

COUNCIL ON COURT PROCEDURES

DRAFT HISTORY

OF ORCP 68

2011-2013 BIENNIUM



1           **C(1) Application of this section to award of attorney fees.** Notwithstanding Rule 1 A  
2 and the procedure provided in any rule or statute permitting recovery of attorney fees in a  
3 particular case, this section governs the pleading, proof, and award of attorney fees in all cases,  
4 regardless of the source of the right to recover[y of] such fees, except when:

5           C(1)(a) Such items are claimed as damages arising prior to the action; [or]

6           C(1)(b) Such items are granted by order, rather than entered as part of a judgment[.]; **or**

7           **C(1)(c) A statute refers to this rule but provides for a procedure that varies from the**  
8 **procedure specified in this rule.**

9           **C(2)(a) Alleging right to attorney fees.** A party seeking attorney fees shall allege the  
10 facts, statute, or rule that provides a basis for the award of such fees in a pleading filed by that  
11 party. Attorney fees may be sought before the substantive right to recover such fees accrues.  
12 No attorney fees shall be awarded unless a right to recover such fee is alleged as provided in  
13 this subsection **or in paragraph C(2)(b) of this rule.**

14           C(2)(b) If a party does not file a pleading [*and seeks judgment or dismissal by motion*]  
15 **but instead files a motion or a response to a motion,** a right to attorney fees shall be alleged in  
16 such motion **or response,** in similar form to the allegations required in a pleading.

17           C(2)(c) A party shall not be required to allege a right to a specific amount of attorney  
18 fees. An allegation that a party is entitled to “reasonable attorney fees” is sufficient.

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20 shall be deemed denied and no responsive pleading shall be necessary. The opposing party may  
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22 objection[s] to the form or specificity of **the** allegation of the facts, statute, or rule that provides  
23 a basis for the award of fees shall be waived if not alleged prior to trial or hearing.           **C(3)**

24 **Proof.** The items of attorney fees and costs and disbursements shall be submitted in the  
25 manner provided by subsection (4) of this section, without proof being offered during the trial.  
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1           **C(4) Procedure for seeking attorney fees or costs and disbursements.** The procedure  
2 for seeking attorney fees or costs and disbursements shall be as follows:

3           **C(4)(a) Filing and serving statement of attorney fees and costs and disbursements.** A  
4 party seeking attorney fees or costs and disbursements shall, not later than 14 days after entry  
5 of judgment pursuant to Rule 67:

6           C(4)(a)(i) File with the court a signed and detailed statement of the amount of attorney  
7 fees or costs and disbursements **that explains the application of any factors that ORS 20.075**  
8 **or any other statute or rule requires or permits the court to consider in awarding or denying**  
9 **attorney fees or costs and disbursements**, together with proof of service, if any, in accordance  
10 with Rule 9 C; and

11           C(4)(a)(ii) Serve, in accordance with Rule 9 B, a copy of the statement on all parties who  
12 are not in default for failure to appear.

13           **C(4)(b) Objections.** A party may object to a statement seeking attorney fees or costs and  
14 disbursements or any part thereof by **a** written objection[s] to the statement. The objection[s]  
15 **and supporting documents, if any**, shall be served within 14 days after service on the objecting  
16 party of a copy of the statement. The objection[s] shall be specific and may be founded in law  
17 or in fact and shall be deemed controverted without further pleading. [*Statements and*  
18 *objections may be amended in accordance with Rule 23.*] **The objecting party may present**  
19 **affidavits, declarations, and other evidence relevant to any factual issue, including any factors**  
20 **that ORS 20.075 or any other statute or rule requires or permits the court to consider in**  
21 **awarding or denying attorney fees or costs and disbursements.**

22           **C(4)(c) Response to objections.** **The party seeking an award of attorney fees may file a**  
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8 of the objection or response or unless the court sets a hearing on its own motion.

