Local Rule 7055-1 Default - Failure to Prosecute (2013)

(a) Judgment by Default Entered by Clerk. A proposed judgment by default filed in accordance with Fed. R. Bankr. P. 7055 [1] for signature and entry by the clerk in accordance with that rule and Local Rule 5003-1(a)(1) [2] must be accompanied by a declaration that the person against whom judgment is sought is neither an infant or an incompetent person, nor in the armed forces within the meaning of the Soldiers' and Sailors' Civil Relief Act of 1940, 50 U.S.C. § 520(1) [3].

(b) Judgment by Default Entered by Court. In all other cases, the party entitled to a judgment by default must apply to the court in accordance with Fed. R. Bankr. P. 7055 [1]. Upon application of any party, the clerk may make and file a certificate of default as to any party in default, for the convenience of the court or of the party applying for the default judgment. When the application is made to the court, unless the court orders otherwise, the scheduling clerk, upon request of the movant, must schedule an evidentiary hearing. If the party against whom judgment by default is sought has appeared in the proceeding, the party seeking the default shall give notice of the hearing to the attorney for the party as required by Fed. R. Bankr. P. 7055 [1]. With leave of the court, proof may be submitted by declaration, but the court may order further hearing at its discretion.

(c) Clerk's Action Reviewable. The actions of the clerk under this rule may be reviewed, suspended, altered or rescinded by the court.

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[1] https://www.law.cornell.edu/rules/frbp/rule_7055
[2] https://www.utb.uscourts.gov/local-rules/2013/5003/1
[3] https://www.law.cornell.edu/uscode/html/uscode50a/usc_sup_05_50.html