

1 UNITED STATES BANKRUPTCY COURT
2 EASTERN DISTRICT OF CALIFORNIA

3 In re:)
4) Case No.
5)
6 Debtor(s) .)
7 _____)
8)
9 Adversary No.
10 Plaintiff(s),)
11 vs.)
12)
13 Defendant(s) .)
14 _____)

15 **ENTRY OF DEFAULT AND ORDER RE: DEFAULT JUDGMENT PROCEDURES**

16 *(This form is to be used for a single defendant only. If you have multiple defendants, please submit a separate form for each.)*

17 It appears from the record that defendant _____
18 _____ failed to
19 plead or otherwise defend in this proceeding as required by law.

20 Therefore, default is entered against defendant

21 _____
22 as authorized by Federal Rule of Civil Procedure 55 as incorporated by
23 Federal Rule of Bankruptcy Procedure 7055.

24 The validity of service will also be considered by the court in
25 connection with the entry of Default Judgment.

26 () Plaintiff(s) shall apply for a default judgment within 30
27 days of the date of this order. A "prove-up" hearing shall be
28 scheduled on the court's regular law and motion calendar on notice to

1 the defendant pursuant to Local Rule 9014-1. The request for default
2 judgment may be supported by affidavit in lieu of live testimony.
3 Failure to comply with this order may result in the imposition of
4 sanctions pursuant to Fed.R.Civ.P. 16(f), including, without
5 limitation, dismissal of this adversary proceeding without further
6 notice or hearing.

7 () Plaintiff(s) shall apply for a default judgment within 30 days
8 of the date of this order. The motion need not be set for hearing but
9 shall be filed and served on the defendant. The motion shall be
10 supported by declarations or affidavits or other admissible evidence
11 establishing liability and a right to the relief requested. A proposed
12 "Default Judgment" for the court's signature shall be lodged with the
13 motion. See Bankruptcy Rule 7055(b). Failure to comply with this
14 order may result in the imposition of sanctions pursuant to Federal
15 Rule of Civil Procedure 16(f) and 41(b), including, without limitation,
16 dismissal of this adversary proceeding without further notice or
17 hearing.

18 () Plaintiff(s) shall file supplemental declaration(s)
19 documenting the source of the address(es) used for service of
20 defendant.

21 () Plaintiff need not seek entry of judgment until resolution of
22 the adversary proceeding as to all other parties. Fed. R. Civ. P.
23 54(b), incorporated by Fed. R. Bankr. P. 7054.

24
25 Dated:

26 Wayne Blackwelder, Clerk
27 United States Bankruptcy Court

28 By: _____
Deputy Clerk