

1 **1-054. Judgments; costs.**

2 A. **Definition; form.** “Judgment₂” as used in these rules₂ includes a decree
3 and any order from which an appeal lies. A judgment shall not contain a recital of
4 pleadings, the report of a master₂ or the record of prior proceedings.

5 B. **Judgment ~~upon~~ on multiple claims or involving multiple parties.**
6 [~~When~~] If an action presents more than one claim for relief, whether as a claim,
7 counterclaim, crossclaim, or third-party claim, or [~~when~~] if multiple parties are involved,
8 the court may direct entry of a final judgment [~~as to~~] about one or more, but fewer than
9 all, claims or parties₂ only if the court expressly [~~determines that there is~~] finds no just
10 reason for delay. Otherwise, any order or other decision, however designated, that
11 adjudicates fewer than all the claims₂ or the rights and liabilities of fewer than all the
12 parties₂ does not end the action [~~as to~~] for any of the claims or parties₂ and may be revised
13 at any time before the entry of a judgment adjudicating all the claims and all the parties’
14 rights and liabilities.

15 C. **Demand for judgment.** A judgment by default shall not be different in
16 kind from₂ or exceed₂ the amount prayed for in the demand for judgment. Except [~~as to a~~
17 ~~party against whom a judgment is entered by~~] for a default judgment, [~~every~~] each final
18 judgment shall grant the relief [~~to which~~] sought by the party in whose favor [~~it~~]
19 judgment is rendered [~~is entitled~~], even if the party has not demanded [~~such~~] the relief in
20 the party’s pleadings.

21 D. **Costs.**

1 (1) *Costs other than attorney fees.* [~~Except when express provision~~
2 ~~therefor is made~~] Unless expressly stated either in a statute or in these rules, costs, other
3 than attorney fees, shall be allowed to the prevailing party unless the court otherwise
4 directs; but costs against the state, its officers, and agencies shall be imposed only to the
5 extent permitted by law.

6 (2) *Recoverable costs.* Costs generally are recoverable only as
7 allowed by statute, Supreme Court rule, and case law. The following costs generally are
8 recoverable:

9 (a) filing fees, including electronic filing and service fees;

10 (b) fees for service of summonses, subpoenas, writs, and other
11 service of process;

12 (c) jury fees as provided in Rule 1-038 NMRA;

13 (d) transcript fees, including those for daily transcripts and
14 transcripts of hearings [~~prior or subsequent to~~] before or after trial, [~~when~~] if requested or
15 approved by the court;

16 (e) the cost of a deposition:

17 (i) if any part is used at trial;

18 (ii) in successful support or defense of a motion for

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1 summary judgment [~~pursuant to~~] under Rule 1-056 NMRA; or

2 (iii) [~~when~~] if the court determines the deposition was
3 reasonably necessary to the litigation;

4 (f) witness mileage or travel fare and per diem expenses,
5 [~~when~~] if the witness testifies at trial or at a deposition, which is deemed reasonable and
6 necessary, and as limited by Sections 38-6-4(A), 39-2-8, 39-2-9, and 39-2-10 NMSA
7 1978;

8 (g) expert witness fees for services as provided by Section 38-
9 6-4(B) NMSA 1978 or [~~when~~] if the court determines that the expert witness was
10 reasonably necessary to the litigation;

11 (h) translator fees, [~~when~~] if the translated document is
12 admitted into evidence;

13 (i) reasonable expenses involved in the production of exhibits,
14 which are admitted into evidence;

15 (j) official certification fees for documents admitted into
16 evidence; and

17 (k) interpreter fees for judicial proceedings and depositions.

18 (3) ***Non-recoverable costs.*** Unless specifically authorized by statute,
19 Supreme Court rule, or case law, the following costs generally are not recoverable:

20 (a) except as provided in [~~Paragraph~~] Subparagraph (D)(2)(i)

1 of this rule, photocopying and other reproduction expenses;

2 (b) telephone expenses;

3 (c) facsimile expenses;

4 (d) courier service expenses;

5 (e) attorney mileage, travel fare, and per diem expenses;

6 (f) paralegal and other support staff expenses;

7 (g) general office expenses; and

8 (h) legal research, including computer-assisted research.

9 (4) ***Procedure for recovery of costs.*** Within fifteen (15) days after
10 filing of the final judgment, the party recovering costs shall file with the clerk of the
11 district court an itemized cost bill, with proof of service [~~of a copy~~], on opposing counsel.
12 Any party failing to file a cost bill within fifteen (15) days after the filing of the final
13 judgment shall be deemed to have waived costs. If no objections are filed within ten (10)
14 days after service of the cost bill, the clerk of the district court shall tax the claimed costs,
15 which are allowable by law. The judge shall settle any objections filed.

16 E. **Attorney fees.**

17 (1) Claims for attorney fees and related nontaxable expenses shall be
18 made by motion unless the substantive law governing the action provides for the recovery

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1 of [~~such~~] the fees as an element of damages to be proved at trial.

2 (2) Unless otherwise provided by statute or order of the court, the
3 motion must be filed and served no later than fifteen (15) days after entry of judgment;
4 must specify the judgment and the statute or other grounds entitling the moving party to
5 the award; and must state the amount sought and the basis for the amount claimed.

6 (3) On request of a party or class member, the court shall afford an
7 opportunity for adversary submissions with respect to the motion. The court may
8 determine issues of liability for fees before receiving submissions bearing on issues of
9 evaluation of services for which liability is imposed by the court. A judgment shall be
10 prepared and entered as provided in Rule 1-058 NMRA.

11 F. **Applicability.** The provisions of this rule do not apply to claims for fees
12 and expenses as sanctions.

13 [As amended, effective October 1, 1996; December 15, 1999; February 1, 2001; as
14 amended by Supreme Court Order No. 08-8300-011, effective May 23, 2008; as amended
15 by Supreme Court Order No. 16-8300-009, effective for all cases pending or filed on or
16 after December 31, 2016; as amended by Supreme Court Order No. 21-8300-021,
17 effective for all cases pending or filed on or after December 31, 2021.]