

Answers, Counterclaims, Crossclaims, and Third-Party Complaints

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Answers, Counterclaims, Crossclaims, and Third-Party Complaints

Introduction & Notes on First Filings

This document provides information regarding how to file answers, counterclaims, crossclaims, and third-party complaints in adversary proceedings using ECF.

FRBP 7012(b) statement of consent requirement

When preparing pleadings, keep in mind that FRBP 7012(b) requires that the filing state whether the pleader consents to entry of final orders or judgment by the bankruptcy court.

First Filings & Statement re Party's Address

Answers, counterclaims, crossclaims, and third-party complaints are often the first filings by a party in an adversary proceeding. Per LBR 7004-1(d), on the day of the first filing by a party in an adversary proceeding, that party must also file an LBF ADV-A, *Statement re Party's Address*, with that party's preferred service address using the *Statement re Party's Address* [Requires LBF ADV-A - 12/1/24] event under the *Notices/Miscellaneous* menu.

Events for Answers, Counterclaims, Crossclaims, and Third-Party Complaints

The ECF events in the below table are available for filing answers to complaints, counterclaims, crossclaims, and third-party complaints, and docketing instructions for each follow.

Filing	ECF Event (">" indicates menu path)
Answer to complaint	Answers... > Complaint, cross, counter
Answer to complaint that includes counterclaim and/or crossclaim	Answers... > Complaint, cross, counter
Answer to counterclaim, crossclaim, or third-party complaint	Answers... > Complaint, cross, counter
Counterclaim (not filed as part of answer)	Complaint & Summons > Counterclaim
Crossclaim (not filed as part of answer)	Complaint & Summons > Crossclaim
Third-party complaint	Complaint & Summons > Third-Party Complaint

Filing Instructions

Answer (which may include counter- or cross-claim) to a complaint or third-party complaint

File an answer to a complaint and, optionally, a counterclaim or crossclaim, using the following steps:

Step	Action
1	In ECF, click on <i>Answers...</i> under the <i>Adversary Events</i> menu
2	Click on <i>Complaint, cross, counter</i>
3	Enter adversary proceeding case number in XX-YYYY format
4	If applicable, check the “Joint filing with other attorney(s)” box and then select the attorney with whom the answer is being jointly filed
5	Select the party filer (i.e., your client)
6	<ul style="list-style-type: none">Check the box for the filing to which the answer refersThe selection made in Step 5 will determine which filings appear as options¹
7	Review LBF ADV-A reminder and proceed
8	If the answer includes a counterclaim or crossclaim, check the appropriate box and then select the parties against whom the counterclaim or crossclaim are being filed—notes on party selection: <ul style="list-style-type: none">The screen for selecting counterclaim target parties will appear firstTo select multiple parties<ul style="list-style-type: none">Use one of the “Select a Group” radio buttons or,If the claim is not against all plaintiffs, all defendants, or all parties, leave the “No Group” default selected and hold down the <u>Ctrl</u> key on the keyboard while clicking on applicable parties If the answer does not include a counter- or crossclaim or after all parties against whom the claims have been selected, proceed to Step 9
9	Check the box to acknowledge that FRBP 7012(b) requires that this filing state whether the pleader consents to entry of final orders or judgment by the bankruptcy court
10	Click Browse... to attach the pleading in PDF format
11	Modify docket text if appropriate
12	Click Next to submit filing

¹ E.g., if your client is a third-party defendant, the third-party complaint will be presented as an

Counterclaim – not filed as part of answer

File a counterclaim that is not part of an answer using the following steps:

Step	Action
1	In ECF, click on <i>Complaint & Summons</i> under the <i>Adversary Events</i> menu
2	Enter adversary proceeding case number in XX-YYYY format
3	Click on <i>Counterclaim</i>
4	Review LBF ADV-A reminder and proceed
5	Select the part against whom the counterclaim is being filed—to select multiple parties: <ul style="list-style-type: none">• Use one of the “Select a Group” radio buttons or• If the claim is not against all plaintiffs, leave the “No Group” default selected and hold down the <u>Ctrl</u> key on the keyboard while clicking on applicable parties
6	Select the filing party (i.e., your client)
7	Check the box to acknowledge that FRBP 7012(b) requires that this filing state whether the pleader consents to entry of final orders or judgment by the bankruptcy court
8	Click Browse... to attach the pleading in PDF format
9	Review docket text and click Next to submit filing

Crossclaim – not filed as part of answer

File a counterclaim that is not part of an answer using the following steps:

Step	Action
1	In ECF, click on <i>Complaint & Summons</i> under the <i>Adversary Events</i> menu
2	Enter adversary proceeding case number in XX-YYYY format
3	Click on <i>Crossclaim</i>
4	Review LBF ADV-A reminder and proceed
5	Select the part against whom the counterclaim is being filed—to select multiple parties: <ul style="list-style-type: none">• Use one of the “Select a Group” radio buttons or• If the claim is not against all other defendants, leave the “No Group” default selected and hold down the <u>Ctrl</u> key on the keyboard while clicking on applicable parties
6	Select the filing party (i.e., your client)

7	Check the box to acknowledge that FRBP 7012(b) requires that this filing state whether the pleader consents to entry of final orders or judgment by the bankruptcy court
8	Click Browse... to attach the pleading in PDF format
9	Review docket text and click Next to submit filing

Third-party complaint

File a third-party complaint using the following steps:

Step	Action
1	In ECF, click on <i>Complaint & Summons</i> under the <i>Adversary Events</i> menu
2	Enter adversary proceeding case number in XX-YYYY format
3	Click on <i>Third-Party Complaint</i>
4	Review LBF ADV-A reminder and proceed
5	Select the filing party (i.e., your client)
6	<ul style="list-style-type: none"> Select the party against whom the third-party complaint is being filed Likely, the Add/Create New Party link will need to be selected to add the third-party defendant – when using this to add the party: <ul style="list-style-type: none"> Select <u>3rd Pty Defendant (3pd:pty)</u> from the Role dropdown menu The party will then be added to the “Third Party Complaint - Select the Party” screen to select as the third-party defendant
7	Check the box to acknowledge that FRBP 7012(b) requires that this filing state whether the pleader consents to entry of final orders or judgment by the bankruptcy court
8	Click Browse... to attach the pleading in PDF format
9	Review docket text and click Next to submit filing