



## NEWS FROM U.S. DISTRICT COURT

**November 8, 2024**

**Fraudulent Notices of Electronic Filings (NEFs).** The District of South Dakota and courts across the country are reporting fake NEFs being sent to attorneys and law firms. These simulated NEFs are phishing attempts to convince recipients to respond back to the emails. Once a recipient replies, they are sent a follow-up email containing a link to access the document, which leads users to a malicious website. Please exercise caution if you receive NEFs. You should only validate cases and case documentation through CM/ECF—do not download any attachments or click any links from unofficial or questionable sources. [Additional information](#) is available on the Court's website.

**Default and Default Judgment.** The *Entry of Default Judgment* under Rule 55 of the Federal Rules of Civil Procedure is a two-step process. The first step involves the entry of default under Rule 55(a), which is entered by the clerk. The second step involves entry of default judgment under subsection (b), which can either be entered by the clerk under (b)(1) or by the court under (b)(2). When a party files for default judgment under Rule 55(b) and default has not yet been entered, we construe this as a motion for clerk's entry of default. To clarify, there are separate CM/ECF events listed under the 'Motions' category. If filing for relief under Rule 55(a), you should select *Entry of Default*. If filing for relief under subsection (b), you should select *Default Judgment*.

**Reminders.** The Court will be closed on Monday, November 11<sup>th</sup> in observance of Veterans Day. It will also be closed on Thursday, November 27<sup>th</sup> and Friday, November 28<sup>th</sup> for Thanksgiving.

The Investiture of the Honorable Camela C. Theeler will be held next Friday, November 15<sup>th</sup> at 3:00 p.m. in Rapid City Courtroom 1. Members of the bar and public are invited to attend.