

ATTACHMENT A

DEFAULT JUDGMENT PROCEDURE

1. Prepare a proposed Order to Show Cause for default judgment in Word format and make the motion returnable before Judge Sullivan. Leave blank the return date, time, and Courtroom number. Judge Sullivan will set the date and time when he signs the Order.
2. The following papers shall be annexed (not stapled) to the Order to Show Cause:
 - a. an attorney's affidavit setting forth:
 - i) why a default judgment is appropriate, including a description of the method and date of service of the original summons and complaint;
 - ii) 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 liability and/or damages prior to resolution of the entire action;
 - iii) the proposed damages and the basis for each element of damages including interest, attorneys' fees, and costs; and
 - iv) legal authority for why an inquest would be unnecessary;
 - b. a proposed default judgment;
 - c. copies of all of the pleadings;
 - d. a copy of the affidavit of service of the original summons and complaint;
 - e. if failure to answer is the basis for the default, a Certificate from the Clerk of Court stating that no answer has been filed.
3. Take the Order to Show Cause with the attachments to the Orders and Judgments Clerk in 500 Pearl Street, Room 370 for approval.
4. After the Clerk approves the Order to Show Cause, bring the papers to Chambers 2104, 40 Foley Square, for the Judge's signature. In addition, email Word and PDF versions to the Court at sullivannysdchambers@nysd.uscourts.gov.
5. After the Order appears on the docket sheet, electronically file all supporting papers. Serve the defendant with a copy of the Order and all supporting documents, and electronically file proof of service.
6. On the return date, take the proposed judgment, separately backed, to the Orders and Judgments Clerk and get the Clerks 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.