

Rule 55-III. Vacating Default or Default Judgment by Consent

The clerk may vacate a default or default judgment, within 60 days after its entry, if the claimant and the defaulted party, or their attorneys, file a signed praecipe so requesting and bearing evidence of its service on all parties that have appeared. When required by Rule 55(c), the praecipe must be accompanied by a verified answer.

COMMENT TO 2017 AMENDMENTS

Stylistic changes were made to this rule to conform with the 2007 amendments to the Federal Rules of Civil Procedure.

COMMENT

Rule 55-III provides a procedure, alternative to that of a Rule 55(c) motion, for vacating defaults by consent in specified situations. The procedure is applicable to a default or default judgment entered on any claim, whether that claim is contained in a complaint, counterclaim, cross-claim, or 3rd-party claim.