

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 799

Amending District Court
Civil Rule 17(a) to allow
clerks to rule on motions
for default judgment.

IT IS ORDERED:

District Court Civil Rule 17(a) is amended to provide:

(a) If the defendant fails to answer the complaint within 20 days after service of process or fails to attend trial, he is in default. Default judgment shall be entered only upon proof under oath made upon personal knowledge that the defendant is not an infant or otherwise incompetent, and that he is not in the active military service of the United States. The court shall also require proof under oath, made upon personal knowledge or based on business records, of the truth of every essential element of the claim for relief. The clerk may enter a default judgment if the damages alleged are liquidated and no default hearing is required. If the defendant answers but fails to appear at trial, the court may nevertheless consider any relevant and material evidence filed with the answer. The court may allow an answer to be filed after the defendant is in default, but before judgment is entered, upon a showing of good cause. The plaintiff may move the court to enter a default judgment if the defendant is in default. Affidavits or exhibits necessary to the entry of default judgment under this rule shall accompany the motion.

DATED: February 17, 1987

EFFECTIVE: February 17, 1987

Chief Justice Rabinowitz

Justice Burke

Justice Matthews

Justice Compton

Justice Moore