

DEFAULT JUDGMENT PROCEDURE

1. Prepare an Order to Show Cause for default judgment and make the Order returnable before Judge Cote in Courtroom 11B. Leave blank the date and time the conference. Judge Cote will set the date and time when she signs the Order.
2. Attach the following papers to the Order to Show Cause:
 - a. an attorney's affidavit setting forth:
 - i) why a default judgment is appropriate, including a description of the method and date of service of the original summons and complaint;
 - ii) whether, if the default is applicable to fewer than all of the defendants, the Court may appropriately order a default judgment on the issue of damages prior to resolution of the entire action;
 - iii) the proposed damages and the basis for each element of damages including interest, attorney's fees, and costs; and
 - iv) legal authority for why an inquest would be unnecessary.
 - b. a proposed default judgment.
 - c. copies of all of the pleadings.
 - d. a copy of the affidavit of service of the original summons and complaint.
 - e. if failure to answer is the basis for the default, a Certificate from the Clerk of Court stating that no answer has been filed.
3. Take the Order to Show Cause with the attachments to the Clerk at the Cashier's window on the 1st Floor, 500 Pearl Street, for approval.
4. After the Clerk approves of the Order to Show Cause, bring the papers to Courtroom 11B, 500 Pearl Street (or if no one is in the Courtroom, to Chambers 1040, 500 Pearl Street) for the Judge's signature.
5. After the Judge signs the Order, make two conforming copies of the Order and the attachments. Leave one copy with the Judge, and serve one copy on the defendant.
6. Prior to the return date, file the original Order to Show Cause in the Clerk's office, Cashier's window, together with an affidavit of service on the defendant of a conformed copy of the Order.
7. Prior to the return date, take the proposed judgment, separately backed, to the Clerk in Room 120, 500 Pearl Street, and get the Clerk's approval. The proposed judgment, including all damage and interest calculations, must be approved by the Clerk prior to the conference and then brought to the conference for the Judge's signature.