



## Filing Fee Confusion Abounds

In December, I wrote about the [new filing fee requirements](#) under [HB 2287](#). Since that time [Tanya Hanson](#) and I have had the opportunity to work with staff at the Multnomah County Civil Department to hone the document that was first posted on our [Web site](#).

If you are confused or frustrated you are not alone.

Here are four examples we hope will help:

1. Enhanced amount claimed and two parties:

Jan Smith v. Tom Jones – Prayer of \$51,000

Total number of petitioners/plaintiffs:	1
Total number of defendants/respondents:	1
Prayer fee range \$50,000-\$149,999	\$335
Total due from plaintiff Smith:	\$335
First appearance defendant Jones:	\$335 + any motion fee, if applicable.

2. Enhanced amount claimed and 2 plaintiffs and 2 defendants:

Jan Smith and Tom Jones v. ABC Corporation and 123 Realty – Prayer of \$51,000

Total number of petitioners/plaintiffs:	2
Total number of defendants/respondents:	2
Prayer fee range \$50,000-\$149,999	\$335
Total due from plaintiff Smith to file the complaint:	\$867
Total due from plaintiff Jones:	Nothing
First appearance defendant ABC:	\$335 + any motion fee
First appearance defendant 123 Realty:	\$335 + any motion fee

In this example, the fees of plaintiff Smith are \$867, calculated as follows: \$335 for the plaintiff filing the complaint (Smith), \$335 for the second initiating party (Jones), plus \$197 for one *additional* defendant. Plaintiff Jones' appearance is paid for by Plaintiff Smith at the time of filing the action.

The total due from each defendant is \$335. If defendants ABC and 123 Realty are *jointly* represented, the total first appearance fee is \$670. If the first appearance is a Motion (not an Answer), and there is a fee for filing that particular type of motion, the additional motion filing fee is due.

3. Nonmonetary claim and 2 parties:

Jan Smith v. Tom Jones – Seeking Nonmonetary Relief – Declaratory Judgment

Total due from plaintiff Smith:	\$197 (base fee)
Total due from defendant Jones:	\$197 (base fee) + Any Motion Fee

4. Amount of claim is within ORS 21.110 (2)

Jan Smith and Tom Jones v. Kyle Green DBA Western Roofing and Kyle Green individually – Prayer \$8,000

Total number plaintiffs:	2
Total number of defendants:	2
Prayer under \$10,000, qualifies for a fee under ORS 21.110 (2) of \$137 for all plaintiffs to appear in the action. Smith would pay that fee on filing. Jones would pay no fee.	
If Green appears jointly in his individual and business capacities, then only one appearance fee of \$137 is paid.	
If Green appears separately from the business, then each would pay an appearance fee of \$137.	

### **For Actions With Fees Set Under ORS 21.110 (2) – Do Not Use The Calculator**

If your case qualifies for the reduced filing fee provided by ORS 21.110 (2) – which applies to some specific types of claims for relief that involve recovery amounts of \$10,000 or less – you are exempt from the additional party fee, and you do not need to use the fee calculator. The filing fee for civil actions which qualify under ORS 21.110 (2) is \$137. There is no ORS 21.110 (1) (b) “additional party” fee; this exception to the additional party fee is provided by [Chief Justice Order 09-052](#).

Another difference under [HB 2287](#) for these “under \$10,000” cases concerns multiple defendants. If there are multiple defendants, the defendants appearing jointly in an action filed under ORS 21.110 (2) may pay only a single appearance fee.

### **For Actions With Fees Set Under ORS 21.110 (1) – Always Use The Calculator**

For every other type of civil action, whether seeking recovery of a monetary amount or nonmonetary relief, the claim has a base fee of \$197 for monetary claims up to \$49,999, and, for monetary claims of \$50,000 or more, there is a graduated fee scale depending on the total amount of the monetary claims in the case. There is also an “additional party” fee under ORS 21.110 (1) (b) for these cases; the additional party fee applies to every additional party beyond one plaintiff and one defendant and parties appearing jointly must each pay a filing or appearance fee. For all of these cases parties should use the Oregon Judicial Department’s [Fee Calculator](#) when filing or appearing in the action.

To learn more, read [Understanding the New Filing Fee Requirements in Civil Cases \(HB 2287\)](#).

(Also posted on the [PLF Web site](#). Select *In Brief*, then choose the December 2009 issue.)

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