

Attorney Filing Guide
Adversary - Default Judgment
Dated: February 10, 2012

Following the entry of a Clerk's Entry of Default in an adversary proceeding, plaintiff's attorney must prepare, serve and file the pleadings described below.

Required Pleadings.

1. Application for Default Judgment.
2. Supporting Affidavit of Default which verifies the following:
 - ▶ More than 30 days have elapsed since a Summons was issued;
 - ▶ Defendant was timely served with the Summons and the Complaint;
 - ▶ Defendant has not answered or otherwise appeared in the adversary;
 - ▶ Defendant is not a minor;
 - ▶ Defendant is not an incompetent person; and
 - ▶ Defendant is not an active duty service member.
3. Certificate of Service.

Service.

Serve the application and the supporting affidavit on each defaulting defendant and their attorney, if known.

Electronically Filing in CM/ECF.

Electronically file the documents in CM/ECF by going to:

Adversary

Motions

Default Judgment

Browse to find your Application for Default Judgment, right click open to verify, select

Attachments to Document - Yes

Attach your Affidavit

Attach your Certificate of Service

Sample docket text:

Application for Default Judgment filed by Plaintiff (Attachments: # 1 Affidavit
2 Certificate of Service) (Attorney for Plaintiff) (Entered: 02/09/2012).

Proposed Order and Judgment.

Prepare the following (see Appendix 7B and 7C to our local rules):

1. Order Directing Entry of Default Judgment; and
2. Default Judgment.

In Word or WordPerfect format, e-mail each to proposed_orders@sdb.uscourts.gov.