

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 987

Amending Appellate Rule 204  
(a)(5) concerning amendments to  
pending appeals.

IT IS ORDERED:

Appellate Rule 204(a)(5) is amended to provide:

(5) Effect of Taxing of Costs,  
Prejudgment Interest and Awarding of Attorney's  
Fees.

[a] The running of the time for  
filing an appeal is not terminated by  
proceedings related to the taxing of costs  
pursuant to Civil Rule 79 or while awaiting  
calculation of prejudgment interest or  
proceedings related to the award of attorney's  
fees. However, the statement of points on  
appeal filed pursuant to Appellate Rule 210(e)  
and the designation of record on appeal filed  
pursuant to Appellate Rule 210(a)(1) may be  
amended by motion by an appellant or cross-  
appellant to include the award or denial of  
costs and attorney's fees or prejudgment  
interest and pertinent portions of the record.  
These subjects will thereafter be considered  
part of the appeal if covered in the brief of  
appellant or cross-appellant. If no appeal or  
cross-appeal is pending, the allowance of costs  
and attorney's fees or the award of prejudgment  
interest shall be considered a final judgment  
subject to separate appeal limited to the

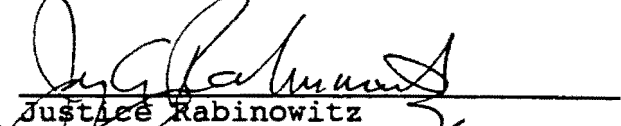
subject of costs, attorney's fees or  
prejudgment interest.

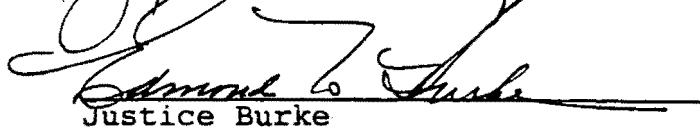
[b] Notwithstanding Rule 203, the  
pendency of an appeal shall not divest the  
trial court of jurisdiction to consider the  
matters of costs and attorney's fees pursuant  
to Civil Rules 79 and 82.

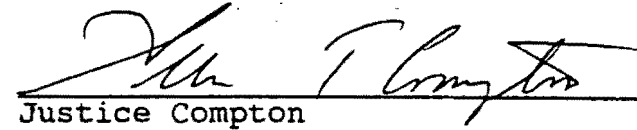
DATED: July 13, 1989

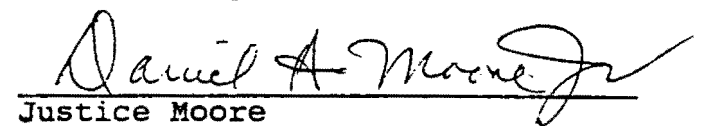
EFFECTIVE DATE: January 15, 1990

  
Chief Justice Matthews

  
Justice Rabinowitz

  
Justice Burke

  
Justice Compton

  
Justice Moore