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 must 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 must be filed no later than 60 days after the complaint is filed and:

(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 must 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

2025 Amendment

This amendment revises section (a) to make it consistent with Local Rule 7001-1(f) regarding the deadline for filing motions for default. Other changes are stylistic. This amendment to the rule is effective August 15, 2025.

2015 Amendment

The amendments are stylistic and state the requirements for statements of non-military status. This amendment to the rule 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 to the rule 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.

1995 Amendment

The amendments to Local Rule 2.09(a) and (c) are stylistic. No substantive change is intended. These amendments to the rule were effective on February 15, 1995.