

Amendments to Rule 58

Rule 58 is amended as follows:

Rule 58. [~~Entry of]~~ **Entering** Judgment[~~, Decree or Final Order]~~

(a) Judgments. Subject to the provisions of Rule 54(b), a judgment, decree or final order [~~shall~~] **must** be entered upon every final decision from which an appeal lies.

(b) Separate Document.

[~~—————~~[(1)]] Every judgment and amended judgment must be set [~~forth on~~] **out in a** separate document, but a separate document is not required for an order disposing of a motion:

[(A) **1**] for judgment under Rule 50(b);

[(B) **2**] to amend or make additional findings [~~or fact~~] under Rule 52(b);

[(C) **3**] for attorney's fees under Rule 54;

[(D) **4**] for a new trial, or to alter or amend the judgment, under Rule 59; or

[(E) **5**] for relief under Rule 60.

(c) Entering Judgment.

[(2)] **1) Without the Court's Direction**. Subject to Rule 54(b)[:] [(A)] **and** unless the court orders otherwise, the clerk must, without awaiting the court's direction, promptly prepare, sign, and enter the judgment when:

[(i) **A**] the jury returns a general verdict;

[(ii) **B**] the court awards only costs or a sum certain; or

([iii] **C**) the court denies all relief;

([B]) **2) Court's Approval Required. Subject to Rule 54(b)**, the court must promptly approve the form of the judgment, which the clerk must promptly enter, when:

([i] **A**) the jury returns a special verdict or a general verdict [accompanied by interrogatories,] **with answers to written questions;** or

([ii] **B**) the court grants other relief not described in [Rule 58(a)(2).] **this subdivision (c).**

([e] **d**) Time of Entry. [Judgment is entered for] **For** purposes of these rules, **judgment is entered at the following times:**

[~~(1) if Rule 58(b)(1) does not require a separate document, when it is entered in the civil docket under Rule 79(a), and~~]

(1) if a separate document is not required, when the judgment is entered in the civil docket under Rule 79(a); or

(2) if [Rule 58(b)(1) requires] a separate document **is required**, when [it] **the judgment** is entered in the civil docket under Rule 79(a) and [when] the earlier of these events occurs:

(A) [when] it is set [forth on] **out in** a separate document[,]; or

(B) [when] 150 days have run from **the** entry in the civil docket [under Rule 79(a).].

(e) Request for Entry. A party may request that judgment be set [forth on] **out in** a separate document as required by Rule 58(b)[(1)].

(~~(d)~~ **f**) Cost or Fee Awards. (~~(1)~~ Entry] **Ordinarily, the entry** of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. [~~;~~] [~~except~~ as provided in Rule 58(d)(2). (~~2)~~ When] **But if** a timely motion for [~~attorney~~ **attorney's**] fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and [~~has~~] become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

(As amended Oct. 3, 1984, eff. Jan. 1, 1985; Dec. 18, 2001, eff. Apr. 1, 2002; Sept. 30, 2003, eff. Jan. 1, 2004; **Nov. 25, 2008, eff. Jan. 1, 2009.**)