

Rule 78. Judgment, Attorney Fees, Costs, and Expenses

(a) Definitions; Form.

(1) “Judgment” as used in these rules ~~includes a decree~~ IS A DECREE OF DISSOLUTION OF MARRIAGE, A DECREE OF LEGAL SEPARATION, A DECREE OF DISSOLUTION OF A COVENANT MARRIAGE, A DECREE OF LEGAL SEPARATION OF A COVENANT MARRIAGE, A DECREE OF ANNULMENT, JUDGMENTS OF PATERNITY AND MATERNITY, AND A FINAL DECISION DEFINING OR MODIFYING LEGAL DECISION-MAKING, PARENTING TIME, OR CHILD SUPPORT. A FINAL DECISION ON A POST-JUDGMENT PETITION AS DEFINED IN RULE 91(B) IS A JUDGMENT. A TEMPORARY ORDER IS NOT A JUDGMENT. ~~or an order from which an appeal lies.~~

(2) “Decision” as used in this rule is a written order, ruling, or minute entry that adjudicates at least one claim or defense.

(b) Judgment upon Multiple Claims or Involving Multiple Parties. When more than one claim for relief is presented in an action, whether as a claim, counterclaim, ~~or~~ third-party claim, ~~or when multiple parties are involved,~~ OR PETITION TO MODIFY OR ENFORCE A JUDGMENT the court may direct the entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines there is no just reason for delay and recites that the judgment is entered under Rule 78(b). If there is no such express determination and recital, any 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 is subject to revision at any time before the entry of a judgment adjudicating all the claims and all the parties’ rights and liabilities. For purposes of this

ATTACHMENT

section, a claim for attorney fees is considered a separate claim from the related judgment regarding the merits of the action.

(c) Judgment as to All Claims, Issues, and Parties. A judgment as to all claims, issues, and parties is not final unless the judgment recites that no further matters remain pending and that the judgment is entered under Rule 78(c).

(d) Entry of Judgment after Death of Party. Judgment may be entered after the death of a party upon a decision or upon an issue of fact rendered in the party's lifetime, except that an order dissolving the marriage may not be entered after the death of either party.

(e) Attorney Fees, Costs, and Expenses.

(1) *Asserting a Claim for Attorney Fees, Costs, and Expenses.* A claim for attorney fees, costs, and expenses must be made in the pleadings or by motion filed before trial or a post-~~deeree~~ **JUDGMENT** evidentiary hearing. A claim for attorney fees, costs, and expenses must also be included in any required pretrial statement. A claim for attorney fees, costs and expenses not made in compliance with this subpart is waived absent good cause shown.

(2) *Establishing a Claim.* The claim must be supported by an itemized affidavit or exhibits submitted as directed by the court, or, in the court's discretion, by testimony.

(3) *Time of Determination.* The determination of attorney fees, costs, and expenses must be included in the judgment or as otherwise ordered by the court. If a party asserts a claim for attorney fees, costs, and expenses under subpart (e)(1), and a judgment is entered under this rule that omits a ruling on the claim, the claim is deemed denied unless the party files a **TIMELY** Rule 83 motion ~~within 15 days after entry~~ **of the judgment.**

(f) through (i) No changes.

Rule 91. Modification or Enforcement of a Judgment

(a) Definitions.

(1) *Judgment*. When used in this rule and in Rules 91.1 through 91.6, “judgment” ~~includes a decree of dissolution of marriage, a decree of legal separation, a decree of dissolution of a covenant marriage, a decree of legal separation of a covenant marriage, a decree of annulment, judgments of paternity and maternity, and orders defining legal decision-making, parenting time, or child support.~~ IS AS DEFINED IN RULE 78(A)(1).

(2) *Applicant*. When used in this rule and in Rules 91.1 through 91.6, an “applicant” is the party who, after the entry of a judgment, seeks to modify or enforce all or part of a judgment.

(3) *Designating the Parties*. The original designation of the parties as “petitioner” and “respondent” in this jurisdiction remains unchanged in all post-judgment petitions, motions, and documents.

(b) through (p) No changes.