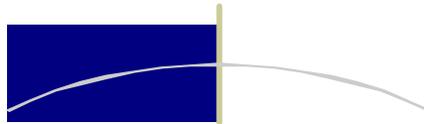
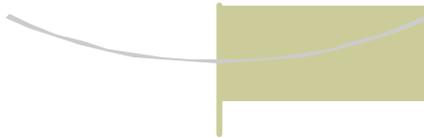


**United States Bankruptcy Court
Central District of California**



efile



**COMPLAINT
PROCEDURES
(PUBLIC)**

September 2003

COMPLAINT PROCEDURES (PUBLIC)

A. Overview

Currently, only an adversary which is filed as an **original proceeding** may be submitted through *eFile*. All you need is your complaint and any relevant attachments and/or exhibits scanned into a single Portable Document Format (PDF) file. You will also need to upload your complaint to complete the electronic filing.

An “Adversary Proceeding Sheet” and “Summons and Notice of Status Conference” will be generated using the information provided when you registered for *eFile*, such as your name, address and telephone number. If there have been changes to this information since you registered, it is important that your registration be updated prior to beginning the filing. Please allow ten minutes to elapse from the time you update your registration to the time you log back into *eFile*. Complaints accompanied by Temporary Restraining Orders, emergency injunctions and emergency or *ex parte* motions should be submitted to the Intake section of the divisional office where the main case is pending.

You are not required to submit courtesy copies of your *eFile* complaint to chambers.

B. Before You Begin

1. If your *eFile* registration is current, follow the steps beginning on page 2 to electronically file your complaint.

If your *eFile* registration is not current, you will need to update it then wait ten minutes before you begin the complaint filing process. (Refer to the “Update Registration” section of the Registration Procedures for further instructions.)

2. You will need to convert your complaint (pleading) and all supporting documentation into a PDF file before your filing can be submitted.

C. How to eFile Your Complaint

1. At the *eFile* Main Menu, select **Complaint (Adversary)** from the drop-down Filing Options Menu.
2. Select the division where the bankruptcy case in which you are filing your complaint is pending.
3. Enter the **case number** following the format in the onscreen example. Press **<Enter>** or click on **Create New Document**. If an error was made when entering the case number, clicking on the **Reset** button will remove all information entered in the case number field.

The “Adversary Proceeding Sheet” will appear. Your name, address, State Bar ID number and telephone number will be displayed under the primary plaintiff’s attorney. Please verify the accuracy of this information (which was taken from your *eFile* registration form). If you find that you need to update the information, you will need to abandon this filing, update your registration, exit your browser and wait ten minutes before you log back into *eFile*.

4. Click on Plaintiff **Add/Edit** and a dialog box will open for you to enter general information for the primary plaintiff.
5. Select the **correct party type** for the plaintiff using the drop-down menu. The filing fee is determined by your selection.

Indicate whether the plaintiff is a non-individual (N) or individual (I). Then, enter the **party’s name**.

Enter the name **only** in the appropriate format. **DO NOT** enter titles such as “trustee” in the name fields. **DO NOT USE COMMAS.** **NOTE:** This applies only to the “Adversary Proceeding Sheet.”

Example 1 - Individual (I): The individual’s name is “Joe Jones,” and his title is “Panel Trustee.” Enter **only** the following:

Last name field: Jones
First name field: Joe

Example 2 - Non-individual (N): The non-individual’s name is “American Business, LTD.” Enter **only** the following:

Name field: American Business LTD

If you select “Creditor” as the primary party type, you will need to indicate whether the plaintiff is a child support creditor.

NOTE #1: Whenever you select “Debtor” or “Debtor in Possession” as a party type, the name and address fields will be automatically populated with information from the Court’s Case Management System (CMS) and will default to either (N) or (I) based on our records. If you change the default setting from (N) or (I), the debtor’s name will be cleared from the name field. If you meant to select the debtor, click on **Cancel** then click on Plaintiff **Add/Edit**. Select **Debtor** or **Debtor in Possession** again.

