

## **Rule 54. Judgments; Costs**

(a) **DEFINITION; FORM.** "Judgment" as used in these rules includes a decree and any order from which an appeal lies.

(b) **JUDGMENT ON MULTIPLE CLAIMS OR INVOLVING MULTIPLE PARTIES.** When an action presents more than one claim for relief—whether as a claim, counterclaim, crossclaim, or third-party claim—or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay. Otherwise, any order or other decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties does not end the action as to any of the claims or parties and may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities.

(c) **DEMAND FOR JUDGMENT; RELIEF TO BE GRANTED.** A default judgment must not differ in kind from, or exceed in amount, what is demanded in the pleadings. Every other final judgment should grant the relief to which each party is entitled, even if the party has not demanded that relief in its pleadings.

(d) **COSTS; ATTORNEY'S FEES.**

(1) *In General.* Claims for costs and attorneys' fees must be made in the complaint or answer and supported in a detailed motion in accordance with Rule 54(d)(2) .

(2) *Timing and Contents of the Motion.* Unless a statute or a court order provides otherwise, the motion must:

(A) be filed no later than 14 days after the entry of judgment;

(B) specify the judgment and the statute, rule, or other grounds entitling the movant to the award;

(C) state the amount sought or provide a fair estimate of it; and

(D) disclose, if the court so orders, the terms of any agreement about fees for the services for which claim is made.

(3) *Proceedings.* On a party's request, the court must give an opportunity for adversary submissions on the motion. The court must find the facts and state its conclusions of law as provided in Rule 52(a) and must set forth a judgment as provided in Rule 58.

(4) *Witness Fees.* Witness fees may be awarded at the court's discretion. Proof of the attendance of witnesses shall be by certificate of the attorney of record in the form prescribed by the clerk's office. The certificate must be served upon the opposing party or counsel and filed within 5 days after the entry of any final order or judgment, otherwise witness fees shall not be taxed or recovered as costs. Within 5 days after the certificate is served, any party may move to amend or strike it.

(5) *Costs.* Costs of depositions, reporters' transcripts on appeal, and premiums on bonds may be awarded at the court's discretion.

(6) *Special Procedures; Reference to a Master or a Magistrate Judge.* The court may establish special procedures to resolve fee-related issues without extensive evidentiary hearings. Also, the court may refer issues concerning the value of services to a master under Rule 53 without regard to the limitations of Rule 53(b)(1), and may refer a motion for attorneys' fees to a magistrate judge as if it were a dispositive pretrial matter.

(7) *Exceptions.* Rule 54(d)(1)-(6) do not apply to claims for fees and expenses as sanctions for violating these rules.

(e) [Deleted].  
(f) [Deleted].

#### COMMENT TO 2018 AMENDMENTS

This rule conforms more closely to the style of Civil Rule 54. Subsection (d)(4) conforms to Civil Rule 54-I.

#### COMMENT

Unlike SCR-Civil 54(d), paragraph (d) of this Rule requires that claims for attorneys' fees and costs be made in the complaint or answer, and substantiated in a motion filed and served no later than 14 days after entry of judgment.