

## RULE 39. COSTS

**(a) Against Whom Assessed.** The following rules apply in civil appeals unless the law provides or the court orders otherwise:

- (1) if an appeal is dismissed, costs are taxed against the appellant, unless the parties agree otherwise;
- (2) if a judgment is affirmed, costs are taxed against the appellant;
- (3) if a judgment is reversed, costs are taxed against the respondent;
- (4) if a judgment is affirmed in part, reversed in part, modified, or vacated, costs are taxed only as the court orders.

~~(b) Reserved.~~

~~(e)(b) Costs of Briefs, Appendices, Counsel's Transportation; Limitation. Limitations on Costs.~~

~~(1) **Costs of Copies.** The cost of producing necessary copies of briefs or appendices shall be taxable in the Supreme Court or Court of Appeals at a rate not to exceed 10 cents per page, or at actual cost, whichever is less. The cost of producing necessary copies of briefs or appendices shall be taxable in the Supreme Court or Court of Appeals at rates not higher than those generally charged for such work in the area where the district court is located.~~

~~(2) **Costs of Counsel's Transportation.** The actual costs of round-trip transportation within Nevada for one attorney, actually attending arguments before the Supreme Court or Court of Appeals, between the place where the district court is located and the place where the appeal is argued shall be taxable in the Supreme Court or Court of Appeals. For the purpose of this Rule, "actual costs" for private automobile travel shall be deemed to be 15 cents per mile the rate established by the Internal Revenue Service for business travel at the time such travel occurs, but where commercial air transportation is available at a cost less than private automobile travel, only the cost of the air transportation shall be taxable.~~

~~(3) **Bill of Costs.** Only those categories of costs identified in this section are taxable in the Supreme Court or Court of Appeals. A party who wants such costs taxed shall — within 14 days after entry of judgment — file an itemized and verified bill of costs with the clerk, with proof of service.~~

~~(4) **Objections.** Objections to a bill of costs shall be filed within 7 days after service of the bill of costs, unless the court extends the time.~~

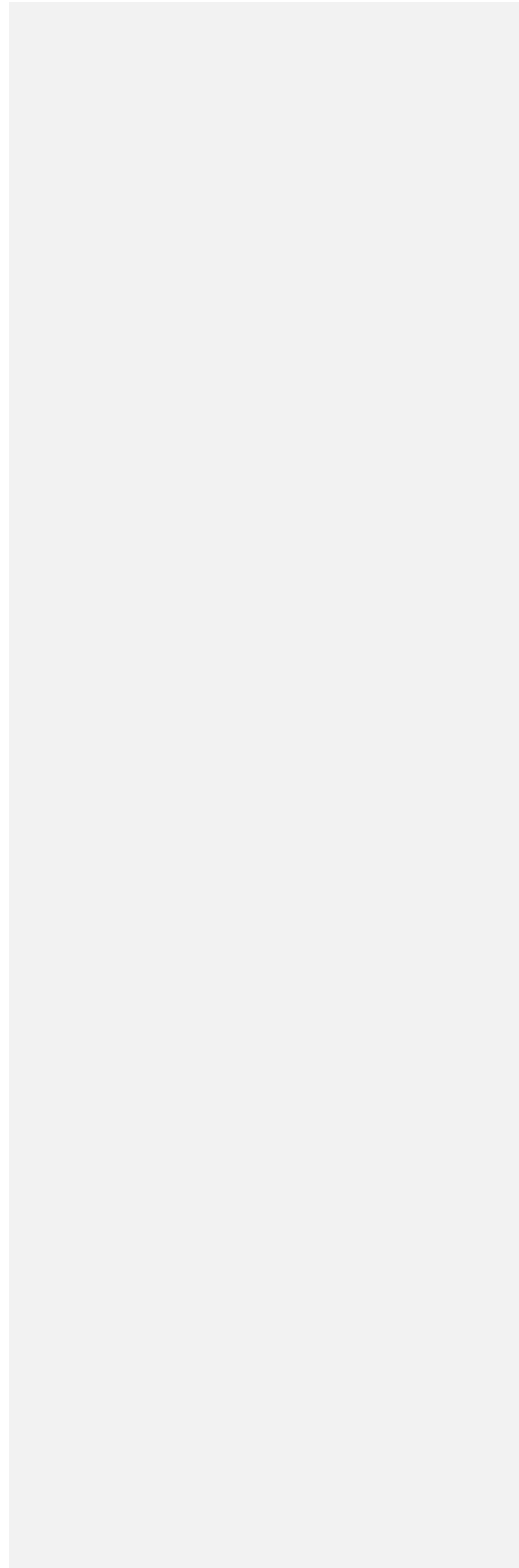
~~(5) **Limit on Costs.** The maximum amount of costs taxable under this section shall be \$500750.~~

~~(d)(c) **Clerk to Insert Costs in Remittitur.** The clerk shall prepare and certify an itemized statement of costs taxed in the Supreme Court or Court of Appeals for insertion in the remittitur, but issuance of the remittitur must not be delayed for taxing costs. If the remittitur issues before costs are finally determined, the district court clerk must — upon the Supreme~~

**Commented [DL1]:** This could be eliminated if e-filing became mandatory

Court clerk's request — add the statement of costs, or any amendment of it, to the remittitur.

