

## LCvR55 – Default; Default Judgment

### **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~~file a “Motion for Entry of Default by the Clerk.” The motion shall recite the facts that establish service of process, be accompanied by affirmations concerning non-military service, and state 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.** 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).

### **SUMMARY OF CHANGES**

Minor change for clarity.