UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

IN THE MATTER OF

DEFAULTS IN ADVERSARY PROCEEDINGS

STANDING ORDER

TO ALL PLAINTIFFS AND DEFENDANTS:

Entry of default and judgments by default are governed by Rule 55, Federal Rules of Civil Procedure, as incorporated by Rule 7055, Rules of Bankruptcy Procedure.

Under section (a) of Rule 55, the Clerk of this Court shall enter the fact of default only when requested to do so by the nondefaulting party.

Upon entry of the fact of default under Rule 55(a), the nondefaulting party may seek judgment by default from the Clerk or the Court as appropriate under Rule 55(b), (d), and (e).

Where relief has been sought against multiple parties, not all of whom have failed to plead or defend, the fact of default may be entered as to any party who failed to plead or defend, but no judgment by default shall be entered against such party until the case shall have been decided with respect to the nondefaulting parties, unless the Court orders otherwise.

A plaintiff entitled to default for the failure to answer a complaint must request entry of the fact of default, and make suitable request for judgment, within 60 days after the last day to answer. Failure to make these requests will result in the entry of an order placing the proceeding on a calendar for a hearing on the question of why the complaint should not be dismissed for want of prosecution.

Dated: 12/5/83

BERYL E. MC GUIRE
U.S.B.J.

John Creahan.
JOHN W. CREAHAN
U.S.B.J.