

Default Judgments

- A. Applications.** An application for a default judgment must comply with Local Civil Rule 55.1 and 55.2 and will not be accepted absent the submission of a proposed form of default judgment and an affidavit containing the following:
- i. A description of the nature of the claim;
 - ii. A description the legal and factual basis for this Court's subject matter jurisdiction;
 - iii. A description of the legal and factual basis for the assertion that this Court has personal jurisdiction over the defendant;
 - iv. A statement that the defendant is not an infant or an incompetent;
 - v. The annexation of a certificate of default stating that the defendant was properly served and failed to answer or appear, signed and stamped by the Clerk of the Court; and
 - vi. The annexation of documentation, if any, substantiating the claim.
- B. Relief.** If a party seeks an award of damages or attorney's fees and expenses, the party 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 readily 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. Any request for interest on the principal amount may not exceed 9% simple interest, unless a legal or factual basis is demonstrated for a different rate;
 - v. An affidavit setting forth the legal and factual basis for any claim of attorneys' fees and expenses, and the hours spent by each attorney, the reasonable hourly rate for each attorney, a description of services and the dates on which the services were rendered and a description of the expenses; and
 - vi. The calculations made in arriving at the proposed judgment amount.