

ATTORNEYS FOR CREDITORS:

Opening an Adversary Proceeding (Complaint):

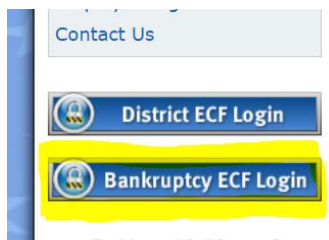
Filing Requirements:

- Please review Bankruptcy Local Rule 7003-1 Commencement of Adversary Proceedings
- Complaint
- Adversary Cover Sheet
- Summons
- Filing fee

To Open an Adversary Proceeding:

*Tip: Before you begin filing, have all documents completed and scanned to PDF format and saved in a place where you can easily locate them.

- Log into Bankruptcy ECF: Go to the District of Idaho's website at id.uscourts.gov and look for the blue bar.



- Log in to PACER using PACER credentials.

➔ Idaho Bankruptcy Court (test) Login

* Required Information

Username *

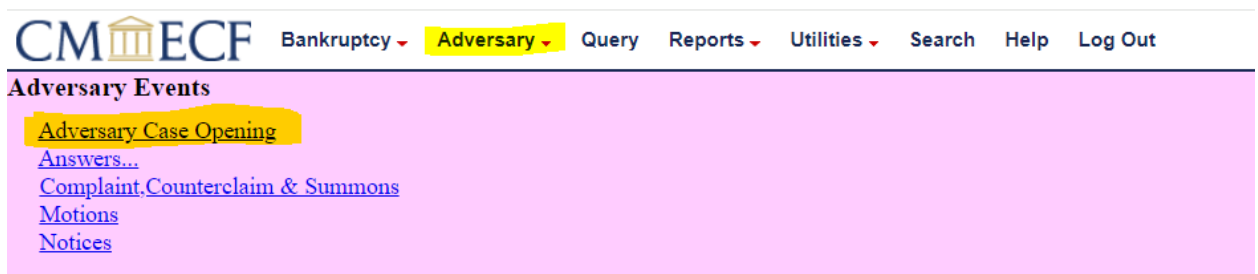
Password *

Client Code

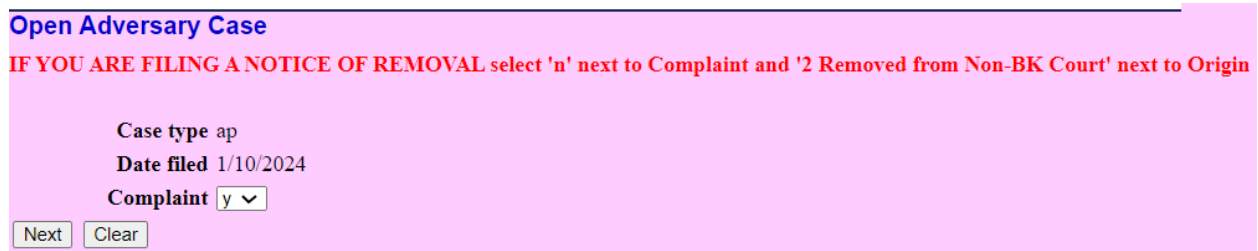
- This should take you to the main filing screen.



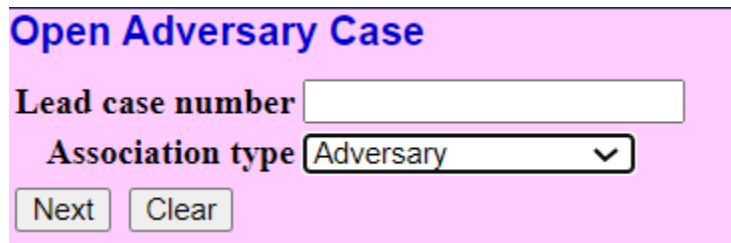
- Select [Adversary > Adversary Case Opening].



- The case type is ap. Choose “y” for Complaint and click [Next].



- Leave this screen as is and hit [Next].



- Select the correct office. The office where the main bankruptcy case was assigned.

