

Default Judgments

- A. Applications.** Applications for default judgments must comply with Local Civil Rule 55.1 and 55.2 and will not be accepted absent the following:
- i. A description of the nature of the claim;
 - ii. An affidavit representing that this Court has subject matter jurisdiction over the action;
 - iii. An affidavit representing that this Court has personal jurisdiction over the defendant;
 - iv. An affidavit representing that the defendant is not an infant or an incompetent;
 - v. A certificate of default stating that the defendant was properly served and failed to answer/appear, signed and stamped by the Clerk of the Court. (If the defendant did appear in the action, the plaintiff must submit an affidavit representing that the defendant has notice of the application for default);
 - vi. An affidavit setting forth reasonable attorneys' fees and showing that attorneys' fees are recoverable; and
 - vii. All appropriate substantiating documentation.
(Generally, a copy of the complaint satisfies (i), (ii), and (iii).)
 - viii. A proposed form of default judgment.
- B. Damages.** If the plaintiff seeks an award of damages in the motion for default judgment, the plaintiff must also include:
- i. A request for an amount equal to or less than the principal amount demanded in the Complaint;
 - ii. Definitive information and documentation such that the amount provided for in the proposed judgment can be calculated. (If this requirement cannot be satisfied, a default judgment may be granted as to liability, and damages will be determined by an inquest);
 - iii. An affidavit representing that no part of the judgment sought has been paid, other than as indicated in the motion;

- iv. A request for interest on the principal amount not to exceed 9%, if interest is sought; and
- v. The calculations made in arriving at the proposed judgment amount.