

Rule 7055-2 DEFAULT JUDGMENT

(a) *By the Clerk.* Upon issuance by the Clerk of a certificate of default, if the claim to which no response has been made only seeks payment of a sum certain and does not include a request for attorney's fees or other substantive relief, and if a default judgment is sought against all remaining parties to the action, the moving party may request that the Clerk enter a default judgment by submitting an affidavit, together with proof of service, showing the principal amount due and owing, not exceeding the amount sought in the claim to which no response has been made, plus interest, if any, computed by the party, with credit for all payments received to date clearly set forth, and costs, if any, pursuant to 28 U.S.C. § 1920.

(b) *By the Court.* In all other cases, the party seeking a judgment by default shall apply to the Court as described in Bankruptcy Rule 7055, and shall append to the application (i) the Clerk's certificate of default, (ii) a copy of the claim to which no response has been made, (iii) a proposed form of default judgment, and (iv) proof of service of the application.

Comment

This rule is new and is derived from Civil Rule 55.2 of the Local District Rules.