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| --- | --- | --- |
| STATE OF SOUTH CAROLINA  COUNTY OF {county\_name\_allCaps}  {plaintiff\_name},  {plaintiff\_number},  vs.  {defendant\_name},  {defendant\_number}.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | )  )  )  )  )  )  )  )  )  )  )  )  ) | {court\_name\_allCaps}  CASE NO. {case\_number}  **MOTION FOR DEFAULT, SUMMARY JUDGMENT, AND A DAMAGES HEARING AS TO {defendants\_for\_default}** |

YOU WILL PLEASE TAKE NOTICE that the plaintiff, by and through {plaintiff\_sex} undersigned attorney, will move at a date and time to be set by the Court for a default order and judgment {against\_the\_defendant}. More than thirty (30) days have passed since {defendants\_for\_default}, was served, and no responsive pleadings have been filed {by\_the\_defendant} or served on the plaintiff.

**BACKGROUND**

**LEGAL ARGUMENT**

The *South Carolina Rules of Civil Procedure* mandate that a defendant either file an answer or request an extension of time to answer within thirty (30) days of service of the complaint. The {defendants\_have\_done} neither, as shown by the attorney’s Affidavit of Default. Pursuant to the Rules, the {defendants\_are\_in\_default} and a damages hearing should be held. Pursuant to Rule 55(a), “When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter his default upon the calendar (file book).” The plaintiff therefore requests that the clerk enter a default judgment and set a date for the Court to determine the appropriate damages to be awarded to the plaintiff.

In the alternative, the plaintiff respectfully requests that the Court grant summary judgment to the plaintiff. Requests for Admission were served with the complaint. Responses were due 45 days later, on {date\_45\_days\_after\_filing\_date}, for {defendants\_for\_default}. As of the filing of this motion, the plaintiff has not received any responses to Requests for Admission. The requests are therefore deemed admitted, proving the plaintiff’s case. There is no genuine issue as to any material fact, and summary judgment is proper. If the Court denies the plaintiff’s motion for default, then the plaintiff respectfully requests that the Court grant summary judgment.

**CONCLUSION**

Since {defendants\_for\_default\_is\_in} default, the plaintiff respectfully requests that the clerk enter a judgment in the plaintiff’s favor {against\_those\_defendants} and schedule a damages hearing. In the alternative, the plaintiff respectfully requests that the Court grant summary judgment.

Respectfully Submitted,

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