

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

**STANDING ORDER REGARDING**  
**MOTIONS FOR DEFAULT JUDGMENT**

LEVENSON, U.S.M.J.

To ensure compliance with Rule 55 of the Federal Rules of Civil Procedure, counsel are advised of the following requirements for submission of a motion for default judgment following the clerk's entry of a notice of default.

This session has received motions for default judgment which do not on their face comply with Fed. R. Civ. P. 55, most often due to a failure to provide affidavits (a) substantiating entitlement to the damages or remedy sought, (b) satisfying the Servicemembers Civil Relief Act, 50 U.S.C. § 3931, and (c) attesting that no party against whom default is sought is an infant or incompetent person.

To avoid such failings, the following procedural orders will apply in this session. The goal is to prompt counsel to comply with Fed. R. Civ. P. 55, expedite resolution of such motions, and avoid the diversion of resources associated with preparing individualized procedural orders.

Accordingly, the following Standing ORDER Regarding Motions for Default Judgment will be observed in this session:

1. A party making a motion for default judgment shall comply with all the requirements of Fed. R. Civ. P. 55, including those related to filing of affidavits.
2. If the moving party seeks a default judgment for a sum certain, pursuant to Fed. R. Civ. P. 55(b)(1), the moving party shall also submit an appropriate form of order in the fashion of the draft order attached hereto as Appendix A. Such

compliance must be completed no later than 14 days after the filing of the motion itself.

3. If the moving party seeks a default judgment for any amount other than a sum certain, pursuant to Fed. R. Civ. P. 55(b)(2), the moving party shall submit affidavits addressing all aspects of the relief it seeks. Such affidavits and other supporting documentation must be submitted no later than 14 days after the filing of the motion itself.
4. Within the 14-day period for compliance by the moving party, the party against whom default judgment is sought shall have an opportunity to file a substantiated opposition to the default judgment motion and to request a hearing thereon.
5. The Court will take up the motion for default judgment on the papers at the conclusion of the 14-day period. Should the motion for default judgment at that time fail to comply with Fed. R. Civ. P. 55 or 50 U.S.C. § 3931, the Court may deny the motion and prohibit any renewal of such motion within six months of the denial. Any renewed motion for default judgment may not include a request for interest, costs or attorneys' fees after the date of the original motion for default judgment.
6. The moving party shall file its motion for default judgment within 30 days of the date of the clerk's entry of an order directing the moving party to this standing ORDER. If for any reason the moving party cannot take timely and appropriate action, the moving party shall file an affidavit describing the status of this case and shall show good cause as to why this case should remain on the docket.

Failure to comply with this paragraph may result in the entry of dismissal of the moving party's claims for want of prosecution.

SO ORDERED,

/s/ Paul G. Levenson  
Paul G. Levenson  
U.S. MAGISTRATE JUDGE

Dated: February 2, 2026

## Appendix A

### UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

Plaintiff,

v.

Defendant.

No.

#### **FORM OF DEFAULT JUDGMENT**

LEVENSON, U.S.M.J.

Defendant \_\_\_\_\_, having failed to plead or otherwise defend in this action and its default having been entered,

Now, upon application of plaintiff and affidavits demonstrating that defendant owes plaintiff the sum of \$ \_\_\_\_\_; that defendant is not an infant or incompetent person or in the military service of the United States, and that plaintiff has incurred costs in the sum of \$ \_\_\_\_\_,

It is hereby ORDERED, ADJUDGED AND DECREED that plaintiff recover from defendant \_\_\_\_\_ the principal amount of \$ \_\_\_\_\_, with costs in the amount of \$ \_\_\_\_\_ and prejudgment interest at the rate of \_\_\_\_\_% from \_\_\_\_\_ to \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ for a total judgment of \$ \_\_\_\_\_ with interest as provided by law.

By the Court,

\_\_\_\_\_  
Deputy Clerk

Dated:

NOTE: The post judgment interest rate effective this date is \_\_\_\_\_%.