9 *[C(4)(c)(i) If objections are filed in accordance with paragraph C(4)(b) of this rule,]*

10 C(4)(e)(i) If a hearing is requested the court, without a jury, shall hear and determine  
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20 C(4)[(e)](g) Findings and conclusions. On the request of a party, the court shall make  
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1 | this paragraph, the court may make either general or special findings of fact and may state its  
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3 | **C(5) Judgment concerning attorney fees or costs and disbursements.**

4 | **C(5)(a) As part of judgment.** If all issues regarding attorney fees or costs and  
5 | disbursements are decided before entry of a judgment pursuant to Rule 67, the court shall  
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9 | attorney fees or costs and disbursements shall be made by supplemental judgment.

10 | **C(6) Avoidance of multiple collection of attorney fees and costs and disbursements.**

11 | **C(6)(a) Separate judgments for separate claims.** If more than one judgment is entered  
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1           **ALLOWANCE AND TAXATION OF ATTORNEY FEES AND COSTS AND DISBURSEMENTS**

2                                   **RULE 68**

3           **A Definitions.** As used in this rule:

4           **A(1) Attorney fees.** “Attorney fees” are the reasonable value of legal services related to  
5 the prosecution or defense of an action.

6           **A(2) Costs and disbursements.** “Costs and disbursements” are reasonable and  
7 necessary expenses incurred in the prosecution or defense of an action, other than for legal  
8 services, and include the fees of officers and witnesses; the expense of publication of  
9 summonses or notices, and the postage where the same are served by mail; any fee charged by  
10 the Department of Transportation for providing address information concerning a party served  
11 with summons pursuant to subparagraph D(4)(a)(i) of Rule 7; the compensation of referees; the  
12 expense of copying of any public record, book, or document admitted into evidence at trial;  
13 recordation of any document where recordation is required to give notice of the creation,  
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4           **A(1) Attorney fees.** “Attorney fees” are the reasonable value of legal services related to  
5 the prosecution or defense of an action.

6           **A(2) Costs and disbursements.** “Costs and disbursements” are reasonable and  
7 necessary expenses incurred in the prosecution or defense of an action other than for legal  
8 services, and include the fees of officers and witnesses; the expense of publication of  
9 summonses or notices, and the postage where the same are served by mail; any fee charged by  
10 the Department of Transportation for providing address information concerning a party served  
11 with summons pursuant to subparagraph D(4)(a)(i) of Rule 7; the compensation of referees; the  
12 expense of copying of any public record, book, or document admitted into evidence at trial;  
13 recordation of any document where recordation is required to give notice of the creation,  
14 modification, or termination of an interest in real property; a reasonable sum paid a person for  
15 executing any bond, recognizance, undertaking, stipulation, or other obligation therein; and any  
16 other expense specifically allowed by agreement, by these rules, or by **any** other rule or  
17 statute. The court, acting in its sole discretion, may allow as costs reasonable expenses incurred  
18 by a party for interpreter services. The expense of taking depositions shall not be allowed, even  
19 though the depositions are used at trial, except as otherwise provided by rule or statute.

20           **B Allowance of costs and disbursements.** In any action, costs and disbursements shall  
21 be allowed to the prevailing party, unless these rules or **any** other rule or statute direct that in  
22 the particular case costs and disbursements shall not be allowed to the prevailing party or shall  
23 be allowed to some other party, or unless the court otherwise directs. If, under a special  
24 provision of these rules or any other rule or statute, a party has a right to recover costs, such  
25 party shall also have a right to recover disbursements.

26           **C Award of and entry of judgment for attorney fees and costs and disbursements.**

1           **C(1) Application of this section to award of attorney fees.** Notwithstanding Rule 1 A  
2 and the procedure provided in any rule or statute permitting recovery of attorney fees in a  
3 particular case, this section governs the pleading, proof, and award of attorney fees in all cases,  
4 regardless of the source of the right to recovery of such fees, except when:

5           C(1)(a) Such items are claimed as damages arising prior to the action; [or]

6           C(1)(b) Such items are granted by order, rather than entered as part of a judgment[.]; **or**

7           **C(1)(c) A statute refers to this rule but provides for a procedure which varies from the**  
8 **procedure specified in this rule.**

9           **C(2)(a) Alleging right to attorney fees.** A party seeking attorney fees shall allege the  
10 facts, statute, or rule that provides a basis for the award of such fees in a pleading filed by that  
11 party. Attorney fees may be sought before the substantive right to recover such fees accrues.  
12 No attorney fees shall be awarded unless a right to recover such fee is alleged as provided in  
13 this subsection **or subsection C(2)(b) of this rule.**

14           C(2)(b) If a party does not file a pleading [*and seeks judgment or dismissal by motion*]  
15 **but instead files a motion or a response to a motion**, a right to attorney fees shall be alleged in  
16 such motion **or response**, in similar form to the allegations required in a pleading.

