

1 **Rule 55. Default.**

2 **(a) Entry.** When a party against whom a judgment for affirmative relief is sought has failed to plead or
3 otherwise defend as provided by these rules and that fact is made to appear the clerk shall enter the
4 default of that party.

5 **(b) Judgment.** Judgment by default may be entered as follows:

6 **(b)(1) By the clerk.** When the plaintiff's claim against a defendant is for a sum certain, upon
7 request of the plaintiff the clerk shall enter judgment for the amount claimed and costs against the
8 defendant if:

9 (b)(1)(A) the default of the defendant is for failure to appear;

10 (b)(1)(B) the defendant is not an infant or incompetent person;

11 (b)(1)(C) the defendant has been personally served pursuant to Rule [4\(d\)\(1\)](#); and

12 (b)(1)(D) the plaintiff, through a verified complaint, ~~or an affidavit~~ or a declaration under
13 Section 78B-5-705 submitted in support of the default judgment, sets forth facts necessary to
14 establish the amount of the claim, after deducting all credits to which the defendant is entitled,
15 and verifies the amount is warranted by information in the plaintiff's possession.

16 **(b)(2) By the court.** In all other cases the party entitled to a judgment by default shall apply to the
17 court therefor. If, in order to enable the court to enter judgment or to carry it into effect, it is necessary
18 to take an account or to determine the amount of damages or to establish the truth of any averment
19 by evidence or to make an investigation of any other matter, the court may conduct such hearings or
20 order such references as it deems necessary and proper.

21 **(c) Setting aside default.** For good cause shown the court may set aside an entry of default and, if a
22 judgment by default has been entered, may likewise set it aside in accordance with Rule [60\(b\)](#).

23 **(d) Plaintiffs, counterclaimants, cross-claimants.** The provisions of this rule apply whether the
24 party entitled to the judgment by default is a plaintiff, a third-party plaintiff, or a party who has pleaded a
25 cross-claim or counterclaim. In all cases a judgment by default is subject to the limitations of Rule [54\(c\)](#).

26 **(e) Judgment against the state or officer or agency thereof.** No judgment by default shall be
27 entered against the state of Utah or against an officer or agency thereof unless the claimant establishes
28 his claim or right to relief by evidence satisfactory to the court.

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