

RULE CV-54. COSTS AND ATTORNEY'S FEES

(a) Bill of Costs.

(1) Unless otherwise determined by the court, costs will be assessed in the final judgment in a case. A party awarded costs shall prepare and file a proposed bill of costs on Form AO 133 not later than 14 days after the entry of judgment. The proposed bill of costs shall be served on all parties.

(2) Any party opposing a proposed bill of costs must notify the party requesting costs not later than 7 days after the filing of the proposed bill of costs. The parties must then confer in an effort to resolve the dispute.

(3) If a dispute remains:

(A) the parties may file a joint motion indicating the areas of agreement and the areas of disagreement; or

(B) the party requesting costs may file a motion indicating the areas of agreement and the areas of disagreement, to which the opposing party may file a response.

Either type of motion must be filed not later than 21 days after the filing of the proposed bill of costs. The motion must contain a certificate confirming compliance with the conference requirements of this rule.

(4) The clerk shall not tax costs until the expiration of 21 days after the filing of the proposed bill of costs. If no motion is filed in that time period, the clerk shall proceed to tax costs. In a case involving an uncontested bill of costs, if the clerk fails to tax costs within 28 days after the proposed bill of costs is filed, costs will be deemed taxed as proposed.

(5) A party dissatisfied with the clerk's action may file a motion to review the clerk's action not later than 7 days after the clerk has taxed costs.

(b) Claim for Attorney's Fees.

(1) Unless the substantive law requires a claim for attorney's fees and related nontaxable expenses to be proved at trial as an element of damages to be determined by a jury, a claim for fees shall be made by motion in accordance with paragraph (b)(2) not later than 14 days after entry of judgment pursuant to Federal Rule of Civil Procedure 54. A motion for award of attorney's fees filed beyond the 14-day period may be deemed untimely and a waiver of entitlement to fees.

(2) A claim for fees shall be made as follows. Counsel for the parties shall meet and confer for the purpose of resolving all disputed issues relating to attorney's fees prior to making application. The application shall certify that such a conference has occurred. If no agreement is reached, the applicant shall certify the specific reason why the matter could not be resolved by agreement. The motion shall include a supporting document

organized chronologically by activity or project, listing attorney name, date, and hours expended on the particular activity or project, as well as an affidavit certifying (1) that the hours expended were actually expended on the topics stated, and (2) that the hours expended and rate claimed were reasonable. Such application shall also be accompanied by a brief memo setting forth the method by which the amount of fees was computed, with sufficient citation of authority to permit the reviewing court the opportunity to determine whether such computation is correct. The request shall include reference to the statutory authorization or other authority for the request.

(3) A response or reply to a motion for attorney's fees must be filed in accordance with the provisions of Rule CV-7.