

VERMONT SUPERIOR COURT  
Windsor Unit  
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802-457-2121  
www.vermontjudiciary.org



CIVIL DIVISION  
Case No. 24-CV-01022

**Mark Hammond v. Jerrod Foster**

**ENTRY REGARDING MOTION**

Title: Motion for Default Judgment (Motion: 1)  
Filer: Jack Gabriel Kauders  
Filed Date: August 13, 2024

A motion for default judgment requires “an affidavit as required by section 201(b)(1) of the Servicemembers Civil Relief Act, 50 U.S.C. app. 521, stating whether or not the opposing party is in military service and showing necessary facts to support the affidavit or stating that the moving party is unable to determine whether or not the opposing party is in military service.” Vt. R. Civ. P. 55(c)(5). Here, plaintiff’s affidavit avers “on information and belief” that defendant is not a person in military service, but the affidavit contains no information revealing the basis of plaintiff’s belief, nor the nature of any investigation undertaken by plaintiff, nor the time at which this investigation was undertaken. *U.S. Bank v. Coaxum*, 2003 WL 22518107 (N.Y. Sup. Ct. Oct. 31, 2003). As such, the court cannot determine whether to make the finding that is required by federal law. Plaintiff may supplement the motion with either the required information or the results of a query of the electronic database within 14 days of the file-stamped date of this order. If no supplement is filed by that time, the motion for default judgment will be denied.

Electronically signed on Sunday, August 18, 2024 pursuant to V.R.E.F. 9(d).

A handwritten signature in black ink, appearing to read "H. Dickson Corbett".

H. Dickson Corbett  
Superior Court Judge

Vermont Superior Court  
Filed 08/20/24  
Windsor Unit