- Search for the plaintiff. If the party is in the party search results, click on [Select Name from List]. If the party is not listed, click on [Create New Party]. The Role in Bankruptcy Case cannot be blank. There may be warnings that a field is blank. If not applicable, click [OK].
- Enter aliases if there are any and click [Submit].
- If there are any, search for additional plaintiff(s). If there are no additional plaintiffs, click [End Plaintiff Selection].
- Next, search for a defendant. If the party is in the party search results, click on [Select Name from List]. If the party is not listed, select [Create New Party]. The Role in Bankruptcy Case cannot be blank. Do not enter the defendant's attorney. The defendant's attorney (if they have one) will be added to the proceeding when they file a notice of appearance or an answer to the complaint. There may be warnings that a field is blank, if not applicable click [OK].
- If there are any, search for additional defendant(s). If there are no additional defendants, click [End Defendant Selection].
- The information to complete the next screen can be found on the cover sheet. Enter the appropriate information and click [Next].
- Enter the lead (bankruptcy) case number. Leave Adversary as the Association type and click [Next].
- The next screen will display a message with who the case is assigned to and the division. If the division or lead bankruptcy case number are not correct, the filing process will have to be restarted to correct the error.
- Browse to attach the complaint pdf and any attachments. The cover sheet should be the first attachment, then the Summons second.
- The next screen is the fee screen, which cannot be edited. Click [Next].
- Verify/modify the final docket text. Once correct, click [Next] to submit your document(s).
- At the Notice of Electronic Filing screen, the adversary number will appear, and the main case number will display below.
- No adversary proceeding pleadings including complaints should be filed in the main case.
- When filing future documents in the adversary case, you may use any events listed under Bankruptcy events, as well as the Adversary events, but please remember to put in the adversary case number.

File a Notice of Removal:

The following documents are required when removing a case to this court:

- The Notice of Removal which should be signed pursuant to FRBP 9011 and contain a short and plain statement of the facts which entitle the party filing the notice to remove, contain a statement that upon removal of the claim or cause of action the party filing the notice does or does not consent to entry of final orders or judgment by the bankruptcy court, and be accompanied by a copy of all process and pleadings.
- A Certificate of Service indicating all parties have been served the notice of the removal.
- Adversary filing fee (unless exempt from paying if filed by debtor)
- Adversary cover sheet (filed as an attachment or supplement)
- A complete copy of the pending state court file. If the files are too large, then attach the docket sheet from the state court action and bring a thumb drive to the clerk's office that contains all the state court documents.

Make sure the parties entered match the designations of the state court case.

No Summons needs to be issued for the defendant.

Notice of Removal is opened as a new adversary case using Adversary events\Adversary Case Opening.

Open Adversary Case

IF YOU ARE FILING A NOTICE OF REMOVAL select 'n' next to Complaint and '2 Removed from Non-BK Court' next to Origin

Case type ap Case number

Date filed

Complaint

Origin

- Select 'n' next to Complaint.
- Select '2' - Removed from Non-BK Court.
- Leave Case Number blank.

Open Adversary Case

Lead case number

Association type

- Leave this screen as is and hit [Next].

Open Adversary Case

No valid Lead Case entered

Please manually select a Divisional Office

Judge Assignment

Add judge

- Select the correct office. The office where the main bankruptcy case was assigned.

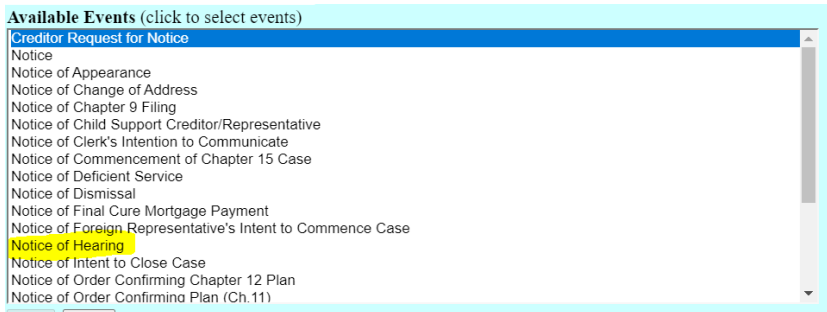
Continue with the following:

- Add Plaintiff from state court docket and attorney.
- Add Defendant from state court docket.
- Nature of Suit - 01 determination of removed claim or cause.
- Fill out party code.
- Fill out demand amount.
- State law 'y'
- Attach the notice of removal and add additional attachments: state court docs and adversary cover sheet.

File a Notice of Hearing:

Filing Requirements:

- The first step is to always call the courtroom deputy for the judge handling your case. She will give you an available date and time for a hearing. Their contact information is listed on our website at: https://id.uscourts.gov/bankruptcy/judges/Courtroom_Deputies.cfm
- Review the Local Rules regarding Notice and Hearing for the District of Idaho. https://id.uscourts.gov/bankruptcy/forms_fees_rules/Rules.cfm
- Prepare your notice of hearing and save as a PDF. Please note for telephonic hearings you will need to add the judge’s call-in number and access code to your hearing notice.
- Docket the Notice of Hearing Select [Bankruptcy > Notices > Notice of Hearing].



- Continue to follow the steps as directed.
- Be sure to select the correct hearing type when asked to do so. Do not choose Miscellaneous Hearing unless there is no type available for your motion or objection.
- Be sure to answer all the questions for location, date and time of hearing. This will put the

hearing on the judge's calendar, as well as the public calendar. (NOTE: for hearings for Northern or Central Idaho cases, please select the time where the judge will be located, i.e., 10:00 Mountain/9:00 Pacific (Judge is sitting in Boise but holding the hearing telephonically)). Please always call the clerk's office with any questions.

