

**ATTORNEY CASE OPENING**  
**INTERPLEADER COMPLAINT**  
**DISPUTED OWNERSHIP FUND**  
**28:1335**

An equitable proceeding brought by a third person to have a court determine the ownership rights of rival claimants to the same money or property that is held by that third person. The IRS defines a disputed ownership fund (DOF) as a fund established to hold money or property that is subject to conflicting claims of ownership in the registry of the court. Interpleader funds are deposited with the court by a non-owner, third party and invested in the court's registry pending the court's determination of ownership and entry of a disbursement order.

I. CASE OPENER

1. Open a Civil Case (Attorney)

- a) After reading information screen click **Next**
- b) After reading OFFICE by county screen click **Next**
- c) Select **Office**: Camden, Newark or Trenton; **Case type**: cv
- d) Other court name and number – use if appropriate
- e) After reading information screen click **Next**
- f) Enter the following in the appropriate fields:
  - Jurisdiction** generally 4 (Diversity) but may be 3 (Federal Question)<sup>1</sup>
  - Cause of Action** = 28:1335 (28:1335 Interpleader Action)
  - Nature of Suit** in most cases it would be 110 (Insurance) however, 190 (Other Contract), 791 (ERISA) and 890 (Other Statutory Action) are other possibilities
  - Origin** = 1 (Original Proceeding)
  - Citizenship plaintiff and defendant** - Select appropriately
  - Jury demand** - Select appropriately
  - County** - Select appropriately
  - Fee status** defaults to pd (paid), change if appropriate
  - All other fields leave blank or as populated, click **Next**
- g) After reading entering parties information screen click **Next**

2. Enter parties

- a) Click **Next** after reading the party entry information message

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<sup>1</sup> Rule and statutory interpleader are treated differently for purposes of determining whether the court has subject-matter jurisdiction.

- b) Enter plaintiff's name used on the complaint in UPPERCASE letters in the **Search for a party** fields; Last, First and Middle, Click **Search**
- c) When prompted with the **Search Results** field, highlight the party's name if it appears and Click **Select Party** button, otherwise Click **Create New Party** button
- d) On the **Party Information** screen, change the party **Role** from Defendant to **Plaintiff**. On this screen, the client's **Generation** may be entered as well. Except for Party Text, leave all other fields blank or as they are,  
Click **Add Party**
- e) Continue adding parties being mindful of their **Role**<sup>2</sup> i.e. plaintiff vs. defendant
- f) Enter Alias if listed in case caption  
Click on the Green Plus and Yellow Person icon under the appropriate party's name, left side of screen  
When prompted enter Last/Business Name in UPPERCASE LETTERS, Click **Search** button  
When prompted with the **Search Results** field, highlight the party's name if it appears and Click **Select Alias** button, otherwise Click **Create New Alias** button  
On the Alias Information screen, complete name if necessary  
Change the Alias **Type** to appropriate abbreviation  
Click on **Add Alias** button
- g) Select → **Create case**
- h) Select → **Yes** when prompted with Case will be created. Proceed?
- i) **Your case number** appear on this screen, continue with step 3

### 3. Docket the initial pleading<sup>3</sup>

- a) Click Next after reading the case opening messages
- b) Under Complaints and Other Initiating Documents → choose **Complaint**<sup>3</sup>, Click **Next**
- c) Verify the case number at the Civil Case Number prompt, Click **Next**
- d) Confirm the case number and case caption, Click **Next**
- e) Highlight the filer/client, Click **Next**
- f) On the attorney/party association screen, Click **Next**
- g) Highlight the defendant(s) for multiple defendants utilize the control key to select each one on the filing is **against** screen (Never use the Select a Group: prompt)
- h) Upload the complaint using the Browse button under the Main Document field and attach additional documents with a Category or Description, ie... Civil Cover Sheet, Application IFP, etc..., Click **Next**

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<sup>2</sup> A party's role may be changed by clicking on the pencil next to the party's name on the left side of the screen.

<sup>3</sup> For State Court Removals, select Notice of Removal instead of Complaint re: step 3(b). Follow instructions found in the Attorney Case Opening Guide – Step 15(A).

- i) Answer appropriately to the jury demand prompt, Click **Next**

#### **4. Paying the filing fee, select Payment Type: Credit Card**

- j) Verify Credit Card has been selected, Click **Next**
- k) Read Warning Message: **CANNOT use your browser Back button**, Click **Next**
- l) Wait for the Payment Process System, then enter appropriate data, Click **Continue with Plastic Card Payment**
- m) On the Authorize Payment screen, verify information, place a check mark in the I authorize a charge.... box, Click **Submit Payment**
- n) On the Case number and caption screen, Click **Next**
- o) On the Docket Text: Final Text screen, Click **Next**
- p) Transaction is Complete

## **II. TO FILE MOTIONS FOR INTERPLEADER DEPOSIT AND INTERPLEADER DISBURSEMENT OF FUNDS**

### **1. Docket the Motion for Interpleader Deposit of funds**

**Note:** A proposed form of order is available at Appendix D2 of the Local Rules.

- a) Select **Motion** → **Interpleader Deposit (28 U.S.C. section 1335)**
- b) Enter the case number, **click** Next and verify case, click **Next**
- c) Select the filer, click **Next**
- d) Read the information screen click **Next**
- e) **Does the complainant/litigant have an interest in the deposit?**  
Responding **Yes** brings up the following prompt: **Return to menu and select MOTION FOR DEPOSIT rather than this motion.**<sup>4</sup>
- f) Selecting **No** continues the transaction
- g) Upload the motion as the main document and attach additional documents click **Next**
- h) Modify docket text if needed, Complete the transaction by clicking **Next** until the NEF appears

### **2. Docket the Motion for Interpleader Disbursement of funds**

- a) Select **Motion** → **Interpleader Disbursement (28 U.S.C. section 1335)**
- b) Enter the case number, **click** Next and verify case, **click** Next

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<sup>4</sup> This is not a true interpleader action, therefore cause of action must be changed to something other than 28:1335 for reconciliation purposes.

- c) Select the filer, **click** Next
- d) Upload the motion as the main document and attach additional documents click **Next**
- e) Modify docket text if needed, Complete the transaction by clicking **Next** until the NEF appears