

D.N.J. LBR 7055-1. Default; Default Judgment

(a) Entering a Default. A party requesting entry of default must file:

- (1) a request for entry of default;
- (2) a certification stating that:
 - (A) the party against whom default is sought was properly served with the summons and complaint;
 - (B) the party has failed to plead or otherwise defend within the allowed time; and
 - (C) the party has not requested or the party has not been granted an extension of time to plead or otherwise defend; and
- (3) Local Form *Entry of Default*.

(b) Entering a Default Judgment under Federal Rule 55(b)(1). A party requesting entry of default judgment under Federal Rule 55(b)(1) must file:

- (1) a request for entry of default judgment;
- (2) a certification that includes:
 - (A) a statement regarding the defendant's military status in compliance with 50 U.S.C. § 3931; and
 - (B) a statement that the defendant is not a minor or incompetent person, unless represented by a fiduciary who has appeared; and
- (3) Local Form *Default Judgment for a Sum Certain*.

(c) Entering a Default Judgment under Federal Rule 55(b)(2). A party applying for entry of default judgment under Federal Rule 55(b)(2) must file:

- (1) a request for entry of default judgment;
- (2) a certification that includes:
 - (A) facts supporting at least one cause of action asserted in the party's pleading;
 - (B) a statement regarding the defendant's military status in compliance with 50 U.S.C. § 3931; and

(C) a statement that the defendant is not a minor or incompetent person, unless represented by a fiduciary who has appeared;

(3) any documentary evidence;

(4) a memorandum of law or a statement why no memorandum of law is necessary; and

(5) a proposed judgment.

(d) Proof Hearing. The court will schedule a proof hearing if necessary.

2023 Comment

This Rule is amended to update the citation to 50 App. U.S.C. § 521 of the Servicemembers Civil Relief Act. That section is now codified at 50 U.S.C. § 3931.

2015 Comment

This Rule has been amended to clarify that a party seeking entry of default or default judgment need file only a request, not a motion.