

Amendments to Rule 59

Rule 59 is amended as follows:

Rule 59 New ~~[Trials; Rehearings; Amendment of Judgments]~~ **Trial; Rehearing; Altering or Amending a Judgment**

(a) ~~[Grounds. A]~~ In General.

(1) Grounds for New Trial or Rehearing. The court may, on motion, grant a new trial or rehearing ~~[may be granted to]~~ on all or ~~[any of the parties and on all or part of the issues (1) in an action in which there has been a trial by jury, for any of the reasons for which new trials have]~~ **some of the issues -- and to any party -- as follows:**

(A) after a jury trial, for any reason for which a new trial has heretofore been granted in ~~[actions at law in the courts of the United States; and (2) in an action tried without a jury or in an action finally determined, for any of the reasons]~~ **an action at law in federal court; or**

(B) after a nonjury trial, for any reason for which ~~[rehearings have]~~ **a rehearing has** heretofore been granted in ~~[suits in equity in the courts of the United States. On a]~~ **a suit in equity in federal court.**

(2) Further Action After a Nonjury Trial. After a nonjury trial, the court **may, on** motion for a new trial ~~[in an action tried without a jury, the court may]~~, open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new ~~[findings and conclusions]~~ **ones**, and direct the entry of a new judgment.

(b) Time [for] **to File a Motion**. A motion for a new trial or rehearing [shall] **must** be served and filed not later than 30 days after the entry of the judgment or order.

(c) Time [for Serving] **to Serve Affidavits**. When a motion for a new trial or rehearing is based [upon] **on** affidavits, they [shall] **must** be [served] **filed** with the motion. The opposing party has 10 days after [such service within which to serve] **being served to file** opposing affidavits [,-which]; **but that** period may be extended for [an additional period not exceeding] **up to** 20 days, **either** by [order of] the court for good cause [shown] or by the parties' [by written] stipulation. The court may permit reply affidavits.

(d) [On] **New Trial on the Court's Initiative or for Reasons not in the Motion**. [Not] **No** later than 30 days after the entry of judgment, or order, the court, on its own [initiative], may order a new trial or rehearing for any reason that would justify granting one on a party's motion. After giving the parties notice and an opportunity to be heard [on the matter], the court may grant a **timely** motion for a new trial or rehearing, [timely served,] for a reason not stated in the motion. [When granting a new trial on its own initiative or for a reason not stated in a motion] **In either event**, the court [shall] **must** specify the [grounds] reasons in its order.

(e) Motion [To] **to Alter or Amend a Judgment**. A motion to alter or amend a judgment [shall] **must** be served [not] **no** later than 30 days after the entry of the judgment.

PRACTICE COMMENT: Rule 59(b) provides for a 30-day period within which to move for a new trial or rehearing. In contrast, Rule 59(b) of the Federal Rules of Civil Procedure provides for a 10-day period. The lengthier period is required by 28 U.S.C. § 2646, a statute not applicable to the district courts.

(As amended Oct. 3, 1984, eff. Jan. 1, 1985; Oct. 3, 1990, eff. Jan. 1, 1991; Dec. 18, 2001, eff. Apr. 1, 2002; **Nov. 25, 2008, eff. Jan. 1, 2009.**)