

From: Meggi Ihland <MIhland@bkmpc.com>
Sent: Friday, November 6, 2020 5:51 PM
To: (SUP) Clerk of Court Office <SupClerkofCourt@ndcourts.gov>
Subject: Notice of Comment for N.D.R.Civ.P. 54

Good Evening:

I am writing regarding the Joint Procedure Committee's August 27, 2020 proposed amendment to N.D.R.Civ.P. 54(e). I am not in favor of the proposed amendment as it stands.

The text of the rule currently allows filing a statement of costs, in conjunction with a party's concluding documents, with the clerk. The text of the proposed amendment would require the party to wait 30 days after entry of an order for judgment to file the statement of costs and then an objection period follows. This adds in a few additional steps that are not currently in place.

A large portion of my practice currently is in collections work from the creditor's side. In those matters, the costs are typically all mandatory; there are typically no expert witness fees and deposition fees, as in other cases. Collection default judgments are the largest category of civil judgments.

Accordingly, I recommend the rule be further amended to provide that upon order for default judgment under Rule 55(a)(1), the clerk shall enter judgment for the amount due and mandatory disbursements (filing fees, service of process fees, publication fees).

Meggi R. Ihland
Attorney at Law
Licensed in ND, MN, and MT
Schweigert, Klemin & McBride, P.C.
116 North 2nd St.
P.O. Box 955
Bismarck, ND 58502-0955
Phone (701) 258-8988
Fax (701) 258-8486

