

Adversary – Default Judgment
Revised: April 16, 2024

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

Required Pleadings.

1. Application for Default Judgment.
2. Supporting Affidavit of Default which verifies the following:

More than 30 days have elapsed since the 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 the PDF of the Application for Default Judgment, right click open to verify it is the correct document. "Attachments to Document" - select "Yes."

Attach the Affidavit

Attach the Certificate of Service

Sample docket text:

Application for Default Judgment filed by Plaintiff (Attachments: # 1 Affidavit
2 Certificate of Service) (Attorney for Plaintiff)

Proposed Order and Judgment.

Prepare the following documents:

1. Order Directing Entry of Default Judgment (Appendix 7B); and
2. Default Judgment (Appendix 7C).

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