

FILED

SEP 10 2015

RVIT TRIBAL COURT

IN THE COURT OF APPEALS  
FOR THE ROUND VALLEY INDIAN TRIBES  
A SOVEREIGN NATION OF CONFEDERATED TRIBES

In re: )  
          ) GENERAL ORDER NO. 2015-006  
**COSTS ON APPEAL** ) **(Effective September 15, 2015)**  
          )  
          )  
          )  
          )  
          )  
\_\_\_\_\_ )

GENERAL ORDER NO. 2015-006:

The Court of Appeals, having considered the need to augment the existing Rules of Court to guide the prompt and fair resolutions of cases, and pursuant to Section 1.11 of the Tribal Court Code of the Round Valley Indian Tribes, hereby adopt the following additional Rules for all matters filed or pending in this Court:

**Rule 16 Costs.** Except as otherwise expressly provided, a prevailing party is entitled as a matter of right to recover costs in any action or proceeding before the Court of Appeals. For purposes of this Rule, the following definitions apply:

- (a) “Prevailing party” includes an appellant whose judgment is reversed, or an appellee whose judgment is affirmed. If the judgment is affirmed in part and reversed in part, or if any other relief is granted, the Court shall determine the “prevailing party” and how costs should be apportioned.
- (b) “Costs” are reasonable costs actually incurred (whether or not paid) by the prevailing party.
  - i. “Costs” include filing fees; fees related to the preparation and transmission of the record of the proceedings below; service of process; premiums paid for a bond to preserve rights pending appeal; transcripts of court proceedings ordered by the Court; court reporter or recording fees ordered by the Court; interpreter fees ordered by the Court; and any other

reasonable costs as incident to prevailing in the action on appeal.

- ii. "Costs" do not include fees of experts not ordered by the Court; expenses related to the case in the tribal court; postage, telephone, and photocopying charges, except for exhibits; and transcripts of court proceedings not ordered by the Court.

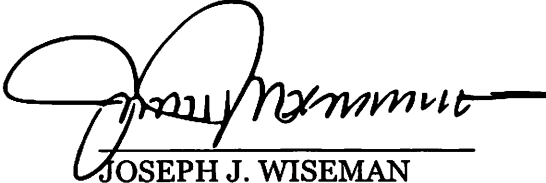
- (c) A party who is awarded costs must file an itemized and verified bill of costs with the Court within 14 days after entry of judgment. Objections must be filed within 14 days after service of the bill of costs.

**Rule 17 Sanctions** Upon a noticed motion, if the Court of Appeals determines that an appeal was frivolous, presented for improper purposes or lacked factual support, the Court may award attorney's fees, and single or double costs to the appellee. For purposes of this Rule, the following applies:

- (a) By presenting to the court signed document or oral argument, an attorney or unrepresented party certifies that to the best of the person's knowledge,
  - i. it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
  - ii. the claims, defenses, and other legal contentions are warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law or for establishing new law; and
  - iii. the factual contentions have evidentiary support.
- (b) A motion under this Rule must be filed no later than 14 days after entry of judgment, and must include an itemized and verified bill of costs and attorney's fees. Objections must be filed within 14 days after service of the bill of costs and attorney's fees.

**IT IS SO ORDERED.**

Dated: September 10, 2015



JOSEPH J. WISEMAN

Chief Justice, Court of Appeals  
Round Valley Indian Tribes