

1 **Rule 34. Award of costs.**

2 **(a) To whom ~~allowed~~ awarded.** Except as otherwise provided by law, if an appeal is dismissed,  
3 costs ~~shall be taxed against the appellant~~ will be awarded to the appellee unless otherwise agreed by the  
4 parties or ordered by the court; if a judgment or order is affirmed, costs ~~shall be taxed against appellant~~  
5 will be awarded to the appellee unless otherwise ordered; if a judgment or order is reversed, costs ~~shall~~  
6 ~~be taxed against the appellee~~ will be awarded to the appellant unless otherwise ordered; if a judgment or  
7 order is affirmed or reversed in part, or is vacated, costs ~~shall be allowed~~ will be awarded as ordered by  
8 the court. Costs ~~shall~~ may not be ~~allowed or taxed~~ awarded in a criminal case.

9 **(b) Costs for and against the state of Utah.** In cases involving the ~~s~~State of Utah or an agency or  
10 officer thereof, an award of costs for or against the state ~~shall be~~ is at the discretion of the court unless  
11 specifically required or prohibited by law.

12 **(c) Costs of briefs and attachments, record, bonds and other expenses on appeal.** The  
13 following may be ~~taxed~~ awarded as costs in favor of the prevailing party in the appeal: ~~the actual costs of~~  
14 ~~a printed or typewritten brief or memoranda and attachments not to exceed \$3.00 for each page; actual~~  
15 ~~costs incurred in the preparation and transmission of the record, including costs of the reporter's transcript~~  
16 ~~unless otherwise ordered by the court; premiums paid for supersedeas or cost bonds to preserve rights~~  
17 ~~pending appeal; and the fees for filing and docketing the appeal.~~

18 **(d) ~~Bill of costs taxed after remittitur~~ Costs in an appeal from a trial court.** A party claiming costs  
19 ~~shall, in an appeal from a trial court a party must claim costs in the trial court under Rule of Civil~~  
20 ~~Procedure 54 within 45-14 days after the remittitur is filed with the clerk of the trial court, serve upon the~~  
21 ~~adverse party and file with the clerk of the trial court an itemized and verified bill of costs. The adverse~~  
22 ~~party may, within 5 days of service of the bill of costs, serve and file a notice of objection, together with a~~  
23 ~~motion to have the costs taxed by the trial court. If there is no objection to the cost bill within the allotted~~  
24 ~~time, the clerk of the trial court shall tax the costs as filed and enter judgment for the party entitled thereto,~~  
25 ~~which judgment shall be entered in the judgment docket with the same force and effect as in the case of~~  
26 ~~other judgments of record. If the cost bill of the prevailing party is timely opposed, the clerk, upon~~  
27 ~~reasonable notice and hearing, shall tax the costs and enter a final determination and judgment which~~  
28 ~~shall thereupon be entered in the judgment docket with the same force and effect as in the case of other~~  
29 ~~judgments of record. The determination of the clerk shall be reviewable by the trial court upon the request~~  
30 ~~of either party made within 5 days of the entry of the judgment.~~

31 **(e) Costs in other proceedings and agency appeals.** In all other matters ~~before the court~~, including  
32 appeals from an agency, costs may be ~~allowed~~ awarded as in cases on appeal from a trial court. Within  
33 ~~45-14 days after the expiration of the time in which to file a petition for rehearing may be filed or within 45~~  
34 ~~14 days after an order denying such a petition, the party to whom costs have been awarded may file with~~  
35 ~~the clerk of the appellate court and serve upon the adverse party an itemized and verified bill of costs.~~  
36 The adverse party may, within ~~5-7~~ days after the ~~service-filing~~ of the bill of costs file a ~~notice of an~~  
37 ~~objection and a motion to have the costs taxed by the clerk to the cost bill.~~ If no objection ~~to the cost bill~~ is

38 ~~filed within the allotted time, the clerk shall thereupon tax~~ will award the costs and enter judgment against  
39 the adverse party. If the adverse party timely objects to the cost bill, the clerk, upon reasonable notice  
40 and hearing, ~~shall will~~ determine and settle the costs, ~~tax the same, and enter a judgment shall be~~  
41 ~~entered thereon against the adverse party for the amount awarded.~~ The determination by the clerk ~~shall~~  
42 ~~be reviewable~~ will be reviewed by the court upon the request of either party made within ~~5-7~~ days of the  
43 entry of judgment; unless otherwise ordered, oral argument ~~shall is not be~~ permitted. ~~A~~ An abstract of a  
44 judgment under this ~~section paragraph~~ may be filed ~~with the clerk of in~~ any district court ~~in the state, who~~  
45 ~~shall docket a certified copy of the same in the manner and with the same force and effect as judgments~~  
46 ~~of the district court~~ under Rule of Civil Procedure 58A.

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