

1 **3-701. Judgments; costs.**

2 A. **Definition; form.** “Judgment,” as used in these rules, includes a decree and any
3 order from which an appeal lies. A judgment should not contain a recital of pleadings or the record
4 of prior proceedings.

5 B. **Judgment on multiple claims or involving multiple parties.** If an action presents
6 more than one claim for relief, whether as a claim, counterclaim, crossclaim, or third-party claim,
7 or when multiple parties are involved in an action, the court may enter a final judgment on one or
8 more, but fewer than all, claims or parties only if the court expressly finds that there is no just
9 reason for delay. If the court does not make a finding of no just reason for delay, any order or other
10 decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities
11 of fewer than all the parties does not end the action for any of the claims or parties and may be
12 revised at any time before the entry of a judgment adjudicating all the claims.

13 ~~[(1) — Except as provided in Subparagraph (B)(2), if more than one claim for~~
14 ~~relief is presented in an action, whether as a claim or counterclaim, the court may enter a final~~
15 ~~judgment about one or more, but fewer than all of the claims, only after expressly finding no just~~
16 ~~reason for delay. If the court fails to make a determination of no just reason for delay, any order~~
17 ~~or other form of decision, however designated, which adjudicates fewer than all of the claims, shall~~
18 ~~not terminate the action for any of the claims, and the order or other form of decision is subject to~~
19 ~~revision at any time before the entry of judgment adjudicating all the claims.~~

20 ~~(2) — If multiple parties are involved, judgment may be entered adjudicating all~~
21 ~~issues about one or more, but fewer than all parties. The judgment shall be a final judgment unless~~
22 ~~the court, in its discretion, expressly provides otherwise in the judgment. If the judgment states~~
23 ~~that it is not a final judgment, the judgment shall not terminate the action about a party or parties~~

1 ~~and shall be subject to revision at any time before the entry of judgment adjudicating all claims~~
2 ~~and the rights and liabilities of all the parties.]~~

3 **C. Entry of judgment.** After the trial, the court shall enter a written judgment in
4 accordance with the jury's verdict or, if the trial was without a jury, in accordance with the court's
5 decision. The court may direct counsel for any party to prepare the judgment. If a setoff or a
6 counterclaim is established by the defendant, the amount of the setoff or counterclaim shall be
7 offset against any sum owed the plaintiff and judgment shall be entered accordingly.

8 **D. Demand for judgment.** A judgment by default shall not be different in kind from,
9 or exceed in amount, that claimed in the complaint. Except for a default judgment, each final
10 judgment shall grant the relief sought by the party in whose favor judgment is rendered, even if
11 the party has not demanded the relief in the party's pleadings.

12 **E. Costs.** Any docket fee, filing fee (including an electronic filing and service fee),
13 jury fee, or copying fee paid by the prevailing party to the court shall be awarded to the prevailing
14 party against the losing party. The court may award any fees actually paid by the prevailing party
15 for service of the complaint, summons and subpoenas, and for attendance of witnesses, including
16 expert witnesses. No costs or fees shall be taxed against the state, its officers, and its agencies.
17 Expert witness fees for any case shall not exceed five hundred dollars (\$500), plus the fee for per
18 diem expenses provided by NMSA 1978, Section 10-8-4(A)[~~NMSA 1978~~] for nonsalaried public
19 officers attending a board or committee meeting and the mileage provided by NMSA 1978, Section
20 10-8-4(D)[~~NMSA 1978~~]. The fee for per diem expenses shall not be prorated.

21 [As amended, effective January 1, 1995; as amended by Supreme Court Order No. S-1-RCR-2025-
22 00175, effective for all cases pending or filed on or after December 31, 2025.]

- 1 **Committee commentary.** — Only a final judgment or final order of the metropolitan court
- 2 may be appealed. There is no right to an interlocutory appeal from the metropolitan court.
- 3 [Adopted by Supreme Court Order No. S-1-RCR-2025-00175.]