

LR 54 - Bill of Costs and Attorney Fees (See Fed. R. Civ. P. 54)

LR 54-1 Costs - Other than Attorney Fees (See Fed. R. Civ. P. 54(d)(1))

(a) Filing Requirements (See 28 U.S.C. §§ 1920-24)

- (1) Bill of Costs: Not later than 14 days after entry of judgment or receipt and docketing of the appellate court's mandate, the prevailing party may file and serve on all parties a Bill of Costs that provides detailed itemization of all claimed costs. The prevailing party must file an affidavit [or declaration](#) and appropriate documentation.
- (2) Verification: The Bill of Costs must be verified as required by 28 U.S.C. § 1924.

(b) Objections

Not later than 14 days after service of the Bill of Costs, a party objecting to any item of cost must file and serve objections. Objections should be accompanied by an affidavit [or declaration](#) and supporting legal memorandum in support of the party's position. A response, if any, must be filed not later than 14 days after service of the objections.

(c) Word or Page-Count Limitations

- (1) Without prior Court approval, any legal memorandum in support of, or in opposition to, the Bill of Costs may not exceed 3,000 words, or in the alternative, ten pages. If the document exceeds the page limit, then the party must certify compliance with the word-count limit. This limitation includes headings, footnotes and quotations, but excludes the caption, signature block, exhibits, and any certificates of counsel.
- (2) Certificate of Compliance: As required by these rules, the party must file a Certificate of Compliance as to the word-count limit as provided in LR 7-2(b).

LR 54-2 Order Taxing Costs

(a) Authority to Tax Costs

Unless otherwise directed by the Court, the Clerk may tax costs provided in Fed. R. Civ. P. 54(d)(1).

(b) Objections to the Clerk's Order Taxing Costs

Notwithstanding Fed. R. Civ. P. 54(d)(1), not later than 14 days after filing of the Clerk's order taxing costs, any party may file and serve written objections to the Clerk's order. Unless requested by the Court, there will be no further submissions, and review by the Court will be determined on the same papers and evidence submitted to the Clerk.

(c) No Oral Argument

Unless requested by the Court, costs will be taxed on the written submissions of the parties and without oral argument.

LR 54-3 Motion for Award of Attorney Fees (*See Fed. R. Civ. P. 54(d)(2)*)

(a) Motion Requirements

In addition to the requirements of Fed. R. Civ. P. 54(d)(2)(B), any motion for attorney fees must set forth the relevant facts and arguments of the moving party, along with all supporting authorities, ~~and~~ affidavits, ~~or~~ declarations.

Practice Tip to LR 54-3

Reasonable Hourly Rate

As for the reasonable hourly rate, the Court uses the most recent Oregon State Bar Economic Survey as its initial benchmark. A current edition of the Economic Survey is available from the Oregon State Bar at its website: www.osbar.org. Attorneys may argue for higher rates based on inflation, specialty, or other factors. However, the Court requests that fee petitions address the Economic Survey and provide justification for requested hourly rates higher than reported by the Survey. Practitioners are also referred to the document "Message From the Court Regarding Attorney Fee Petitions" found on the Court's website.

(b) Objections or Other Responses

Objections and responsive materials are due not later than 14 days after service of the motion. Replies, if any, must be filed not later than 14 days after service of the objection.

(c) Hearing

Unless otherwise directed by the Court, any hearing on the motion for attorney fees will be heard by the Court without:

- (1) Segregating the issue of liability for attorney fees from the issue of the amount of fees;
- (2) Live testimony and/or cross-examination of witnesses;
- (3) Extending the time for appeal of the underlying judgment under Fed. R. Civ. P. 58; or
- (4) The parties submitting proposed findings and conclusions, and/or the parties objecting to proposed findings and conclusions issued by the Court.

(d) Other Options (*See Fed. R. Civ. P. 54(d)*)

The Court may issue other appropriate orders relating to the motion for attorney fees, including a decision to refer the motion and objections to mediation or other dispute resolution process.