17           C(2)(c) A party shall not be required to allege a right to a specific amount of attorney  
18 fees. An allegation that a party is entitled to “reasonable attorney fees” is sufficient.

19           C(2)(d) Any allegation of a right to attorney fees in a pleading, [or] motion, **or response**  
20 shall be deemed denied and no responsive pleading shall be necessary. The opposing party may  
21 make a motion to strike the allegation or to make the allegation more definite and certain. Any  
22 objection[s] to the form or specificity of **the** allegation of the facts, statute, or rule that provides  
23 a basis for the award of fees shall be waived if not alleged prior to trial or hearing.           **C(3)**

24 **Proof.** The items of attorney fees and costs and disbursements shall be submitted in the  
25 manner provided by subsection (4) of this section, without proof being offered during the trial.  
26

1           **C(4) Procedure for seeking attorney fees or costs and disbursements.** The procedure  
2 for seeking attorney fees or costs and disbursements shall be as follows:

3           **C(4)(a) Filing and serving statement of attorney fees and costs and disbursements.** A  
4 party seeking attorney fees or costs and disbursements shall, not later than 14 days after entry  
5 of judgment pursuant to Rule 67:

6           C(4)(a)(i) File with the court a signed and detailed statement of the amount of attorney  
7 fees or costs and disbursements **that explains the application of any factors that ORS 20.075**  
8 **or any other statute or rule requires or permits the court to consider in awarding or denying**  
9 **attorney fees or costs and disbursements**, together with proof of service, if any, in accordance  
10 with Rule 9 C; and

11           C(4)(a)(ii) Serve, in accordance with Rule 9 B, a copy of the statement on all parties who  
12 are not in default for failure to appear.

13           **C(4)(b) Objections.** A party may object to a statement seeking attorney fees or costs and  
14 disbursements or any part thereof by **a** written objection[s] to the statement. The objection[s]  
15 **and supporting documents, if any**, shall be served within 14 days after service on the objecting  
16 party of a copy of the statement. The objection[s] shall be specific and may be founded in law  
17 or in fact and shall be deemed controverted without further pleading. [*Statements and*  
18 *objections may be amended in accordance with Rule 23.*] **The objecting party may present**  
19 **affidavits, declarations, and other evidence relevant to any factual issue, including any factors**  
20 **that ORS 20.075 or any other statute or rule requires or permits the court to consider in**  
21 **awarding or denying attorney fees or costs and disbursements.**

22           **C(4)(c) Response to objections.** **The party seeking an award of attorney fees may file a**  
23 **response to an objection filed pursuant to paragraph C(4)(b) of this rule. The response and**  
24 **supporting documents, if any, shall be served within seven days after service of the objection.**  
25 **The response shall be specific and may address issues of law or fact. The party seeking**  
26 **attorney fees may present affidavits, declarations, and other evidence relevant to any factual**

1 issue, including any factors that ORS 20.075 or any other statute or rule requires or permits  
2 the court to consider in awarding or denying attorney fees or costs and disbursements.

3 C(4)(d) Amendments. Statements, objections, and responses may be amended or  
4 supplemented in accordance with Rule 23.

5 C(4)((c))(e) Hearing on objections. No hearing shall be held and the court may rule on  
6 the request for attorney fees based upon the statement, objection, response, and any  
7 accompanying affidavits or declarations unless a party has requested a hearing in the caption  
8 of the objection or response or unless the court sets a hearing on its own motion.

