

MEMORANDUM

TO: All attorneys with cases assigned to Judge Morgenstern-Clarren

FROM: Pat E. Morgenstern-Clarren, U.S. Bankruptcy Judge

DATE: December 21, 2005

SUBJECT: Compliance with the Servicemembers' Civil Relief Act when seeking a default judgment

The Servicemembers' Civil Relief Act, 50 U.S.C. app. §§ 501, et seq., gives certain protections to members of the armed forces who are parties to civil actions, including bankruptcy proceedings. One such protection arises where a party seeks a default judgment. In that case, the movant must file an affidavit with the motion stating whether the defendant is in the military or whether the plaintiff has been unable to make that determination. Other activity may follow from this, but the affidavit is the starting point.

This memo is to alert counsel to be familiar with the act and its requirements. Doing so will be in everyone's best interest because the court will not grant motions for default judgment that do not comply with the act.

Thank you.