(e) Legal Memoranda and Word or Page-Count Limitations

- (1) Without prior Court approval, all legal memoranda in support of, or in opposition to, motions for attorney fees may not exceed 3,000 words, or in the alternative, ten pages. If the document exceeds the page limit, then the party must certify compliance with the word-count limit. This limitation includes headings, footnotes and quotations, but excludes the caption, signature block, exhibits, and any certificates of counsel.
- (2) Certificate of Compliance: As required by these rules, the party must file a Certificate of Compliance as to the word-count limit as provided in LR 7-2(b).

Amendment History to LR 54	
June 1, 2000	
LR 54.1(a)(1)(A)	The phrase "or receipt and docketing of the appellate Court's mandate," has been added to clarify the filing deadlines.
June 1, 2002	
LR 54.4(b)	The sentence beginning "Unless otherwise directed" was added.
June 1, 2006	
Generally	"Cost Bills" changed to "Bill of Costs" throughout. Numeric format modified; <i>i.e.</i> "ten (10)".
LR 54.1(a)(1)	Subsection (B) deleted and merged into LR 54.1(a)(1). "The prevailing party . . ." sentence moved from (B) to LR 54.1(a)(1).
LR 54.1(b)	The word "supporting" added in second sentence. Permission to file a response added.
LR 54.2	Text of LR 54.3 moved to new (b) and subsequent sections re-lettered Subsection (c) "Order Taxing Costs" deleted.
LR 54.3	Text moved to LR 54.2(b) with subsequent sections re-numbered Practice tip added to LR 54.3(a) Subsection (b) text modified to permit a reply to the objection.
December 1, 2009	
LR 54-2(a)	Deleted phrase "one day after the time limits in LR 54-1 have expired."
LR 54-3	Citation to Oregon State Bar website added to practice tip.

Generally	Deadlines changed from "eleven (11)" days to "fourteen (14)" days. Updated cross-references.
March 1, 2012	
LR 54-1(c) now LR 54-1(c)(1) and (2)	Modified section to include an alternate word-count limitation of no more than 3,000 words. Headings, footnotes, and quotations count toward this limitation. The caption, table of authorities, signature block, and any certificates of counsel do not count toward this limitation. Included requirement of a Certificate of Compliance by the attorney, or unrepresented party, that the memorandum complies with the word-count limitation.
LR 54-3(c)	Changed "attorneys' fees" to "attorney fees."
LR 54-3(c)(1)	Changed "attorneys' fees" to "attorney fees."
LR 54-3(d)	Changed "attorneys' fees" to "attorney fees."
LR 54-3(e)	Modified language to include an alternate word-count limitation of 3,000 words.
March 1, 2013	
LR 54-1(c)	Title of the rule modified to show preference to word-count rather than page-count. The words, "Except as authorized in advance by the Court" changed to be "Without prior Court approval," to match similar language used in LRs 7-2(b) and 26-3(b). The rule was also simplified and amended to clarify that the certificate of compliance with the word-count limitation is necessary when the page-count limitation is exceeded, that the count (also) excludes exhibits, and that the certificate be as provided in LR 7-2(b).
LR 54-3(e)	Title of rule modified to show preference to word-count rather than page-count. The words, "Except as authorized in advance by the Court" changed to be "Without prior Court approval," and language as to what is included in the word-count and the certificate of compliance has been added to match similar language used in LRs 7-2(b) , 26-3(b) and 54-1(c).
March 1, 2014	
LR 54-1(a)	Changed "fourteen (14)" to "14."
LR 54-1(b)	Changed "fourteen (14)" to "14" in two instances.
LR 54-1(c)(1)	Changed "ten" to "10."
LR 54-2(b)	Changed "fourteen (14)" to "14."

LR 54-3(b)	Changed "fourteen (14)" to "14."
LR 54-3(e)(1)	Changed "ten (10)" to "ten."
<u>March 1, 2017</u>	
<u>LR 54-1(a)(1)</u>	<u>Added "or declaration" after "affidavit."</u>
<u>LR 54-1(b)</u>	<u>Added "or declaration" after "affidavit."</u>
<u>LR 54-3(a)</u>	<u>Deleted "and" before "affidavits" and added comma and "or declarations" after "affidavits."</u>