IRFLP 804

Idaho Rules of Family Law Procedure Rule 804. Judgment Upon Multiple Claims or Involving Multiple Parties.

A. Certificate of final judgment. When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third party claim, or when multiple parties are involved, the court may direct the entry of a final judgment upon one or more but less than all of the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction for the entry of the judgment. In the absence of such determination and direction, any order or other form of decision, however designated, which adjudicates less than all the claims or the rights and liabilities of less than all the parties shall not terminate the actions as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties. If any parties to an action are entitled to judgments against each other such as on a claim and counterclaim, or upon cross-claims, such judgments shall be offset against each other and a single judgment for the difference between the entitlements shall be entered in favor of the party entitled to the larger judgment. In the event the trial court determines that a judgment should be certified as final under this Rule, the court shall execute a certificate which shall immediately follow the court's signature on the judgment and be in substantially the following form:

CERTIFICATE OF FINAL JUDGMENT

With respect to the issues determined by the above judgment or order it is hereby CERTIFIED, in accordance with Rule 804 [1], that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED this _____ day of _____, 20_____.

_____

(Signature - Magistrate Judge)

B. Jurisdiction if appealed after certificate of final judgment. If a Certificate of Final Judgment is issued on a partial judgment and an appeal is filed, the trial court shall lose all jurisdiction over the entire action, except as provided in Rule 13 [2] of the Idaho Appellate Rules.

(Adopted April 2, 2014, effective for early adopters July 1, 2014, effective statewide July 1, 2015.)

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Links:
[1] http://www.isc.idaho.gov/irflp804

[2] http://www.isc.idaho.gov/iar