NOTE #2: If the debtor or debtor in possession is not the primary plaintiff and has an attorney, the attorney’s information will be automatically populated from our CMS. To change the attorney, click on **Remove**, then click on **Add** and enter the attorney information. If you need to add an attorney for any party type, select **Add Attorney** and enter the **attorney information**. The firm name and fax number are the only optional attorney information fields.

6. If you have an internal reference number, you may enter it in the field provided.
7. Enter the **address**. *eFile* will only accept complete addresses. In the “State” field, you may make a selection from the drop-down menu or type in the first letter of the state; and a selection will be made for you. If you need to change the selection, use the drop-down menu.

8. If you need to add any aliases, click on Aliases **Add**, enter the **alias name**, click on **(N)** or **(I)** and select the alias type from the drop-down menu. You may enter a maximum of three aliases. If you click on **Remove**, any alias information you entered will be deleted.
9. Review, and if necessary, edit the information you entered for the primary plaintiff. Click on **OK** to save the information you entered. Click on **Cancel** if you would like to delete all the information you entered.
10. Click on Defendant **Add/Edit**, and a dialog box will open for you to enter general information for the primary defendant. You will add the primary defendant and any other parties following the same steps used to add the primary plaintiff. There are only some minor differences in the information required.

NOTE #1: If you need to edit any party's information, click on the corresponding **Add/Edit** button for the primary parties or **Edit** button for the other parties. In addition to the primary parties, a maximum of five additional plaintiffs and five additional defendants may be entered using *eFile*. If the number of parties exceeds the above, contact the *eFile* Support Center at (213) 894-2365 for further instructions. **All parties must be listed on the complaint (pleading).**

NOTE #2: The "PARTY" field on the "Adversary Proceeding Sheet" indicates whether or not the United States is a party to the action.

11. Check the applicable "Nature of Suit" box(es). If you select **498 (Other)**, you will need to enter a brief statement in the "Cause of Action" field, which allows a maximum of 200 characters. The "Cause of Action" field is optional for all other "Nature of Suit" selections.
12. Check the "Class Action" box only if applicable.
13. Enter the **monetary amount sought** in the "Demand" field. The amount must be in the nearest thousand. For example, enter **5** for \$5,000 and **10** for \$10,000. If no monetary demand is made, then enter **0** or **XXXX** if another type of relief is sought. The "Other Relief Sought" field is optional unless **XXXX** is entered in the "Demand" field.
14. If you are making a Jury Demand, check the box.

NOTE: Information regarding the bankruptcy case in which the adversary proceeding is being filed will be populated from the Court's CMS. If there is a related adversary proceeding, enter the information in the applicable fields.

15. Verify that the information on the “Adversary Proceeding Sheet” is correct.
16. Scroll down to the bottom of the page. Attach your complaint PDF file by clicking on **Browse** and locating the file in your computer.
17. Click on **Submit**. A dialog box will appear. If you decide you need to make any changes, click on **Cancel** to return to the form. If you are certain that you wish to submit your complaint now, click on **OK** to process. If a filing fee is required, it will be collected when you click on **OK**.

It may take a few minutes before the process is complete. A message confirming your submission will appear. Print and save the confirmation for future reference.

DATE 01/10/2003	PRINT NAME	SIGNATURE OF ATTORNEY (OR PLAINTIFF) /s/
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DO NOT INCLUDE A SUMMONS AND NOTICE OF STATUS CONFERENCE WITH YOUR COMPLAINT. THE COURT WILL PREPARE ONE FOR YOU.

Warning! You are (1) submitting a Complaint accompanied by an Adversary Proceeding Sheet (B 104), for filing with the Clerk of the United States Bankruptcy Court for the Central District of California, using the Court's eFile system under Federal Rule of Bankruptcy Procedure 5005(a) and General Order 02-01; (2) electronically signing the Complaint and Adversary Proceeding Sheet with the signature of the registered user under the currently logged in user name and password; and (3) authorizing the Court to process the charge to the credit card designated on the registered user's registration form, if a fee is required to file the document.

