

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

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

5 B. **Judgment ~~upon~~ on multiple claims or involving multiple parties.**

6 (1) Except as provided in Subparagraph (B)(2) [~~of this paragraph~~],
7 [~~when~~] if more than one claim for relief is presented in an action, whether as a claim or
8 counterclaim, the court may enter a final judgment [~~as to~~] about one or more₂ but fewer
9 than all of the claims₂ only [~~upon an express determination that there is~~] after expressly
10 finding no just reason for delay. [~~In the absence of such determination~~] If the court fails to
11 make a determination of no just reason for delay, any order or other form of decision,
12 however designated, which adjudicates fewer than all of the claims₂ shall not terminate the
13 action [~~as to~~] for any of the claims₂ and the order or other form of decision is subject to
14 revision at any time before the entry of judgment adjudicating all the claims.

15 (2) [~~When~~] If multiple parties are involved, judgment may be entered
16 adjudicating all issues [~~as to~~] about one or more, but fewer than all parties. [~~Such~~] The
17 judgment shall be a final judgment unless the court, in its discretion, expressly provides
18 otherwise in the judgment. If the judgment [~~provides~~] states that it is not a final judgment,
19 [~~it~~] the judgment shall not terminate the action [~~as to such~~] about a party or parties and shall
20 be subject to revision at any time before the entry of judgment adjudicating all claims and
21 the rights and liabilities of all the parties.

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

7 D. **Demand for judgment.** A judgment by default shall not be different in
8 kind from, or exceed in amount, that claimed in the complaint. Except ~~[as to a party against~~
9 ~~whom a judgment is entered by]~~ for a default judgment, ~~[every]~~ each final judgment shall
10 grant the relief ~~[to which]~~ sought by the party in whose favor ~~[it]~~ judgment is rendered ~~[is~~
11 ~~entitled]~~, even if the party has not demanded ~~[such]~~ the relief in the party's pleadings.

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

**METROPOLITAN COURT CIVIL
RULE 3-701**

**Supreme Court Approved
November 1, 2021**

1 provided by [~~Subsection D of Section 10-8-4~~] Section 10-8-4(D) NMSA 1978. The fee for
2 per diem expenses shall not be prorated.
3 [As amended, effective January 1, 1995; as amended by Supreme Court Order No. 21-
4 8300-021, effective for all cases pending or filed on or after December 31, 2021.]