

RULE 9 DEFAULT HEARING

9.0 A party seeking a default judgment under Civ. R. 55 shall file a written motion with the Clerk of Courts.

9.1 (A) Attorneys seeking default must be present at hearings on motions for default in which the damages sought by plaintiff are unliquidated. The hearing judge may consider the following:

- (1) Perfection of service of the complaint by plaintiff or counsel;
- (2) Defendant's failure to answer or appear within 28 days of service;
- (3) Evidence of damages either by verified pleadings by plaintiff, or testimony of plaintiff, together with any exhibits properly appended to pleadings or affidavit, or introduced and accepted at hearing;
- (4) Report from expert stating opinion as to proximate cause of injury.

(B) No hearing is required on a motion for default in which damages sought by plaintiff are liquidated. The assigned judge shall consider the following upon the filing of a motion for default:

- (1) Perfection of service as above;
- (2) Failure of defendant to answer as above;
- (3) Affidavit as to amount due and owing.