When a filing fee is required, the Court will not accept your electronic filing if the credit card issuer declines the transaction. Your document will be temporarily stored without the PDF attachment under **INCOMPLETE DOCUMENTS** on the Main Menu. You will need to update your registration with valid credit card information in order to resubmit your document. It is your responsibility to maintain accurate registration information.

Prior to submitting the document for filing, ensure that you are uploading the correct PDF attachment (**the Complaint**). You will not be able to change the document once you submit it.

Click on the **SUBMIT** button to submit your document for filing with the Court; or to save this document as a draft, click on the **Save Draft Adversary Proceeding Sheet** button.

Please attach/upload the Complaint as a PDF file:

18. If you decide at any time while completing the “Adversary Proceeding Sheet” that you would like to save it and return to it at a later time, click on **Save Adversary Proceeding Draft**. A message confirmation that your draft has been saved will appear. Your draft will be saved in **INCOMPLETE DOCUMENTS** and may be accessed from the eFile Main Menu.

19. After the complaint has been processed by the *eFile* Administrator, you will receive a confirmation e-mail with a link to the conformed PDF copy of your electronically filed complaint. Click on the link to view and print the complaint, the “Adversary Proceeding Sheet,” the issued “Summons and Notice of Status Conference” and all applicable documents (the complaint package). If you are not already logged into *eFile*, you will be prompted to do so.

Dear eFile Tester:

Your Summons and Notice of Status Conference and Proof of Service has been successfully filed with the Court.

Transaction ID is: [20021113001845]

Please click on the link below to retrieve and print your conformed copy of the document. If you are not already logged in, you will be prompted to enter your username and password.

[http://156.131.158.41/e.nsf/PDF+Files/20021113001845.pdf/\\$FILE/20021113001845.pdf](http://156.131.158.41/e.nsf/PDF+Files/20021113001845.pdf/$FILE/20021113001845.pdf)

If you are unable to retrieve the document using your e-mail link, return to the eFile Main Menu; click on the DOCUMENT HISTORY button; locate the Transaction ID for this filing on the “Filed” list and click on it.

Adobe Acrobat Reader software is required to view the PDF document. You may download a free copy of Adobe Acrobat Reader from <http://www.adobe.com/prodindex/acrobat/readstep.html>

Thank you for using eFile.

If you are unable to retrieve and print the complaint package using the link in the e-mail, return to the *eFile* Main Menu, click on **DOCUMENT HISTORY**, then click on **Filed**. Locate your document using the Transaction ID from the e-mail. (It can also be found in the message confirming your submission.) Double-click on the **Transaction ID** to retrieve the complaint package.

20. You must serve an unaltered copy of the complaint package as required under the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules. If the complaint is incorrect or defective, please contact the *eFile* Support Center at (213) 894-2365, Monday through Friday, 9:00 a.m. to 4:00 p.m., (excluding federal holidays), for further instructions.

D. How to eFile Your Proof of Service

1. Once service has been executed, you may file the Proof of Service electronically. To do so, scan the Proof of Service into a PDF file. The caption on the face page of your PDF needs to reference “Summons Service Executed” and list the items included in the file upload.

2. From the *eFile* Main Menu, select **Complaints** from the **PENDING PROOF OF SERVICE** drop-down menu. Click on the **Transaction ID**. The Summons will appear. Scroll down to the bottom of the page and attach your Proof of Service PDF file using the **Browse** button. When you click on **Submit**, a dialog box will appear. Click on **OK** to process the Proof of Service. A message confirming your submission will appear. Print and save the confirmation for future reference.
3. You will receive a confirmation e-mail with a link to the conformed copy of your Proof of Service. Click on the link to view and print the copy. If you are unable to retrieve and print the conformed copy of your Proof of Service using the link in the e-mail, return to the *eFile* Main Menu, click on **DOCUMENT HISTORY**, then click on **Filed**. Locate your document using the Transaction ID from the e-mail, and double-click on the **Transaction ID** to retrieve it.

NOTE: Documents that are not eligible to be filed using the Court's *eFile* system must be timely submitted to the Clerk's Office in the division where the adversary proceeding is pending.