~~(e)(d)~~ **Costs on Appeal Taxable in the District Courts.** The following costs on appeal are taxable in the district court for the benefit of the party entitled to costs under this Rule:



(1) the preparation and transmission of the record;

(2) the reporter's transcript, if ~~needed~~necessary to determine the appeal;

~~(3) preparation of the appendix;~~

~~(4)~~(3) premiums paid for a supersedeas bond or other ~~bond~~security to preserve rights pending appeal;

and

~~(5)~~(4) the fee for filing the notice of appeal. [As amended; effective March 1, 2019.]

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## Rule 39. Costs

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(a) **Against Whom Assessed.** The following rules apply unless the law provides or the court orders otherwise:

(1) if an appeal is dismissed, costs are taxed against the appellant, unless the parties agree otherwise;

(2) if a judgment is affirmed, costs are taxed against the appellant;

(3) if a judgment is reversed, costs are taxed against the appellee;

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

(b) **Costs For and Against the United States.** Costs for or against the United States, its agency, or officer will be assessed under Rule 39(a) only if authorized by law.

(c) **Costs of Copies.** Each court of appeals must, by local rule, fix the maximum rate for taxing the cost of producing necessary copies of a brief or appendix, or copies of records authorized by [Rule 30\(f\)](#). The rate must not exceed that generally charged for such work in the area where the clerk's office is located and should encourage economical methods of copying.

(d) **Bill of Costs: Objections; Insertion in Mandate.**

(1) A party who wants costs taxed must—within 14 days after entry of judgment—file with the circuit clerk and serve an itemized and verified bill of costs.

(2) Objections must be filed within 14 days after service of the bill of costs, unless the court extends the time.

(3) The clerk must prepare and certify an itemized statement of costs for insertion in the mandate, but issuance of the mandate must not be delayed for taxing costs. If the mandate issues before costs are finally determined, the district clerk must—upon the circuit clerk's request—add the statement of costs, or any amendment of it, to the mandate.

(e) **Costs on Appeal Taxable in the District Court.** The following costs on appeal are taxable in the district court for the benefit of the party entitled to costs under this rule:

- (1) the preparation and transmission of the record;
- (2) the reporter's transcript, if needed to determine the appeal;
- (3) premiums paid for a bond or other security to preserve rights pending appeal;
- and
- (4) the fee for filing the notice of appeal.

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## **CIRCUIT RULE 39-1. COSTS AND ATTORNEYS FEES ON APPEAL**

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### **39-1.1. Bill of Costs**

The itemized and verified bill of costs required by FRAP 39(d) shall be submitted on the standard Form 10 provided by this Court. It shall include the following information: (Rev. 1/1/05)

(1) The number of copies of the briefs or excerpts of record reproduced; and (Rev. 1/1/05)

(2) The actual cost per page for each document.

### **39-1.2. Number of Briefs and Excerpts**

Costs will be allowed for the required number of paper copies of briefs and 1 additional copy. Costs will also be allowed for any paper copies of the briefs that the eligible party was required to serve. (Rev. 1/1/05; 1/1/09; 12/1/09)

If excerpts of record were filed, costs will be allowed for the number of copies of the excerpts of record ordered by the Court to be produced, plus 1 copy for the filer and 1 copy for each party required to be served in paper form. (Rev. 12/1/09; 12/1/19)

### **39-1.3. Cost of Reproduction**

In taxing costs for photocopying documents, the clerk shall tax costs at a rate not to exceed 10 cents per page, or at actual cost, whichever is less. (Rev. 1/1/05; 12/1/09)

### **39-1.4. Untimely Filing**

Untimely cost bills will be denied unless a motion showing good cause is filed with the bill. (Rev. 7/93)

### **39-1.5. Objection to Bill of Costs**

If a response opposing a cost bill is filed, the cost bill shall be treated as a motion

under FRAP 27. (Rev. 12/1/09)

The Clerk or a deputy clerk may prepare and enter an order disposing of a cost bill, subject to reconsideration by the Court if exception is filed within 14 days after the entry of the order. (Rev. 7/93, 12/02; 12/1/09)