

TO:

Rule 28 Distribution
Kevin M Morrow
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ATTACHMENT¹

RULES OF CIVIL PROCEDURE

Rule 55. Default; Default Judgment

(a) [No change]

(b) Default Judgment.

(1) Default Judgment by Motion Without Hearing.

(A) Generally. If the plaintiff's claim is for a sum certain or a sum that can be made certain by computation, the court—on the plaintiff's motion, with an affidavit showing the amount due and without a hearing—may enter judgment for that amount and costs against a defendant who has been defaulted ~~for not appearing~~ for failure to plead or otherwise defend and who is not a minor, an incapacitated person, or an adult in need of protection.

(B)-(C) [No change]

(2)-(3) [No change]

(c)-(e) [No change]

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2015 and 2024 Amendment to Rule 55(b)

This amendment clarifies when a defendant has a right to notice and a hearing if the plaintiff's claim is for a sum certain or for a sum that can be made certain by computation. Under the amendment, a defendant who has been defaulted on such a claim under Rule 55~~(b)(1)(a)(1)~~, but who makes a post-default appearance, is not entitled to notice and a hearing before judgment may be entered under Rule 55(b)(1)(A).

¹ Additions to the text of the rule and comment are shown by underscoring and deletions are shown by ~~strike-through~~.