- Attach your Notice of Hearing and relate it to your motion or objection.

File a Motion:

Filing Requirements:

- Review the Local Rules regarding Notice and Hearing for the District of Idaho.
https://id.uscourts.gov/bankruptcy/forms_fees_rules/Rules.cfm
- Prepare your motion and any supporting documents and save as PDF documents. Please determine whether you are using negative noticing, or if you will be setting the matter for a hearing.
- Docket the motion- Select [Adversary > Motions] and select the correct category for your motion.

HERE IS A SAMPLE OF SOME OF THE MOTION EVENTS AVAILABLE FOR ADVERSARY CASES:



Affidavit re: Non Military Service

Application for Clerk's Default

Continue Hearing

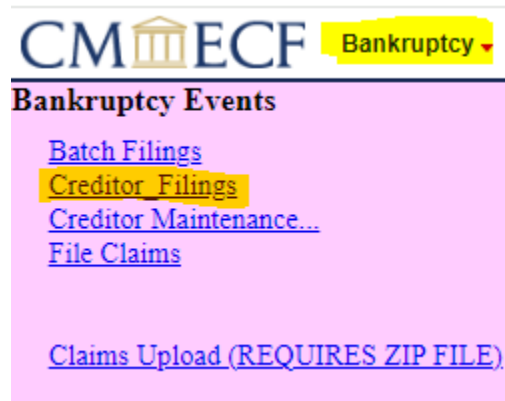
Default Judgment
Dismiss
Intervene
Relief from Stay (fee)
Seal/Redact (fee)
Shorten Time
Objection
Renew Judgment
Summary Judgment

*There are approximately 70 events to choose from under the Adversary>Motions category. However, if you do not find the event that you are looking for, you can look under the Bankruptcy>Motions/Applications category and use one of those. **Just remember to use the Adversary Case Number when filing your document.**

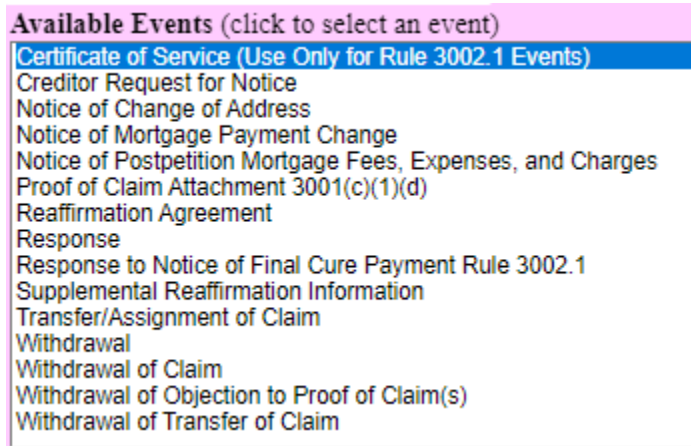


CREDITORS (LIMITED FILERS):

For Creditors who have e-filing access, the options for filing events are very limited. Below is a list of the available events:



The screenshot shows the CM ECF Bankruptcy Events menu. The logo "CM ECF" is at the top left, with a yellow box containing the word "Bankruptcy" and a dropdown arrow to its right. Below the logo, the text "Bankruptcy Events" is displayed. A list of links follows: "Batch Filings", "Creditor Filings" (highlighted with a yellow box), "Creditor Maintenance...", "File Claims", and "Claims Upload (REQUIRES ZIP FILE)".



The screenshot shows a list of available events. The title "Available Events (click to select an event)" is at the top. Below it, a list of events is shown, with "Certificate of Service (Use Only for Rule 3002.1 Events)" highlighted in blue. The list includes: "Creditor Request for Notice", "Notice of Change of Address", "Notice of Mortgage Payment Change", "Notice of Postpetition Mortgage Fees, Expenses, and Charges", "Proof of Claim Attachment 3001(c)(1)(d)", "Reaffirmation Agreement", "Response", "Response to Notice of Final Cure Payment Rule 3002.1", "Supplemental Reaffirmation Information", "Transfer/Assignment of Claim", "Withdrawal", "Withdrawal of Claim", "Withdrawal of Objection to Proof of Claim(s)", and "Withdrawal of Transfer of Claim".

FILING A PROOF OF CLAIM:

For creditors wishing to only file a **Proof of Claim**, and who do not have e-filing access, you can go to our website at: https://id.uscourts.gov/bankruptcy/EFiling_for_Creditors.cfm and file a proof of claim, amend a proof of claim, withdraw a proof of claim and file a claim supplement. A login/password is not required when filed in this fashion.