## I.R.C.P. 54.e.4. Pleading -- Default Judgments.

Idaho Rules of Civil Procedure Rule 54(e)(4). Pleading -- Default Judgments.

It shall not be necessary for any party in a civil action to assert a claim for attorney fees in any pleading; provided, however, attorney fees, when claimed to be allowable by contract or statute other than section 12-121, Idaho Code, shall not be awarded unless the prayer for relief in the complaint states that the party is seeking attorney fees and the dollar amount thereof in case judgment is entered by default. Any award of attorney fees in default judgments shall be subject to the other provisions of this Rule 54(e), and shall not exceed the amount prayed for in the complaint. Any award of attorney fees pursuant to I.C. Section 12-120, in default judgments in which the defendant has not appeared shall not exceed the amount of the judgment for the claim, exclusive of costs.

(Adopted January 2, 1979, effective March 1, 1979; amended June 15, 1987, effective November 1, 1987.)

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