

DEFAULT JUDGMENT PROCEDURE

1. Prepare an Order to Show Cause for default judgment and make the Order returnable before Judge Lynch in Courtroom 6B of the 500 Pearl Street courthouse. Leave blank the date and time of the hearing and the deadline for service, which Judge Lynch will set when he 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 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 the 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 first floor of the 500 Pearl Street courthouse, Room 120, for approval.
4. After the Clerk approves the Order, bring the papers to Judge Lynch's chambers, Room 910, 500 Pearl Street, for the Judge's signature. Bring a courtesy copy of the supporting documentation for chambers.
5. After the Judge signs the Order, chambers staff will provide you with two conforming copies of the Order and file the original signed Order with the Clerk's office.
6. Serve one copy of the Order on the adverse party. Prior to the return date, file via ECF an affidavit of service of a conformed copy of the Order. Bring a courtesy copy of this affidavit to the hearing. Once you receive an email notice that the original Order has been filed with the Clerk's office, file the supporting documentation via ECF.
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 hearing and then brought to the hearing.