Rule 34. Costs.

(a) **To whom allowed**. Costs are awarded only in civil cases. Except as otherwise provided by law or court order:

(1) if an appeal is dismissed, costs must be awarded for the appellee unless the parties agree otherwise;

(2) if a judgment or order is affirmed, costs must be awarded for the appellee;

(3) if a judgment or order is reversed, costs must be awarded for the appellant;

(4) if a judgment or order is affirmed or reversed in part, or is vacated, costs are awarded only as the court orders.

(b) **Costs for and against the State of Utah**. In cases involving the State of Utah or an agency or officer thereof, the court has discretion to award costs for or against the State unless specifically required or prohibited by law.

(c) **Costs on appeal**. The following costs may be awarded:

(1) $3.00 per page of a printed brief and attachments;

(2) actual costs incurred in preparing and transmitting the record, including costs of the reporter's transcript unless the court orders otherwise;

(3) premiums paid for supersedeas or cost bonds to preserve rights pending appeal; and

(4) fees for filing and docketing the appeal.

(d) **Bill of costs awarded after remittitur**. A party claiming costs must, within 14 days after the remittitur is filed with the trial court clerk, serve on the adverse party and file with the trial court clerk an itemized and verified bill of costs. The adverse party may, within seven days of service of the bill of costs, serve and file a notice of objection, together with a motion to have the trial court award costs. If there is no objection to the cost bill within the allotted time, the trial court clerk must award the costs as filed and

26   enter judgment for the party entitled thereto, which judgment will be entered in the
27   judgment docket with the same force and effect as in the case of other judgments of
28   record. If the cost bill of the prevailing party is timely opposed, the clerk, upon reasonable
29   notice and hearing, must award the costs and enter a final determination and judgment
30   in the docket with the same force and effect as in the case of other judgments of record.
31   The clerk's determination will be reviewable by the trial court upon the request of either
32   party made within seven days of the entry of the judgment.

33   (e) **Costs in other proceedings and agency appeals**. In all other matters before the court,
34   including appeals from an agency, costs may be allowed as in cases on appeal from a trial
35   court. Within 14 days after the time to file a petition for rehearing expires or within 14
36   days after an order denying such a petition, the party to whom costs have been awarded
37   may file with the appellate clerk and serve on the adverse party an itemized and verified
38   bill of costs. The adverse party may, within seven days after the bill of costs is served, file
39   a notice of objection and a motion to have the costs awarded by the clerk. If no objection
40   to the cost bill is filed within the allotted time, the clerk must thereupon award the costs
41   and enter judgment against the adverse party. If the adverse party timely objects to the
42   cost bill, the clerk, upon reasonable notice and hearing, will determine and settle the costs,
43   award the same, and a judgment will be entered thereon against the adverse party. The
44   clerk's determination will be reviewable by the court upon either party's request made
45   within seven days after judgment is entered. Unless otherwise ordered, oral argument
46   will not be permitted. A judgment under this paragraph may be filed with the clerk of
47   any ~~district~~ trial court in the state, who must docket the judgment in the same manner
48   and with the same force and effect as ~~district~~ trial court judgments.

49   _____

50   **Advisory Committee Note**

51   In an effort to conform with the Supreme Court's directive to use plain language where
52   possible, the Court approved changing the term "taxed" to "awarded." No substantive
53   change is intended with this amendment.

54   *Note Aadopted May 1, 2021.*