

## Entry of Default and Default Judgment

This court uses a two-step process for default and default judgment. First, the clerk enters default under Federal Rule of Civil Procedure 55(a) when a party has failed to plead or otherwise defend. Second, the court enters default judgment under Rule 55(b) after a hearing. This packet contains examples of motions, affidavits, and other documents that are used in the process.

### Step One

To move for entry of default, a party must electronically file:

1. a motion for entry of default,
2. an affidavit (or declaration) in support of the motion,
3. a proposed entry of default, and
4. a certificate of service.

### Step Two

To obtain a default judgment, a party must electronically file:

1. a motion for default judgment,
2. an affidavit (or declaration) in support of the motion,
3. a proposed default judgment, and
4. a certificate of service.

## Electronically Filing These Documents

Use the following events in CM/ECF to file the documents referenced above:

Motions and Related Filings > Motions > **Entry of Default**

Motions and Related Filings > Motions > **Default Judgment**

Motions and Related Filings > Support, Responses and Replies > **Affidavit**

Motions and Related Filings > Support, Responses and Replies > **Declaration**

Initial Pleadings and Service > Service of Process > **Certificate of Service**

To attach exhibits to any other document, upload the main document first, then upload each exhibit as a separate attachment and briefly describe the exhibit. For example, "Exhibit 1 - Summons Returned Executed." Instructions are available [here](#).

To file a proposed entry of default or a proposed default judgment, follow the procedure for exhibits, above.

## Hearings

Judge Peterson holds default hearings on Tuesdays at 8:30 AM. Judge Conley holds default hearings on Wednesdays at 9:00 AM. All hearings are telephonic unless otherwise noted.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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Plaintiff,

Case No.:

v.

Defendant.

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MOTION FOR ENTRY OF DEFAULT

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Plaintiff (name) requests that the clerk of court enter default against defendant (name) pursuant to Federal Rule of Civil Procedure 55(a). In support of this request plaintiff relies upon the record in this case and the affidavit submitted herein.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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Plaintiff,

Case No.:

v.

Defendant.

---

AFFIDAVIT IN SUPPORT OF  
MOTION FOR ENTRY OF DEFAULT

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I, (name), being duly sworn, state as follows:

1. I am the attorney for the plaintiff in the above-entitled action and I am familiar with the file, records, and pleadings in this matter.
2. The summons and complaint were filed on (date).
3. Defendant was served with a copy of the summons and complaint on (date), as reflected on the docket sheet by the proof of service filed on (date).
4. An answer to the complaint was due on (date).
5. Defendant has failed to appear, plead or otherwise defend within the time allowed and, therefore, is now in default.
6. Plaintiff requests that the clerk of court enter default against the defendant.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_,  
2024.

\_\_\_\_\_  
Attorney for Plaintiff

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

Plaintiff,

Case No.:

v.

Defendant.

---

ENTRY OF DEFAULT

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Plaintiff (name) requests that the clerk of court enter default against defendant (name) pursuant to Federal Rule of Civil Procedure 55(a). It appearing from the record that defendant has failed to appear, plead, or otherwise defend, the default of defendant (name) is hereby entered pursuant to Federal Rule of Civil Procedure 55(a).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Joel Turner, Clerk of Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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Plaintiff,

Case No.:

v.

Defendant.

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CERTIFICATE OF SERVICE

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I, (name), hereby certify that I am employed by (name) and am of such age and discretion as to be competent to serve papers.

I further certify that on this date, I caused a copy of the Motion for Entry of Default, Affidavit in Support of the Motion for Entry of Default, and Proposed Entry of Default to be placed in a postage-paid envelope addressed to the defendant, at the address stated below, which is the last known address of the defendant, and deposited the envelope in the United States mail.

Addressee: Name(s) and address(es) of defendant(s).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

Plaintiff,

Case No.:

v.

Defendant.

---

MOTION FOR ENTRY OF DEFAULT JUDGMENT

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Plaintiff (name) requests that a default judgment be entered against defendant (name) pursuant to Federal Rule of Civil Procedure 55(b). In support of this request, plaintiff relies upon the record in this case and the affidavit submitted herein.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

Plaintiff,

Case No.:

v.

Defendant.

---

AFFIDAVIT IN SUPPORT OF  
MOTION FOR ENTRY OF DEFAULT JUDGMENT

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I, (name), being duly sworn, state as follows:

1. I am the attorney for the plaintiff in the above-entitled action and I am familiar with the file, records and pleadings in this matter.
2. The summons and complaint were served upon the defendant on (date).
3. An answer to the complaint was due on (date). No response was served within the time allowed by law, nor has the defendant sought additional time within which to respond.
4. The default of defendant was entered on (date).
5. As required by the Servicemembers Civil Relief Act of 2003, I have confirmed that the defendant is not currently in active military service.
6. To my best information and belief, the defendant is not an infant or incompetent person.
7. The claim of the plaintiff is for: (Describe in detail the relief sought.)

\_\_\_\_\_  
Attorney for Plaintiff

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_,  
2024.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

Plaintiff,

Case No.:

v.

Defendant.

---

DEFAULT JUDGMENT

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The defendant, having failed to appear, plead, or otherwise defend in this action, and default having been entered on (date), and counsel for plaintiff having requested judgment against the defaulted defendant and having filed a proper motion and affidavit (declaration) in accordance with Federal Rule of Civil Procedure 55 (a) and (b);

Judgment is hereby entered in favor of plaintiff (name) against defendant (name) as follows: (describe in detail the dollar amount and any other relief sought)

Plus interest on the judgment at the legal rate until the judgment is satisfied.

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Joel Turner, Clerk of Court

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Date

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

Plaintiff,

Case No.:

v.

Defendant.

---

CERTIFICATE OF SERVICE

---

I, (name), hereby certify that I am employed by (name) and am of such age and discretion as to be competent to serve papers.

I further certify that on this date I caused a copy of a Motion for Default Judgment, an Affidavit in Support of the Motion for Default Judgment, and a Proposed Default Judgment to be placed in a postage-paid envelope addressed to the defendant at the address stated below, which is the last known address of the defendant, and deposited the envelope in the United States mail.

Addressee: Name(s) and address(es) of defendant(s).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Attorney for Plaintiff