

VII. JUDGMENT

Rule 54. Judgments; Attorney Fees (ALTERNATE 1)

(a) **Definition; Form.** “Judgment” as used in these rules includes a decree and any order from which an appeal lies. A judgment should not include a recital of pleadings, a master’s report, or a record of prior proceedings.

(b) **Judgment on Multiple Claims or Involving Multiple Parties.** When an action presents more than one claim for relief—whether as a claim, counterclaim, crossclaim, or third-party claim—or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay. Otherwise, any order or other decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties does not end the action as to any of the claims or parties and may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties’ rights and liabilities.

(c) **Demand for Judgment; Relief to Be Granted.** A default judgment must not differ in kind from, or exceed in amount, what is demanded in the pleadings, except that where the prayer is for unspecified damages under Rule 8(a)(4) the court must determine the amount of the judgment. Every other final judgment should grant the relief to which each party is entitled, even if the party has not demanded such relief in its pleadings.

(d) **Attorney Fees.**

(1) **Reserved.**

(2) **Attorney Fees.**

(A) **Claim to Be by Motion.** A claim for attorney fees must be made by motion. The court may decide a post-judgment motion for attorney fees despite the existence of a pending appeal from the underlying final judgment.

(B) Timing and Contents of the Motion. Unless a statute or a court order provides otherwise, the motion must:

(i) be filed no later than 21 days after notice of entry of judgment is served;

(ii) specify the judgment and the statute, rule, or other grounds entitling the movant to the award;

(iii) state the amount sought or provide a fair estimate of it;

(iv) disclose, if the court so orders, the non-privileged financial terms of any agreement about fees for the services for which the claim is made; and

(v) be supported by:

(a) counsel's affidavit swearing that the fees were actually and necessarily incurred and were reasonable;

(b) documentation concerning the amount of fees claimed; and

(c) points and authorities addressing the appropriate factors to be considered by the court in deciding the motion.

(C) Extensions of Time. The court may not extend the time for filing the motion after the time has expired.

(D) Exceptions. Rules 54(d)(2)(A) and (B) do not apply to claims for attorney fees as sanctions or when the applicable substantive law requires attorney fees to be proved at trial as an element of damages.

Advisory Committee Note—2018 Amendment

As amended, Rule 54(a) and (b) now conform to their federal counterparts. From 2004 to 2018, Nevada Rule 54(b) departed from Federal Rule 54(b) in that it only permitted certification of judgments eliminating one or more parties, not claims. The 2018 amendments add the reference to claims back into the rule, thus permitting

the court to direct entry of a final judgment when one or more, but fewer than all, claims are resolved. The district court has discretion in deciding whether to grant Rule 54(b) certification; however, given the strong policy against piecemeal review, an order granting Rule 54(b) certification should provide detailed facts and reasoning demonstrating why interlocutory review is appropriate. An appellate court may review whether a judgment was properly certified under this Rule.

Rule 54(c) tracks the federal rule except for the Nevada-specific language regarding the amount of damages.

Rule 54(d) largely retains the existing Nevada rule. It omits Federal Rule 54(d)'s reference to costs, which are governed by statutes contained in NRS Chapter 18. Rule 54(d)(2)(B)(iv) is new and modeled on the federal rule, but modified to limit the required disclosure to financial terms.