

Rule 7055-2

JUDGMENTS BY DEFAULT

When a defendant fails to respond after being timely served with a summons and complaint, cross-complaint, or third party complaint, the plaintiff shall seek entry of a clerk's default and a default judgment as follows:

(a) ***Motion for Entry of Clerk's Default.*** Motions for entry of clerk's default shall (1) state that timely service was duly effectuated in compliance with the Federal Rules of Bankruptcy Procedure and that the defendant failed to file a responsive pleading or motion before the expiration of the time specified or any extension of time obtained and (2) where applicable, include a sworn statement of non-military service based upon personal knowledge or a certification from the Servicemembers Civil Relief Act Centralized Verification Service that the defendant is not on active military duty.

(b) ***Motion for Judgment by Default.*** Motions for judgment by default shall include a sworn statement supporting the allegations of the complaint, cross-complaint, or third party complaint, and be accompanied by (1) a proposed order granting motion for judgment by default and (2) a proposed judgment.

Notes of Advisory Committee

2015 Amendment

The amendments are stylistic and state the requirements for statements of non-military status. This amendment is effective July 1, 2015.

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, this amendment adds definitions for new words and phrases created in these local rules specifically because of the newly implemented electronic filing system, CM/ECF.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 1.01(e). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.