**REQUIREMENTS TO INITIATE AN ADVERSARY PROCEEDING**

An adversary proceeding is commenced by the filing of a Complaint. A Complaint is a formal, written statement in which the initiating party, (i.e., the Plaintiff) presents the facts as he or she believes them to be and demands relief to which he or she is entitled under the law. Each Complaint is unique and there is no specific or official form provided by the court.
The Complaint usually consists of five main parts:

* The case caption which identifies the Court, bankruptcy case, and party information for the adversary.
* The narrative statement identifying the name and location of the parties involved in the adversary proceeding as well as description of the transaction or other relationship between the parties that gives rise to the complaint.
* The jurisdiction or reason your case is being filed in this bankruptcy court.
* The allegations or claims that you are making against the Defendant.
* The relief you are seeking from the Court. This can be money or something you want the judge to make the Defendant do or stop doing. This information is usually written in the last paragraph of the Complaint.

In addition to the Complaint, you must complete and submit the Adversary Proceeding Cover Sheet ([Form B 1040](http://www.uscourts.gov/uscourts/RulesAndPolicies/rules/BK_Forms_08_Director/Form_104_0807.pdf)) with the Complaint. If filing electronically (registered CM/ECF users only), you must include the Cover Sheet as an attachment to the Complaint.

**PLEADING STYLE AND SIGNATURES**

All pleadings submitted to the Court must be on 8 1/2" x 11" paper, the writing must be legible and double-spaced, whether typed or printed, and it must bear an original signature if not filed electronically.

**SERVICE OF SUMMONS**

When a Complaint is filed, the Clerk’s Office will generate a Summons [[Form B 2500A](http://www.uscourts.gov/uscourts/RulesAndPolicies/rules/Bk%20Forms%20Dir%201209/Form_b250A_1209.pdf)] form which is returned to the Plaintiff for service. A Summons is a writ used to notify the person(s) named as the Defendant(s) of the commencement of the adversary proceeding and the requirement to appear and answer. Service of the Complaint and Summons must be executed in accordance with [Fed. R. Bankr. P. 7004](http://www.law.cornell.edu/rules/frbp/rule_7004). After the Complaint and Summons have been served, the Plaintiff must file a Certificate of Service, contained on the second page of the Summons form, indicating the parties have been served and by what method, i.e. USPO, personal service, etc.

**CHANGE OF ADDRESS**

You must notify the Clerk of Court in writing of any change of address. Hearing notices and other documents will be sent to you by U.S. Mail if you are not an electronic participant to the case. Your case may be dismissed if you cannot be contacted by mail.

**PAYMENT OF FILING FEES**

A filing fee is required in most instances when filing an adversary proceeding unless the Plaintiff is the debtor in a chapter 7 or 13 case and the adversary proceeding is related to the debtor’s discharge. Please refer to the current [fee schedule](http://www.flnb.uscourts.gov/sites/default/files/filing_fees/filing_fees.pdf)for the filing fee amount.
Plaintiffs who are not debtors in a pending bankruptcy case may pay filing fees by credit card, cash (exact amount), check, money orders, or cashier’s checks. Personal checks or credit cards from the debtor, two-party checks, or post-dated checks will not be accepted.
The bankruptcy case must be open at the time the Complaint is filed. If the bankruptcy case is closed, you must file a Motion to Reopen and pay the filing fee (if applicable) to reopen the case. The reopening fee is in addition to the adversary proceeding filing fee.