

JUDGE BLOOM'S STANDING ORDER ON DEFAULT JUDGMENT PROCEDURE

The parties shall follow the default judgment procedures below:

If a Defendant or Defendants fail to file any response(s) to Plaintiff's Complaint, Plaintiff shall submit a Motion for Entry of Clerk's Default with respect to Defendant(s), no later than **seven (7) days** of the deadline for Defendant(s) to file an Answer or otherwise appear. Plaintiff's failure to file a Motion for Entry of Clerk's Default within the specified time may result in **dismissal** without prejudice and without further notice as to the Defendant(s).

Once the Clerk enters default, Plaintiff must file one of the following two responses within **seven (7) days** of the entry of a Clerk's Default:

1. Where there is only one Defendant, or where there are multiple Defendants but no allegations of joint and several liability and no possibility of inconsistent liability between Defendants, Plaintiff shall file a *Motion for Default Final Judgment*.¹
2. Where there are multiple Defendants and allegations of joint and several liability or the possibility of inconsistent liability between Defendants, Plaintiff shall file a *Motion to Determine Joint and Several Liability on Default*. See *Frow v. De La Vega*, 82 U.S. 552, 554 (1872); 10A Charles Alan Wright and Arthur R. Miller, FEDERAL PRACTICE AND PROCEDURE § 2690 (3d ed. 1998) (citing *Frow*, 82 U.S. at 554); see also *Gulf Coast Fans, Inc. v. Midwest Elecs. Imp., Inc.*, 740 F.2d 1499, 1512 (11th Cir. 1984). The *Motion to Determine Joint and Several Liability on Default* must briefly describe the allegations and advise the Court of the status of the other Defendants' liability. Once liability is resolved as to all Defendants, Plaintiff may move for the entry of default final judgment against Defendants, as described in (1) above, no later than **seven (7) days** thereafter.

¹ If there are multiple Defendants, Plaintiff must state in the *Motion for Default Final Judgment* that there is no joint and several liability and set forth the basis why there is no possibility of inconsistent liability.

The *Motion for Default Final Judgment* must include affidavits of any sum certain due by Defendant(s), and any other supporting documentation necessary to determine Plaintiff's measure of damages. The *Motion* shall also be accompanied by (1) the necessary affidavit under the Servicemembers Civil Relief Act, 50 U.S.C. § 3931(b), if applicable; (2) a proposed order which details both the **factual and legal basis for default**; and (3) a proposed final judgment.² Pursuant to the CM/ECF Administrative Procedures, the proposed orders **shall be submitted to the Court by e-mail in Word format** at bloom@flsd.uscourts.gov. Plaintiff shall send a copy of the *Motion* to counsel for Defendant(s) or to Defendant(s) if Defendant(s) do not have counsel. In the Certificate of Service, Plaintiff shall indicate that notice was sent and the address or addresses where notice was sent. Plaintiff **shall not** rely solely on the Court's CM/ECF system to effectuate such service.

If Defendant(s) fail to move to set aside the Clerk's Default, default final judgment may be entered, which, simply put, means that Plaintiff may be able to take the property or money of Defendant(s) and/or obtain other relief against Defendant(s).

Plaintiff's failure to file a *Motion for Default Final Judgment*, and, if applicable, a *Motion to Determine Joint and Several Liability on Default* within the specified time will result in sanctions, including but not limited to, **dismissal** without prejudice as to those Defendants.

² The latter two submissions are required by Local Rule 7.1(a)(2).