

# Filing an Adversary Proceeding for Attorneys

See [Fed. R. Bankr. P. 7001](#). Certain categories of relief may be granted in a bankruptcy court only through an adversary proceeding (AP).

## **Required Forms**

You do not need to use a specific form for the complaint. However, you must use bankruptcy form B 2500A, Summons in an Adversary Proceeding. You may download a copy of this and other bankruptcy forms at [www.uscourts.gov/forms/bankruptcy-forms](http://www.uscourts.gov/forms/bankruptcy-forms).

## **Required Filing Fees**

<b>ADVERSARY PROCEEDING FEES</b>	
Complaint	\$350
Notice of Removal	\$350
Complaint by Chapter 7 or Chapter 13 debtor	\$0

## **Methods of Payment**

We do not accept cash from anyone. There are no exceptions. Checks and money orders must be made out to U.S. Bankruptcy Court.

Attorneys must settle charges through Pay.Gov using debit or credit cards. In the occasional instance when an attorney is unable to use a debit or credit card, we will accept a check drawn on the attorney's trust account.

## **Opening an Adversary Proceeding**

1. Prepare your complaint. The complaint should set forth the facts and allegations which the plaintiff believes justify the granting of relief against the defendant. The complaint should also state the relief which the plaintiff seeks.
  - a. As each complaint is unique, there is no specific form provided by the court.
    - i. The debtor's name, lead case number, plaintiff's name and address, and defendant's name and address should all be listed in the complaint.
    - ii. Be sure to sign the complaint in accordance with Local Rule 9011-1.
      1. All signature blocks must have a name, address, email address, and phone number.
  - b. You will need to attach a summons (Official Form B 2500A) to the complaint.

- i. Fill out the debtor's (and joint debtor's) name, lead bankruptcy case number, address of the court, and name and address of the plaintiff's attorney on the first page of the summons.
  - ii. Do not enter any information on the second page (certificate of service). Do not serve the defendant until you receive notice that the summons has been issued and is ready to be executed. You will need to attach both pages of the summons to the complaint.
2. To file an Adversary Proceeding in CM/ECF, select Adversary > Open an AP Case (Attach completed Summons with Complaint) > The case type will default to ap, and the date filed will be the current date. Make sure the "Complaint" selection says "y" > Next
3. Enter the bankruptcy case number with which the adversary will be associated. The association type will default to Adversary > Next
4. Next
5. Search for a plaintiff > Select the party from the list or create a new party
6. Review the party's information for accuracy. If attorneys other than yourself are representing this party, select add additional attorney. When all information has been entered correctly, select submit.
7. Add additional plaintiffs using the search function or end plaintiff selection.
8. Search for a defendant. Select the party from the list or create a new party.
9. Review the party's information for accuracy. When all information has been entered correctly, select submit.
10. Add additional defendants using the search function or end defendant selection.
11. Fill out the selections regarding the nature of the lawsuit and other proceeding information >Next
12. Next
13. Select "Choose File," and browse for the complaint. Select "Yes" beside Attachments to Document > Next
14. Select "Choose File," and browse for the summons. Type summons in the description box. Click "Add to List" > Next
15. Next
16. Select your answer to the questions from the drop-down menu > Next
17. Next
18. Next
19. When the final docket text is submitted in the new adversary proceeding, an identical docket entry will be automatically entered in the lead bankruptcy case if it is an open case in the Middle District of Alabama. The entry lists the new adversary proceeding number, nature of suit, filing fee (if any), and who filed the complaint. It also contains a PDF of the complaint.