

DEFAULT JUDGMENT PROCEDURE

1. Prepare an Order to Show Cause for default judgment and make the Order returnable to a conference before Judge Berman. Leave blank the date, time, and room of the conference. (Please note: Judge Berman requires service on all Orders to Show Cause in the same manner required to commence the action.) Judge Berman will set the date, time, and room when he signs the Order.
2. Attach the following papers to the Order to Show Cause:
 - a. an attorney's affidavit stating why a default judgment is appropriate and provide legal authority for why an inquest would be unnecessary;
 - b. a proposed default judgment;
 - c. copies of all pleadings;
 - d. a copy of the affidavit of service of the original summons and complaint;
 - e. a Certificate from the Orders and Judgments Clerk (500 Pearl Street) stating that no answer has been filed;
3. Take the Order to Show Cause with the attachments to the Orders and Judgments Clerk for approval.
4. After the Clerk's approval of the Order to Show Cause, bring the papers to Chambers for the Judge's signature.
5. After the Judge signs the Order, make two conformed copies of the Order and the attachments. Leave one copy with Chambers, and serve one copy on the defaulting party.
6. File the original Order to Show Cause in the Clerk's office together with an affidavit of service of a conformed copy of the Order on the defaulting party.
7. Appear at the conference on the return date with the proposed default judgment separately backed. The proposed judgment must be approved by the Orders and Judgments Clerk prior to the conference. (Please note: the default judgment must include a recital of service of the Order to Show Cause and Affidavit in support upon the defaulting party, including the date of service.)

RICHARD M. BERMAN
U.S.D.J.