Text: Final Text

(63 (Dischargeability - 523(a)(8), student loan)) Complaint by Sallie Mae against Practice Electronic Filing. Fee Amount \$350 (Jones, J.)

Attention!! Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.

Verify the accuracy of the docket text. This is what will display on the docket sheet. If the docket text is incorrect, click the browser [Back] button at the top of the screen one or more times to find the error to be corrected.

To abort this entry you may click on any heading on the blue CM/ECF Main Menu Bar.

Click the [Next] button.

An electronic payment screen appears (if a fee is due). See instruction manual: [On-Line Credit Card Payments](#) for detailed instructions regarding the electronic payment of filing fees.

Click the [Continue filing] button.

Step 19 - The NOTICE OF ELECTRONIC FILING screen displays.

U.S. Bankruptcy Court
Middle District of Georgia

Notice of Electronic Filing

The following transaction was received from J. Jones entered on 2/13/2018 at 12:32 PM EST and filed on 2/13/2018

Case Name: Sallie Mae v. Filing

Case Number: [18-05003](#)

Document Number: [1](#)

Case Name: Practice Electronic Filing

Case Number: [18-50001](#)

Document Number: [6](#)

Docket Text:

Adversary case 18-05003. (63 (Dischargeability - 523(a)(8), student loan)) Complaint by Sallie Mae against Practice Electronic Filing. Fee Amount \$350 (Jones, J.)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:CASE LOAD JAN-FEB.pdf

Electronic document Stamp:

[STAMP bkecfStamp_ID=970768733 [Date=2/13/2018] [FileNumber=71085-0] [6bd1c568b09672f22d4291376af999d70f6c3f3dfda24d9795ea17a245f0aa1ca2097e1858fb4e309da00c34e872b4ed611a43e849f780a71e62ad692315e39f]]

Document description:Main Document

Original filename:CASE LOAD JAN-FEB.pdf

Electronic document Stamp:

[STAMP bkecfStamp_ID=970768733 [Date=2/13/2018] [FileNumber=71086-0] [3350184ee1a51e9c04f303e315c50d0d7a30788db4a5229fd1480447efd54a2b7ae138828405d8bb3a3f829002e45c1769795837fcf7d3fba0f07bc381dc384a]]

18-05003 Notice will be electronically mailed to:

The Notice of Electronic Filing is the verification that the filing has been sent electronically to the court's database. It verifies that the adversary proceeding was opened.

The new adversary number is displayed as well as the related bankruptcy case number. Hyperlinks to the docket report and the document are provided as well.

Step 20 - Obtain a pre-trial hearing date from the CHS (Court Hearing Scheduler),
<https://ecf.gamb.circ11.dcn/cgi-bin/chsCalendar.pl>

Step 21 - Complete and file a Summons and Notice of Pretrial Conference in an Adversary Proceeding form.

Access our website at www.gamb.uscourts.gov to obtain the Summons and Notice of Pretrial Conference in an Adversary Proceeding form. See the steps outlined below:

- ▶ At the home page of our Court's website, click on "Forms"
- ▶ Select "**Summons and Notice of Pretrial Conference in an Adversary Proceeding.**" For instructions, click on the **Instructions** link.
- ▶ Complete and save this summons form.
- ▶ Docket it using the event named "Request to Clerk to Issue Summons".

Alternatively, refer to the separate instruction module: [Request To Clerk To Issue Summons](#).