

Rule 54

Advisory Committee Notes

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

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

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

2016 amendments

Paragraph (e) describes the process by which the determination of costs or fees becomes part of the judgment. If there is legal error in entering judgment for costs or attorney fees, that error is reviewable on appeal just like any other.