

# Rule 55 – Default; Default Judgment

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## OKLAHOMA NORTHERN DISTRICT COURT – REDLINE VERSION

### LCvR55-1 Procedure for Obtaining Default Judgment.

a) **Entry of Default by Court Clerk.** To obtain an entry of default pursuant to Fed. R. Civ. P. 55(a), the party must provide the Court Clerk with a “Motion for Entry of Default by the Clerk.” The motion shall recite the facts that establish service of process, ~~and~~ be accompanied by affirmations concerning non-military service, and that the individual is neither an infant nor an incompetent person. Once a proper motion has been filed, the Court Clerk will prepare and enter default, after independently determining that service has been effected, that the time for response has expired and that no answer or appearance has been filed.

~~b) **Entry of Default Judgment.** Once a party is in default, a default judgment pursuant to Fed. R. Civ. P. 55 may be requested by filing a motion for default judgment accompanied by a concise brief, a form of judgment, and an affidavit setting forth that plaintiff’s claim is for a particular sum certain, if applicable, and the factual basis for such a claim. A proposed form of judgment shall be submitted in accordance with the Administrative Guide regarding proposed orders. In its discretion, the Court may set a hearing on the motion with respect to which notice shall be provided by the party moving for default judgment in accordance with the requirements of Fed. R. Civ. P. 55(b). The Court Clerk shall not enter a judgment of default.~~

THE FIRST PART OF (b) IS COVERED BY THE FEDERAL RULE AND THE LAST SENTENCE IS CONTRARY TO THE RULE.