

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 upon multiple claims or involving multiple parties. When more than one claim for relief is presented in an action, whether as a claim or counterclaim, or when multiple parties are involved, the Court may direct the entry of a final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment. In the absence of such determination and direction, any order or other form of decision, however designated, which adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties shall not terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties.

(c) Extent of relief. A judgment by default shall not be different in kind from or exceed in amount that prayed for in the pleading seeking relief. Except as to a party against whom a judgment is entered by default, every final judgment shall grant the relief to which the party in whose favor it is rendered is entitled, even if the party has not demanded such relief in the party's pleadings.

(d) Costs and attorneys' fees.

(1) Claims for costs and attorneys' fees shall be made in the complaint or answer and supported in detail in a motion in accordance with subparagraph (d)(2) of this Rule.

(2) Unless otherwise provided by statute or directed by the Court, the motion must be filed and served no later than 14 days after entry of judgment; must specify the judgment and the statute, rule, or other grounds entitling the moving party to the award; and must state the amount or provide a fair estimate of the amount sought. If directed by the Court, the motion shall also disclose the terms of any agreement with respect to fees to be paid for the services for which claim is made.

(3) The Court shall afford an opportunity for opposition to the motion. The Court shall find the facts and state its conclusions of law as provided in SCR-Dom Rel 52(a), and a judgment shall be set forth as provided in SCR-Dom Rel 58.

(4) Costs of depositions, reporters' transcripts on appeal, and premiums on bonds may be awarded at the discretion of the Court.

(5) The Court may establish special procedures by which issues relating to such fees may be resolved without extensive evidentiary hearings. In addition, the Court may refer issues relating to the value of services to a master under SCR-Dom Rel 53 without regard to the provisions of paragraph (b) thereof and may refer a motion for attorneys' fees to a hearing commissioner as if it were a dispositive pretrial matter.

(6) The provisions of subparagraphs (d)(1) through (5) do not apply to claims for fees and expenses as sanctions for violations of these rules.

(e) Costs of previously dismissed action. If a claimant who has once dismissed an action in any court commences an action based upon or including the same claim against the same adverse party, the Court may make such order for the payment of costs of the action previously dismissed as it may deem proper and may stay the proceedings in the action until the claimant has complied with the order.

(f) Deleted.

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.