



# Bankruptcy Self-Help Clinic

## CENTRAL DISTRICT OF CALIFORNIA: LOS ANGELES DIVISION

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### ■ How to Complete the Adversary Proceeding Cover Sheet ■

For your convenience, key legal terms are **bolded** and defined at the end of this guide under “Glossary of Terms.”

Unless you file your adversary proceeding case electronically, your **adversary proceeding** complaint must be filed with a completed **Adversary Proceeding Cover Sheet** (Official Form 1040). The clerk of court needs the information on this form to process your case and prepare statistical reports. This guide will provide general information on how to fill out the form section by section.

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*This guide is intended as a general overview and does not provide legal advice or create a lawyer-client relationship. Make an appointment at the Bankruptcy Clinic to speak to an attorney for individualized assistance.*



### Adversary Proceeding Summary Section:

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)
PLAINTIFFS	DEFENDANTS	
ATTORNEYS (Firm Name, Address, and Telephone No.)	ATTORNEYS (If Known)	
<b>PARTY (Check One Box Only)</b> <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	<b>PARTY (Check One Box Only)</b> <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)		

- 1) **Plaintiffs and Defendants:** You must write the names of the plaintiffs and defendants exactly as they appear on your complaint. As the individual bringing the lawsuit or adversary proceeding, you are the plaintiff regardless of whether you are a debtor or creditor in the originating bankruptcy case.
- 2) **Attorneys:** Give the names of the attorneys of either side, if known. Generally, you will not know if the Defendant(s) (opposing side) will have an attorney represent them in the Adversary Proceeding and you can leave that section blank.
- 3) **Party:** Check the most appropriate party type for the plaintiffs and defendants.
  - A Debtor is the person who filed the originating bankruptcy to get their debts discharged.
  - A Creditor is the person or entity who the debtor owes.
  - The Trustee is the administrator of the originating bankruptcy case and can be found on the bankruptcy case docket on PACER.
- 4) **Cause of Action:** Give a short description of your **legal claims** and the specific **statutes** that support the claims. The statutes should match the **causes of actions** you select in the “Nature of Suit” section of the Cover Sheet. The statutes come from the [U.S. Bankruptcy Code](#) or Title 11 of the U.S. Code



**Nature of Suit Section:**

NATURE OF SUIT	
(Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)	
<p><b>FRBP 7001(1) – Recovery of Money/Property</b></p> <p><input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property</p> <p><input type="checkbox"/> 12-Recovery of money/property - §547 preference</p> <p><input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer</p> <p><input type="checkbox"/> 14-Recovery of money/property - other</p> <p><b>FRBP 7001(2) – Validity, Priority or Extent of Lien</b></p> <p><input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property</p> <p><b>FRBP 7001(3) – Approval of Sale of Property</b></p> <p><input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)</p> <p><b>FRBP 7001(4) – Objection/Revocation of Discharge</b></p> <p><input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)</p> <p><b>FRBP 7001(5) – Revocation of Confirmation</b></p> <p><input type="checkbox"/> 51-Revocation of confirmation</p> <p><b>FRBP 7001(6) – Dischargeability</b></p> <p><input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims</p> <p><input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud</p> <p><input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny</p> <p style="text-align: center;">(continued next column)</p>	<p><b>FRBP 7001(6) – Dischargeability (continued)</b></p> <p><input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support</p> <p><input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury</p> <p><input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan</p> <p><input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support)</p> <p><input type="checkbox"/> 65-Dischargeability - other</p> <p><b>FRBP 7001(7) – Injunctive Relief</b></p> <p><input type="checkbox"/> 71-Injunctive relief – imposition of stay</p> <p><input type="checkbox"/> 72-Injunctive relief – other</p> <p><b>FRBP 7001(8) Subordination of Claim or Interest</b></p> <p><input type="checkbox"/> 81-Subordination of claim or interest</p> <p><b>FRBP 7001(9) Declaratory Judgment</b></p> <p><input type="checkbox"/> 91-Declaratory judgment</p> <p><b>FRBP 7001(10) Determination of Removed Action</b></p> <p><input type="checkbox"/> 01-Determination of removed claim or cause</p> <p><b>Other</b></p> <p><input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i></p> <p><input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)</p>
<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$
Other Relief Sought	

- 5) **Nature of Suit:** This section requires you to select the **cause of action** or sections of the U.S. Bankruptcy Code, Title 11 of the U.S. Code, that apply to your lawsuit. Put the number 1 in the box that most closely describes your lawsuit. This might be the same thing you wrote in your cause of action, above. If there is more than one, number up to 5 from 1-5.
- 6) **Additional Checkboxes:** There are additional checkboxes if your case involves issues of state law, if you believe your case is a class action, or if you are requesting a jury trial. If you have questions about whether to check these boxes, seek assistance at the Bankruptcy Clinic.
- 7) **Money Demand and Other Relief Sought:** Here you will list the specific amount of money you are demanding (*i.e.* **damages**) and/or other types of **relief** you are seeking. Examples of other types of relief may include asking to get a specific piece of property that is currently in the defendant’s possession or stopping the defendant from doing something.



**Bankruptcy Case Summary Section:**

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR	BANKRUPTCY CASE NO.	
DISTRICT IN WHICH CASE IS PENDING	DIVISION OFFICE	NAME OF JUDGE
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)		
DATE	PRINT NAME OF ATTORNEY (OR PLAINTIFF)	

- 8) **Bankruptcy Case in Which this Adversary Proceeding Arises:** You will list information from the bankruptcy case that your Adversary Proceeding relates to. Include the name of the debtor or individual who filed the bankruptcy, bankruptcy case number, district of bankruptcy case (*e.g.* Central District of California), division office (*e.g.* Los Angeles, San Fernando Valley, etcetera), and name of the bankruptcy judge.
- 9) **Related Adversary Proceeding (if any):** If your Adversary Proceeding is related to a previously filed Adversary Proceeding, you will list its information here. For example, consider whether there is another Adversary Proceeding based on some of the same property or some of the same facts as your own. If so, list the information for that Adversary Proceeding.
- 10) **Date and Signature:** You must sign and date the cover sheet in the box on the second page of the form.

<p><b>*** GENERAL REMINDERS ***</b></p> <ul style="list-style-type: none"> <li>- Be sure to read the form carefully and fill in all pertinent spaces.</li> <li>- Sign and date the form.</li> <li>- Remember, this form must be submitted when you file your adversary proceeding, unless you file electronically. For information on how to complete your <b>complaint</b>, refer to our <b>Self-Help Guide "How to Write an Adversary Proceeding Complaint."</b></li> </ul>
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# Glossary of Terms

**Adversary Proceeding:** a lawsuit filed separately from, but that is related to, a bankruptcy proceeding. Sometimes a creditor files an Adversary Proceeding to claim a debt owed to them is nondischargeable. Refer to Rule 7001 of the Federal Rules of Bankruptcy Procedure for other reasons to bring these lawsuits.

**[Adversary Proceeding Cover Sheet](#):** summarizes basic information about an adversary proceeding. You must file one along with your complaint, unless you file electronically.

**Cause of Action:** a group of facts that taken together entitle an individual to bring a lawsuit.

**Complaint:** the initial pleading that explains your case to the court and to the parties you are suing.

**Damages:** see **Relief**.

**Legal Claim** (also called “cause of action”)

**Relief:** a solution that the court can provide that may or may not include money (may also be referred to as a **remedy** or **damages**).

**Statute:** a written law.