

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

OFFICE OF THE CLERK
ROBERT T. MATSUI UNITED STATES COURTHOUSE
501 I Street, Suite 3-200
SACRAMENTO, CALIFORNIA 95814-2322

DATE: _____

IN RE: _____

CASE NO. _____

REQUIREMENTS FOR FILING A NOTICE OF REMOVAL

Attached is a copy of the Notice of Removal you submitted for filing on _____. The original Notice of Removal has been "Received" stamped and placed in the above-indicated bankruptcy case file, attached to a copy of this memo.

Pursuant to Federal Rule of Bankruptcy Procedure 7001(10), litigation to determine a claim or cause of action removed pursuant to 28 U.S.C. § 1452 is an adversary proceeding.

NOTICE IS HEREBY GIVEN that the Court will take no action concerning a Notice of Removal unless the following items are submitted:

- A properly captioned and signed Notice of Removal containing the statements required by Federal Rule of Bankruptcy Procedure 9027(a)(1) (original + one copy);
- Two copies of all process and pleadings filed in the state or federal court from which the claim or cause of action is removed;
- A completed adversary proceeding cover sheet (original only); * and
- The \$350.00 adversary proceeding filing fee, in the form of cash, money order, or cashier's check payable to: "Clerk, U.S. Bankruptcy Court." Checks drawn on debtors' bank accounts **will not** be accepted. The filing fee is not required if the United States or a debtor is the removing party.

The Clerk's Office will issue a summons, if needed, and Notice of Status Conference when the Notice of Removal is filed.

Clerk's Office staff is precluded by law from giving legal advice. Legal questions should therefore be directed to competent legal counsel.

Please submit the necessary items and a self-addressed, stamped envelope of sufficient size to return the summonses issued, if any, and your conformed copies.

By: _____
Deputy Clerk

* Enclosed

cc: Case File

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

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)	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 1040, the Adversary Proceeding Cover Sheet, if it is required by the court. In some courts, the cover sheet is not required when the adversary proceeding is filed electronically through the court's Case Management/Electronic Case Files (CM/ECF) system. (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.