

1 **Rule 54. Judgments; costs.**

2 **(a) Definition; form.** "Judgment" as used in these rules includes a decree ~~and any or order that~~
3 ~~adjudicates all claims and the rights and liabilities of all parties or any other order~~ from which an appeal of
4 ~~right~~ lies. A judgment ~~need should~~ not contain a recital of pleadings, the report of a master, or the record
5 of prior proceedings. ~~Judgments shall state whether they are entered upon trial, stipulation, motion or the~~
6 ~~court's initiative; and, unless otherwise directed by the court, a judgment shall not include any matter by~~
7 ~~reference.~~

8 **(b) Judgment upon multiple claims and/or involving multiple parties.** When an action presents
9 more than one claim for relief ~~is presented in an action, —~~ whether as a claim, counterclaim, cross claim,
10 or third party claim, ~~—~~ and/or when multiple parties are involved, the court may ~~direct the entry of a final~~
11 ~~enter~~ judgment as to one or more but fewer than all of the claims or parties only ~~upon an express~~
12 ~~determination by if~~ the court expressly determines that there is no just reason for delay ~~and upon an~~
13 ~~express direction for the entry of judgment. In the absence of such determination and direction,~~
14 Otherwise, any order or other ~~form of~~ decision, however designated, that adjudicates fewer than all the
15 claims or the rights and liabilities of fewer than all the parties ~~shall not terminate does not end~~ the action
16 as to any of the claims or parties, and ~~the order or other form of decision is subject to revision may be~~
17 changed at any time before the entry of judgment adjudicating all the claims and the rights and liabilities
18 of all the parties.

19 **(c) Demand for judgment.** A default judgment must not differ in kind from, or exceed in amount,
20 what is demanded in the pleadings. Every other judgment, should grant the relief to which each party is
21 entitled, even if the party has not demanded that relief in its pleadings.

22 **(c)(1) Generally.** ~~Except as to a party against whom a judgment is entered by default, and except~~
23 ~~as provided in Rule 8(a), every final judgment shall grant the relief to which the party in whose favor it~~
24 ~~is rendered is entitled, even if the party has not demanded such relief in his pleadings. It may be~~
25 ~~given for or against one or more of several claimants; and it may, when the justice of the case~~
26 ~~requires it, determine the ultimate rights of the parties on each side as between or among~~
27 ~~themselves.~~

28 **(c)(2) Judgment by default.** ~~A judgment by default shall not be different in kind from, or exceed~~
29 ~~in amount, that specifically prayed for in the demand for judgment.~~

30 **(d) Costs.**

31 **(d)(1) To whom awarded.** ~~Except when express provision therefor is made either in a statute of~~
32 ~~this state or in these rules, costs shall be allowed as of course to the prevailing party unless the court~~
33 ~~otherwise directs; provided, however, where an appeal or other proceeding for review is taken, costs~~
34 ~~of the action, other than costs in connection with such appeal or other proceeding for review, shall~~
35 ~~abide the final determination of the cause. Unless a statute, these rules, or a court order provides~~
36 otherwise, costs should be allowed to the prevailing party. Costs against the state of Utah, its officers
37 and agencies ~~shall may~~ be imposed only to the extent permitted by law.

38 **(d)(2) How assessed.** The party who claims his costs must within 14 days after the entry of
 39 judgment ~~file and serve upon the adverse party against whom costs are claimed, a copy of a verified~~
 40 memorandum of the items of his costs and necessary disbursements in the action, and file with the
 41 court a like memorandum thereof duly verified stating that to affiant's knowledge the items are correct,
 42 and that the disbursements have been necessarily incurred in the action or proceeding. A party
 43 dissatisfied with the costs claimed may, within 7 days after service of the memorandum of costs, file a
 44 motion to have object to the bill of claimed costs taxed by the court.

45 **(d)(3) Memorandum filed before judgment.** A memorandum of costs served and filed after the
 46 verdict, or at the time of or subsequent to the service and filing of the findings of fact and conclusions
 47 of law, but before the entry of judgment, ~~shall nevertheless be considered as is deemed~~ served and
 48 filed on the date judgment is entered.

49 **(e) Interest and costs to be included in the judgment.** The clerk must include in any judgment
 50 signed by him any interest on the verdict or decision from the time it was rendered, and the costs, if the
 51 same have been taxed or ascertained. The clerk must, within two days after the costs have been taxed or
 52 ascertained, in any case where not included in the judgment, insert the amount thereof in a blank left in
 53 the judgment for that purpose, and make a similar notation thereof in the register of actions and in the
 54 judgment docket.

55 **Advisory Committee Notes**

56 In *Butler v. Corporation of The President of the Church of Jesus Christ of Latter-Day Saints*, 2014 UT
 57 41, the Supreme Court established the requirements of a judgment entered by means of a Rule 54(b)
 58 certification:

59 First, it must be entered in an action involving multiple claims or multiple parties. Second, it must
 60 have been entered on an order that would otherwise be appealable but for the fact that other
 61 claims or parties remain in the action. Third, the trial court, in its discretion, must make a
 62 determination that there is no just reason for delay of the appeal. *Id.* ¶28

63 To satisfy the second requirement, the Supreme Court in *Butler* included, in addition to the other
 64 requirements of appealability, the principle that the order must include one of the three indicia of finality
 65 imposed by former Rule 7(f)(2): a proposed order submitted with the supporting or opposing
 66 memorandum; an order prepared at the direction of the judge; an express indication that a further order
 67 was not required. The 2015 amendments to Rule 7 replace these indicia with the judge's signature. The
 68 2015 amendments of Rule 7, Rule 54 and Rule 58A do not disturb the principles established in *Butler*;
 69 they do make simpler the task of satisfying the requirement that the interlocutory order be complete under
 70 Rule 7 before it can be certified under Rule 54.

71