

**U.S. BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**GUIDELINES FOR OBTAINING ENTRY OF DEFAULT
AND DEFAULT JUDGMENT**

Revised September 20, 2023

Fed. R. Civ. P. 55 applies in adversary proceedings. See Fed. R. Bankr. P. 7055. When a party against whom a judgment for affirmative relief is sought fails to plead or otherwise defend within the allotted time, the party seeking affirmative relief may obtain a default judgment by following the two-step process set forth in Fed. R. Civ. P. 55 and complying with the following:

Entry of Default

1. File a return of service (e.g., Summons Service Executed), see Fed. R. Civ. P. 55(a); and Fed.R.Civ.P.7004(e).
2. File an Application for Entry of Default, see Fed. R. Civ. P. 55(a);
3. Attach either an affidavit or a statement under penalty of perjury that states:
 - a. date on which Complaint filed;
 - b. date of issuance of the summons;
 - c. date on which service effected;
 - d. method of service;
 - e. deadline for responsive pleading;
 - f. lack of timely response; and
 - g. party opponent is not a minor, is competent, and is not a member of the military on active service. See Fed. R. Civ. P. 55(a).
4. Clerk of Court will enter default.

Default Judgment

1. Upon entry of default, applicant for default may file a Motion for Default Judgment with Brief in Support, Notice of Opportunity for Hearing and

Certificate of Service that:

- a. complies with Local Rule 9013-1;
- b. provides fourteen (14) days' notice of opportunity for hearing, see Local Rules 9013-1. D and G;
- c. includes a brief in support, see Local Rule 9013-1.C;
- d. identifies all monetary awards and is supported by affidavit and relevant evidentiary materials; and
- e. includes a certificate of service demonstrating that non-movant timely received notice of opportunity for hearing, see Local Rule 9007-1. D.

The Court may conduct hearings or order referrals as it deems necessary and proper to enter judgment.