

Default Judgment Package

Instructions

These forms are intended to provide an example of the default and default judgment process under Federal Rule of Civil Procedure 55. The procedure under Fed. R. Civ. P. 55 is a two-step process: (1) entry of default by the Clerk of Court (Fed. R. Civ. P. 55(a)); and (2) entry of default judgment, by the Clerk of Court when the claim is for a sum certain (Fed. R. Civ. P. 55(b)(1)) and by the Court in all other instances (Fed. R. Civ. P. 55(b)(2)).

Step One

The documents required for obtaining entry of default are: (1) Motion (or Request) for Entry of Default; (2) Affidavit (or Declaration) in Support of Motion for Entry of Default; (3) proposed form of Entry of Default; and (4) a Certificate of Service indicating that these documents were served upon the defendant.

Step Two

After the Clerk of Court has entered default, a default judgment may be obtained. The documents required for obtaining a default judgment are: (1) Motion (or Request) for Entry of Default Judgment; (2) Affidavit (or Declaration) in Support of Motion for Entry of Default Judgment; (3) proposed form of Default Judgment; and (4) a Certificate of Service indicating that these documents were served upon the defendant.

Electronically Filing These Documents

Use the following docketing events to e-file these documents:

- Motion for Entry of Default: use the Entry of Default event that is located in the Motions category.
- Motion for Entry of Default Judgment: use the Default Judgment event that is located in the Motions category.
- Affidavits or Declarations: use the applicable event located in the Support, Responses and Replies category. Since these documents are in support of motions, they should relate to/be linked to the motions they support.
- Certificates of Service: (1) make the Certificate of Service an attachment to the motion; or (2) make a separate docket entry using the Certificate of Service event located in the Service of Process category.

Other Helpful Information

- Default judgment hearings are set before Judge Crabb on Wednesday mornings at 8:00 a.m. or 8:30 a.m.
- It is not necessary to file a Notice of Request to Enter Default or a Notice of Request to Enter Default Judgment.
- It is not necessary to file an Order for Judgment.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

Plaintiff,

Case No.:

vs.

Defendant.

MOTION FOR ENTRY OF DEFAULT

Plaintiff(s) (name) request(s) that the clerk of court enter default against defendant(s) (name) pursuant to Federal Rule of Civil Procedure 55(a). In support of this request plaintiff(s) relies (rely) upon the record in this case and the affidavit submitted herein.

Dated this _____ day of _____, 2009.

Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

Plaintiff,

Case No.:

vs.

Defendant.

AFFIDAVIT IN SUPPORT OF
MOTION FOR ENTRY OF DEFAULT

I, (name), being duly sworn, state as follows:

1. I am the attorney for the plaintiff in the above-entitled action and I am familiar with the file, records and pleadings in this matter.
2. The summons and complaint were filed on (date).
3. Defendant(s) was (were) served with a copy of the summons and complaint on (date), as reflected on the docket sheet by the proof of service filed on (date).
4. An answer to the complaint was due on (date).
5. Defendant(s) has (have) failed to appear, plead or otherwise defend within the time allowed and, therefore, is (are) now in default.
6. Plaintiff requests that the clerk of court enter default against the defendant(s).

Sworn to and subscribed before
me this ____ day of _____,
2009.

Attorney for Plaintiff

Notary Public

My Commission Expires: _____

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

Plaintiff,

Case No.:

vs.

Defendant.

ENTRY OF DEFAULT

Plaintiff(s) (name) requests that the clerk of court enter default against defendant(s) (name) pursuant to Federal Rule of Civil Procedure 55(a). It appearing from the record that defendant(s) has (have) failed to appear, plead or otherwise defend, the default of defendant(s) (name) is hereby entered pursuant to Federal Rule of Civil Procedure 55(a).

Dated this _____ day of _____, 2009.

Peter Oppeneer, Clerk of Court

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

Plaintiff,

Case No.:

vs.

Defendant.

CERTIFICATE OF SERVICE

I, (name), hereby certify that I am employed by (name) and am of such age and discretion as to be competent to serve papers.

I further certify that on this date I caused a copy of the Motion for Entry of Default, Affidavit in Support of Motion for Entry of Default and proposed Entry of Default to be placed in a postage-paid envelope addressed to the defendant(s), at the address(es) stated below, which is (are) the last known address(es) of said defendant(s), and deposited said envelope(s) in the United States mail.

Addressee: Name(s) and address(es) of defendant(s).

Dated this _____ day of _____, 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

Plaintiff,

Case No.:

vs.

Defendant.

MOTION FOR ENTRY OF DEFAULT JUDGMENT

Plaintiff(s) (name) requests that entry of judgment by default be entered against defendant(s) (name) pursuant to Federal Rule of Civil Procedure 55(b). In support of this request plaintiff(s) relies (rely) upon the record in this case and the affidavit submitted herein.

Dated this _____ day of _____, 2009.

Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

Plaintiff,

Case No.:

vs.

Defendant.

AFFIDAVIT IN SUPPORT OF
MOTION FOR ENTRY OF DEFAULT JUDGMENT

I, (name), being duly sworn, state as follows:

1. I am the attorney for the plaintiff in the above-entitled action and I am familiar with the file, records and pleadings in this matter.
2. The summons and complaint were served upon the defendant(s) on (date).
3. An answer to the complaint was due on (date). No response was served within the time allowed by law nor has (have) the defendant(s) sought additional time within which to respond.
4. The default of defendant(s) was entered on (date).
5. As required by the Servicemembers Civil Relief Act of 2003, I have confirmed that the defendant(s) is (are) not currently in active military service.
6. To my best information and belief, defendant(s) is (are) not an infant or incompetent person.
7. The claim of the plaintiff(s) is for: (Describe in detail the relief sought. If the

dollar amount is for a sum certain, the clerk of court may enter the default judgment. If the dollar amount is not a sum certain and/or additional relief is sought, such as an injunction, a hearing will be set.)

Sworn to and subscribed before
me this ____ day of _____,
2009.

Attorney for Plaintiff

Notary Public

My Commission Expires:_____

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

Plaintiff,

Case No.:

vs.

Defendant.

DEFAULT JUDGMENT

The defendant(s), (name), having failed to appear, plead or otherwise defend in this action, and default having been entered on (date), and counsel for plaintiff(s) having requested judgment against the defaulted defendant(s) and having filed a proper motion and affidavit (declaration) in accordance with Federal Rule of Civil Procedure 55 (a) and (b);

Judgment is hereby entered in favor of plaintiff(s) (name) and against defendant(s) (name), as follows: (describe dollar amounts and relief sought in detail)

Plus interest on the judgment at the legal rate until the judgment is satisfied.

Clerk of Court (if sum certain)
District Judge (in all other instances)

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

Plaintiff,

Case No.:

vs.

Defendant.

CERTIFICATE OF SERVICE

I, (name), hereby certify that I am employed by (name) and am of such age and discretion as to be competent to serve papers.

I further certify that on this date I caused a copy of the Motion for Entry of Default Judgment, Affidavit in Support of Motion for Entry of Default Judgment and proposed Default Judgment to be placed in a postage-paid envelope addressed to the defendant(s), at the address(es) stated below, which is (are) the last known address(es) of said defendant(s), and deposited said envelope(s) in the United States mail.

Addressee: Name(s) and address(es) of defendant(s).

Dated this _____ day of _____, 2009