9 *[C(4)(c)(i) If objections are filed in accordance with paragraph C(4)(b) of this rule],*

10 C(4)(e)(i) If a hearing is requested the court, without a jury, shall hear and determine  
11 all issues of law and fact raised by *[the statement of attorney fees or costs and disbursements*  
12 *and by]* the objection[s]. *[The parties shall be given a reasonable opportunity to present*  
13 *affidavits, declarations and other evidence relevant to any factual issue, including any factors*  
14 *that ORS 20.075 or any other statute or rule requires or permits the court to consider in*  
15 *awarding or denying attorney fees or costs and disbursements.]*

16 C(4)((c))(e)(ii) The court shall deny or award in whole or in part the amounts sought as  
17 attorney fees or costs and disbursements.

18 C(4)((d))(f) No timely objections. If objections are not timely filed, the court may award  
19 attorney fees or costs and disbursements sought in the statement.

20 C(4)((e))(g) Findings and conclusions. On the request of a party, the court shall make  
21 special findings of fact and state its conclusions of law on the record regarding the issues  
22 material to the award or denial of attorney fees. A party **must** *[shall]* make a request pursuant  
23 to this paragraph by including a request for findings and conclusions in the title of the  
24 statement of attorney fees or costs and disbursements, *[or]* objections, **or response** filed  
25 pursuant to paragraph (a), *[or]* (b), **or (c)** of this subsection. In the absence of a request under  
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1 | this paragraph, the court may make either general or special findings of fact and may state its  
2 | conclusions of law regarding attorney fees.

3 | **C(5) Judgment concerning attorney fees or costs and disbursements.**

4 | **C(5)(a) As part of judgment.** If all issues regarding attorney fees or costs and  
5 | disbursements are decided before entry of a judgment pursuant to Rule 67, the court shall  
6 | include any award or denial of attorney fees or costs and disbursements in that judgment.

7 | **C(5)(b) By supplemental judgment; notice.** If any issue regarding attorney fees or costs  
8 | and disbursements is not decided before entry of a general judgment, any award or denial of  
9 | attorney fees or costs and disbursements shall be made by supplemental judgment.

10 | **C(6) Avoidance of multiple collection of attorney fees and costs and disbursements.**

11 | **C(6)(a) Separate judgments for separate claims.** If more than one judgment is entered  
12 | in an action, the court shall take such steps as necessary to avoid the multiple taxation of the  
13 | same attorney fees and costs and disbursements in those judgments.

14 | **C(6)(b) Separate judgments for the same claim.** If more than one judgment is entered  
15 | for the same claim (when separate actions are brought for the same claim against several  
16 | parties who might have been joined as parties in the same action[,] or<sub>2</sub> when pursuant to Rule  
17 | 67 B<sub>2</sub> separate limited judgments are entered against several parties for the same claim),  
18 | attorney fees and costs and disbursements may be entered in each judgment as provided in  
19 | this rule, but satisfaction of one judgment bars recovery of attorney fees or costs and  
20 | disbursements included in all other judgments.

1           **ALLOWANCE AND TAXATION OF ATTORNEY FEES AND COSTS AND DISBURSEMENTS**

2                           **RULE 68**

3           **A Definitions.** As used in this rule:

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5           C(1)(a) Such items are claimed as damages arising prior to the action; [or]

6           C(1)(b) Such items are granted by order, rather than entered as part of a judgment[.]; **or**

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8 **procedure specified in this rule.**

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12 No attorney fees shall be awarded unless a right to recover such fee is alleged as provided in  
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17 attorney fees or costs and disbursements.

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7 | **C(5)(b) By supplemental judgment; notice.** If any issue regarding attorney fees or costs  
8 | and disbursements is not decided before entry of a general judgment, any award or denial of  
9 | attorney fees or costs and disbursements shall be made by supplemental judgment.

10 | **C(6) Avoidance of multiple collection of attorney fees and costs and disbursements.**

11 | **C(6)(a) Separate judgments for separate claims.** If more than one judgment is entered  
12 | in an action, the court shall take such steps as necessary to avoid the multiple taxation of the  
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15 | for the same claim (when separate actions are brought for the same claim against several  
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3 particular case, this section governs the pleading, proof and award of attorney fees in all cases,  
4 regardless of the source of the right to recovery of such fees, except when:

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6           C(1)(b) Such items are granted by order, rather than entered as part of a judgment.

