

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**Acuity, a Mutual Insurance Company**

**Plaintiff,**

**v.**

**No. 3:16-cv-00865-DRH-SCW**

**James Swan and  
Hardin Ready Mix, Inc.,**

**Defendants.**

**ORDER**

**HERNDON, District Judge:**

Pending before the Court is plaintiff's verified motion for default judgment regarding solely defendant James Swan. (Doc. 29). Based on the following, the Court **DENIES** the motion, **at this time**.

A review of the pleadings reveals that plaintiff has failed to comply with Local Rule 55.1(b). Local Rule 55.1(b) requires

“[a]ny motion for default judgment pursuant to Federal Rule of Civil Procedure 55(b) [to] contain a statement that a copy of the motion has been mailed to the last known address of the party from whom default judgment is sought. If the moving party knows, or reasonably should know, the identity of an attorney thought to represent the defaulted party, the motion shall also state that a copy has been mailed to that attorney.”

SDIL-LR 55.1(b).

Here, plaintiff failed to include—in the contents of the motion—a statement that a copy of the motion has been mailed to the last known

address of the party from whom judgment is sought”; as well as, a statement that a copy of the motion has been mailed to “an attorney thought to represent the defaulted party,” “[i]f the moving party knows, or reasonably should know, the identify of [the] attorney.” *Id.* Accordingly, the Court **DENIES, at this time**, plaintiff’s verified motion for default judgment (Doc. 29). The Court **ALLOWS** plaintiff to file a new motion that comports with this Order and the Local Rules on or before January 19, 2017.

**IT IS SO ORDERED.**

Signed this 7th day of January, 2017.

  Judge Herndon  
2017.01.07  
12:25:07 -06'00'  
United States District Judge