

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-01419-ZLW-BNB

EMILY BARRY,

Plaintiff,

v.

EASTERN ASSET MANAGEMENT, LLC,

Defendant.

ORDER

The matter before the Court is Plaintiff's Renewed Motion For Entry Of Default Judgment (Doc. No. 43), filed June 11, 2009. On April 30, 2009, the Court denied without prejudice Plaintiff's previous Request For Entry Of Default Judgment (Doc. No. 39) on the basis that the affidavit of indebtedness filed with the motion did not attach any documentation supporting the amount of attorney's fees sought, and also was not notarized¹ or certified under penalty of perjury pursuant to 28 U.S.C. § 1746. Plaintiff now has submitted attorney billing statements, but these statements are not attached to or explained by any affidavit of indebtedness. Plaintiff also has provided no legal authority in support of her request for an award of "anticipated collection fees and costs." Additionally, any costs incurred to date would be awarded by the Clerk of Court after the entry of any Judgment in this case pursuant to D.C.COLO.LCivR 54.1, not as part of the Judgment itself.

¹An affidavit is a "voluntary declaration of facts written down and sworn to by the declarant before an officer authorized to administer oaths, such as a notary public." Black's Law Dictionary (8th ed. 2004).

Accordingly, it is

ORDERED that Plaintiff's Renewed Motion For Entry Of Default Judgment (Doc. No. 43) is denied without prejudice. It is

FURTHER ORDERED that any further renewed motion for default judgment shall include an affidavit of indebtedness which (1) is either notarized or which contains the express statement that the affidavit has been executed "under penalty of perjury," (2) attaches and explains the relevant billing statements, (3) identifies the profession of the individuals named on the statement (e.g., attorney, paralegal) and the person's hourly billing rate, and (4) calculates the total amount of fees incurred.

DATED at Denver, Colorado, this 23rd day of June, 2009.

BY THE COURT:

A handwritten signature in black ink, reading "Zita L. Weinsienk". The signature is written in a cursive style with a horizontal line underneath it.

ZITA L. WEINSHIENK, Senior Judge
United States District Court