7           **C(2)(a) Alleging right to attorney fees.** A party seeking attorney fees shall allege the  
8 facts, statute or rule that provides a basis for the award of such fees in a pleading filed by that  
9 party. Attorney fees may be sought before the substantive right to recover such fees accrues.  
10 No attorney fees shall be awarded unless a right to recover such fee is alleged as provided in  
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12           C(2)(b) If a party does not file a pleading [*and seeks judgment or dismissal by motion*]  
13 **but instead files a motion or response to a motion**, a right to attorney fees shall be alleged in  
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18 denied and no responsive pleading shall be necessary. The opposing party may make a motion  
19 to strike the allegation or to make the allegation more definite and certain. Any objections to  
20 the form or specificity of allegation of the facts, statute or rule that provides a basis for the  
21 award of fees shall be waived if not alleged prior to trial or hearing.

22           **C(3) Proof.** The items of attorney fees and costs and disbursements shall be submitted  
23 in the manner provided by subsection (4) of this section, without proof being offered during the  
24 trial.

1           **C(4) Procedure for seeking attorney fees or costs and disbursements.** The procedure  
2 for seeking attorney fees or costs and disbursements shall be as follows:

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10 are not in default for failure to appear.

11           **C(4)(b) Objections.** A party may object to a statement seeking attorney fees or costs and  
12 disbursements or any part thereof by a written objection[s] to the statement. The objection[s]  
13 **and supporting documents, if any,** shall be served within 14 days after service on the objecting  
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15 or in fact and shall be deemed controverted without further pleading. [*Statements and*  
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17 **affidavits, declarations, and other evidence relevant to any factual issue, including any factors**  
18 **that ORS 20.075 or any other statute or rule requires or permits the court to consider in**  
19 **awarding or denying attorney fees or costs and disbursements.**

20           **C(4)(c) Response to objections.** **The party seeking an award of attorney fees may file a**  
21 **response to an objection filed pursuant to ORCP C(4)(b). The response and supporting**  
22 **documents, if any, shall be served within 7 days after service of the objection. The response**  
23 **shall be specific and may address issues of law or fact. The party seeking attorney fees may**  
24 **present affidavits, declarations, and other evidence relevant to any factual issue, including**  
25 **any factors that ORS 20.075 or any other statute or rule requires or permits the court to**  
26 **consider in awarding or denying attorney fees or costs and disbursements.**

1 **C(4)(d) Amendments. Statements and objections may be amended or supplemented**  
2 **in accordance with Rule 23.**

3 **C(4)[(c)](e) Hearing on objections. No hearing shall be held and the court may rule on**  
4 **the request for attorney fees based upon the application, objection, response, and any**  
5 **accompanying affidavits or declarations unless a party has requested a hearing in the caption**  
6 **of the objection or response or unless the court sets a hearing on its own motion.**

7 *[C(4)(c)(i) If objections are filed in accordance with paragraph C(4)(b) of this rule],*

8 **C(4)(e)(i) If a hearing is requested the** court, without a jury, shall hear and determine  
9 all issues of law and fact raised by *[the statement of attorney fees or costs and disbursements*  
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14 **C(4)[(c)](e)(ii)** The court shall deny or award in whole or in part the amounts sought as  
15 attorney fees or costs and disbursements.

16 **C(4)[(d)](f) No timely objections.** If objections are not timely filed the court may award  
17 attorney fees or costs and disbursements sought in the statement.

18 **C(4) [(e)](g) Findings and conclusions.** On the request of a party, the court shall make  
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18 included in all other judgments.

