

### **Rule 39. Costs.**

(a) Against Whom Assessed. The following rules apply unless the law provides or the court orders otherwise:

(1) if an appeal is dismissed, costs are awarded against the appellant, unless the parties agree otherwise;

(2) if a judgment is affirmed, costs are awarded against the appellant;

(3) if a judgment is reversed, costs are awarded against the appellee;

(4) if a judgment is affirmed in part, reversed in part, modified, or vacated, costs are awarded only as the court orders.

(b) Costs For or Against the United States. Costs for or against the United States, its agency, or officer will be awarded under Rule 39(a) only if authorized by law.

(c) Costs of Copies. The costs of reproducing any nonelectronic briefs and appendices filed and served in conformity with the court's rules will be awarded at actual cost or at a rate periodically set by the Clerk.

(d) Bill of Costs or Fees.

(1) A party who wants the court to award costs or fees incurred in prosecuting the appeal must, within 14 days from the entry of judgment, file with the Clerk an itemized and verified bill of costs or fees, accompanied by proof of service. Costs or fees that may be requested include any filing fees; the cost of reporter's transcripts necessary to prosecute the appeal; copying costs listed in Rule 39(c); postage and other delivery costs, provided the most reasonable means of delivery was used; and the cost of any premiums paid for a bond or other security required to preserve rights pending appeal.

(2) Objections to a request for costs and fees must be filed within 10 days after service of the bill of costs and fees, unless the court extends the time.

(3) If a petition for rehearing or rehearing en banc is filed, the court will not act upon a bill of costs and fees until the petition has been resolved.

(4) Upon approval of a bill of costs and fees, an order will be entered stating the costs and fees awarded. The Clerk will transmit this order to the Clerk of the Superior Court, who must add the fees and costs to the judgment.

(e) Costs on Appeal in Agency Cases. Costs and fees incurred in appeals from agency proceedings will be determined and awarded by this court for the benefit of the party entitled to costs under this rule.