

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

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

9       **(b) Judgment upon multiple claims and/or involving multiple parties.**

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

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

27       **(c)(1) Generally.** ~~Except as to a party against whom a judgment is~~  
28 ~~entered by default, and except as provided in Rule 8(a), every final~~

29 judgment shall grant the relief to which the party in whose favor it is  
30 rendered is entitled, even if the party has not demanded such relief in his  
31 pleadings. It may be given for or against one or more of several claimants;  
32 and it may, when the justice of the case requires it, determine the ultimate  
33 rights of the parties on each side as between or among themselves.

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

37 **(d) Costs.**

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

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

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

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

69           **Advisory Committee Notes**

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

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

79           To satisfy the second requirement, the Supreme Court in *Butler* included,  
80           in addition to the other requirements of appealability, the principle that the  
81           order must include one of the three indicia of finality imposed by former Rule  
82           7(f)(2): a proposed order was submitted with the supporting or opposing  
83           memorandum; an order was prepared at the direction of the judge; the  
84           decision included an express indication that a further order was not required.

85 The 2015 amendments to Rule 7 replace these indicia with the judge's  
86 signature. The 2015 amendments of Rule 7, Rule 54 and Rule 58A do not  
87 disturb the principles established in Butler; they do make simpler the task of  
88 satisfying the requirement that the interlocutory order be complete under Rule  
89 7 before it can be certified under Rule 54.