1           **ALLOWANCE AND TAXATION OF ATTORNEY FEES AND COSTS AND DISBURSEMENTS**

2   **RULE 68**

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11 with summons pursuant to subparagraph D(4)(a)(i) of Rule 7; the compensation of referees; the  
12 expense of copying of any public record, book, or document admitted into evidence at trial;  
13 recordation of any document where recordation is required to give notice of the creation,  
14 modification or termination of an interest in real property; a reasonable sum paid a person for  
15 executing any bond, recognizance, undertaking, stipulation, or other obligation therein; and any  
16 other expense specifically allowed by agreement, by these rules, or by other rule or statute.  
17 The court, acting in its sole discretion, may allow as costs reasonable expenses incurred by a  
18 party for interpreter services. The expense of taking depositions shall not be allowed, even  
19 though the depositions are used at trial, except as otherwise provided by rule or statute.

20           **B Allowance of costs and disbursements.** In any action, costs and disbursements shall  
21 be allowed to the prevailing party, unless these rules or other rule or statute direct that in the  
22 particular case costs and disbursements shall not be allowed to the prevailing party or shall be  
23 allowed to some other party, or unless the court otherwise directs. If, under a special provision  
24 of these rules or any other rule or statute, a party has a right to recover costs, such party shall  
25 also have a right to recover disbursements.

26           **C Award of and entry of judgment for attorney fees and costs and disbursements.**



1           **C(1) Application of this section to award of attorney fees.** Notwithstanding Rule 1 A  
2 and the procedure provided in any rule or statute permitting recovery of attorney fees in a  
3 particular case, this section governs the pleading, proof and award of attorney fees in all cases,  
4 regardless of the source of the right to recovery of such fees, except when:

5           C(1)(a) Such items are claimed as damages arising prior to the action; or

6           C(1)(b) Such items are granted by order, rather than entered as part of a judgment.

7           **C(2)(a) Alleging right to attorney fees.** A party seeking attorney fees shall allege the  
8 facts, statute or rule that provides a basis for the award of such fees in a pleading filed by that  
9 party. Attorney fees may be sought before the substantive right to recover such fees accrues.  
10 No attorney fees shall be awarded unless a right to recover such fee is alleged as provided in  
11 this subsection.

12           C(2)(b) If a party does not file a pleading [*and seeks judgment or dismissal by motion*]  
13 **but instead files a motion or response to a motion**, a right to attorney fees shall be alleged in  
14 such motion **or response**, in similar form to the allegations required in a pleading.

15           C(2)(c) A party shall not be required to allege a right to a specific amount of attorney  
16 fees. An allegation that a party is entitled to “reasonable attorney fees” is sufficient.

17           C(2)(d) Any allegation of a right to attorney fees in a pleading or motion shall be deemed  
18 denied and no responsive pleading shall be necessary. The opposing party may make a motion  
19 to strike the allegation or to make the allegation more definite and certain. Any objections to  
20 the form or specificity of allegation of the facts, statute or rule that provides a basis for the  
21 award of fees shall be waived if not alleged prior to trial or hearing.

22           **C(3) Proof.** The items of attorney fees and costs and disbursements shall be submitted  
23 in the manner provided by subsection (4) of this section, without proof being offered during the  
24 trial.

1           **C(4) Procedure for seeking attorney fees or costs and disbursements.** The procedure  
2 for seeking attorney fees or costs and disbursements shall be as follows:

3           **C(4)(a) Filing and serving statement of attorney fees and costs and disbursements.** A  
4 party seeking attorney fees or costs and disbursements shall, not later than 14 days after entry  
5 of judgment pursuant to Rule 67:

6           C(4)(a)(i) File with the court a signed and detailed statement of the amount of attorney  
7 fees or costs and disbursements, together with proof of service, if any, in accordance with Rule  
8 9 C; and

9           C(4)(a)(ii) Serve, in accordance with Rule 9 B, a copy of the statement on all parties who  
10 are not in default for failure to appear.

