

DEFAULT JUDGMENT PROCEDURE

1. Obtain a Certificate of Default for each defaulting defendant from the Clerk's Office pursuant to Federal Rule of Civil Procedure Rule 55(a) and Local Civil Rule 55.1.
2. File a Motion for Default Judgment on ECF pursuant to Federal Rule of Civil Procedure 55(b)(2) and Local Civil Rule 55.2(b). A plaintiff seeking a default judgment should not proceed by order to show cause.
3. In connection with the Motion for Default Judgment, file the following on ECF (and mail or hand deliver a courtesy copy to chambers):
 - a. An attorney's declaration or affidavit setting forth the basis for entering a default judgment, including:
 - (i) a description of the method and date of service of the summons and complaint;
 - (ii) the procedural history beyond service of the summons and complaint, if any;
 - (iii) whether, if the default is applicable to fewer than all of the defendants, the Court may appropriately order a default judgment on the issue of damages prior to resolution of the entire action;
 - (iv) the proposed damages and the basis for each element of damages, including interest, attorney's fees, and costs;
 - (v) evidence in support of the proposed damages, including contemporaneous records and other such documentation; and
 - (vi) legal authority for why an inquest into damages **is or is not necessary**.
 - b. A proposed default judgment.
 - c. Copies of all of the pleadings.
 - d. A copy of the affidavit of service of the summons and complaint.
 - e. A Certificate of Default from the Clerk of Court.
4. The Court will review the motion for default judgment and, if appropriate, issue an Order setting a date and time for a default judgment hearing. If the Court issues such an order, the plaintiff must then serve on the party against whom default judgment is sought: (1) the motion for default judgment and supporting papers; and (2) the Court's order setting a date and time for the default judgment hearing. The plaintiff must file proof of such service on the docket in the manner and date specified in the Court's Order setting the default judgment hearing.
5. Prior to the return date, take the proposed judgment, separately backed, to the Orders and Judgments Clerk (500 Pearl Street, Room 200) for the Clerk's approval. The proposed judgment, including all damage and interest calculations, must be approved by the Clerk prior to the conference and then brought to the conference for the Judge's signature.