



1 **ORCP 54**

2 **Dismissal of actions; *[compromise]* offer to allow judgment**

3 \* \* \* \* \*

4 **E *[Compromise]* Offer to allow judgment; effect of acceptance or rejection.**

5 E(1) Except as provided in ORS 17.065 through 17.085, the party against whom a claim  
6 is asserted may, at any time up to 10 days prior to trial, serve upon the party asserting the claim  
7 an offer to allow judgment to be given against the party making the offer for the sum, or the  
8 property, or to the effect therein specified. **The offer shall not be filed with the court clerk or**  
9 **provided to any assigned judge, except as set forth in subsections E(2) and E(3) below.**

10 E(2) If the party asserting the claim accepts the offer, the party asserting the claim or  
11 such party's attorney shall endorse such acceptance thereon, and file the same with the clerk  
12 before trial, and within three days from the time it was served upon such party asserting the  
13 claim; and thereupon judgment shall be given accordingly, as a stipulated judgment. If the offer  
14 does not state that it includes costs and disbursements or attorney fees, the party asserting the  
15 claim shall submit any claim for costs and disbursements or attorney fees to the court as provided  
16 in Rule 68.

17 E(3) If the offer is not accepted and filed within the time prescribed, it shall be deemed  
18 withdrawn, and shall not be given in evidence [*on the*] **at trial and may be filed with the court**  
19 **only after the case has been adjudicated on the merits**[;] and **only** if the party asserting the  
20 claim fails to obtain a **judgment** more favorable **than the offer to allow** judgment[,]. **In such a**  
21 **case**, the party asserting the claim shall not recover costs, prevailing party fees, disbursements, or  
22 attorney fees incurred after the date of the offer, but the party against whom the claim was  
23 asserted shall recover of the party asserting the claim costs and disbursements, not including  
24 prevailing party fees, from the time of the service of the offer.

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17 E(3) If the offer is not accepted and filed within the time prescribed, it shall be deemed  
18 withdrawn, and shall not be given in evidence on the trial **and shall not be filed with the court**  
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26 \* \* \* \* \*