11           **C(4)(b) Objections.** A party may object to a statement seeking attorney fees or costs and  
12 disbursements or any part thereof by written objections to the statement. The objections **and**  
13 **supporting documents, if any,** shall be served within 14 days after service on the objecting  
14 party of a copy of the statement. The objections shall be specific and may be founded in law or  
15 in fact and shall be deemed controverted without further pleading. [*Statements and objections*  
16 *may be amended in accordance with Rule 23.*] **The objecting party may present affidavits,**  
17 **declarations and other evidence relevant to any factual issue, including any factors that ORS**  
18 **20.075 or any other statute or rule requires or permits the court to consider in awarding or**  
19 **denying attorney fees or costs and disbursements.**

20           **C(4)(c) Response to Objections.** **The party seeking an award of attorney fees may file a**  
21 **response to an objection filed pursuant to ORCP C(4)(b). The response and supporting**  
22 **documents, if any, shall be served within 7 days after service of the objection. The response**  
23 **shall be specific and may address issues of law or fact. The party seeking attorney fees may**  
24 **present affidavits, declarations and other evidence relevant to any factual issue, including**  
25 **any factors that ORS 20.075 or any other statute or rule requires or permits the court to**  
26 **consider in awarding or denying attorney fees or costs and disbursements.**

1 **C(4)(d) Amendments. Statements and objections may be amended or supplemented**  
2 **in accordance with Rule 23.**

3 **C(4)[(c)](e) Hearing on objections. No hearing shall be held and the court may rule on**  
4 **the request of attorney fees based upon the application, objection, response and any**  
5 **affidavits or declarations filed therewith unless a party has requested a hearing in the caption**  
6 **of the objection or response.**

7 *[C(4)(c)(i) If objections are filed in accordance with paragraph C(4)(b) of this rule],*

8 **C(4)(e)(i) If a hearing is requested the** court, without a jury, shall hear and determine  
9 all issues of law and fact raised by *[the statement of attorney fees or costs and disbursements*  
10 *and by]* the objection[s]. The parties shall be given a reasonable opportunity to present  
11 affidavits, declarations and other evidence relevant to any factual issue, including any factors  
12 that ORS 20.075 or any other statute or rule requires or permits the court to consider in  
13 awarding or denying attorney fees or costs and disbursements.

14 **C(4)[(c)](e)(ii)** The court shall deny or award in whole or in part the amounts sought as  
15 attorney fees or costs and disbursements.

16 **C(4)[(d)](f) No timely objections.** If objections are not timely filed the court may award  
17 attorney fees or costs and disbursements sought in the statement.

18 **C(4) [(e)](g) Findings and conclusions.** On the request of a party, the court shall make  
19 special findings of fact and state its conclusions of law on the record regarding the issues  
20 material to the award or denial of attorney fees. A party shall make a request pursuant to this  
21 paragraph by including a request for findings and conclusions in the title of the statement of  
22 attorney fees or costs and disbursements or objections filed pursuant to paragraph (a) or (b) of  
23 this subsection. In the absence of a request under this paragraph, the court may make either  
24 general or special findings of fact and may state its conclusions of law regarding attorney fees.

25 /////  
26 /////  
27

1       **C(5) Judgment concerning attorney fees or costs and disbursements.**

2       **C(5)(a) As part of judgment.** If all issues regarding attorney fees or costs and  
3 disbursements are decided before entry of a judgment pursuant to Rule 67, the court shall  
4 include any award or denial of attorney fees or costs and disbursements in that judgment.

5       **C(5)(b) By supplemental judgment; notice.** If any issue regarding attorney fees or costs  
6 and disbursements is not decided before entry of a general judgment, any award or denial of  
7 attorney fees or costs and disbursements shall be made by supplemental judgment.

8       **C(6) Avoidance of multiple collection of attorney fees and costs and disbursements.**

9       **C(6)(a) Separate judgments for separate claims.** If more than one judgment is entered  
10 in an action, the court shall take such steps as necessary to avoid the multiple taxation of the  
11 same attorney fees and costs and disbursements in those judgments.

12       **C(6)(b) Separate judgments for the same claim.** If more than one judgment is entered  
13 for the same claim (when separate actions are brought for the same claim against several  
14 parties who might have been joined as parties in the same action, or when pursuant to Rule 67  
15 B separate limited judgments are entered against several parties for the same claim), attorney  
16 fees and costs and disbursements may be entered in each judgment as provided in this rule, but  
17 satisfaction of one judgment bars recovery of attorney fees or costs and disbursements  
18 included in all other judgments.