

### Proposed Amendments to Rule 58

Rule 58 is amended as follows:

Rule 58. Entering Judgment

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

**(b)** Separate Document. Every judgment and amended judgment must be set out in a separate document, but a separate document is not required for an order disposing of a motion:

- (1) for judgment under Rule 50(b);
- (2) to amend or make additional findings under Rule 52(b);
- (3) for attorney's fees under Rule 54;
- (4) for a new trial, or to alter or amend the judgment, under Rule 59; or
- (5) for relief under Rule 60.

**(c)** Entering Judgment.

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

- (A) the jury returns a general verdict;
- (B) the court awards only costs or a sum certain; or
- (C) the court denies all relief.

(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:

(A) the jury returns a special verdict or a general verdict with answers to written questions; or

(B) the court grants other relief not described in this subdivision (~~e~~**b**).

~~(d~~**c**) Time of Entry. For purposes of these rules, judgment is entered at the following times:

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

(2) if a separate document is required, when the judgment is entered in the civil docket under Rule 79(a) and the earlier of these events occurs:

(A) it is set out in a separate document; or

(B) 150 days have run from the entry in the civil docket.

~~(e~~**d**) Request for Entry. A party may request that judgment be set out in a separate document as required by Rule 58(~~b~~**a**).

~~(f~~**e**) Cost or Fee Awards. Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and 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; \_\_\_\_\_, 2022, eff. \_\_\_\_\_, 2022.)

**Advisory Committee Note**

Rule 58 has been amended to conform to the current version of the Federal Rules of Civil Procedure. After the Federal Rule of Civil Procedure was amended in 2007, the Advisory Committee considered whether a corresponding amendment was appropriate for the CIT's rules. The Committee recommended retaining the different USCIT subpart (a) which provided "(a) Judgments. Subject to the provisions of Rule 54(b), a judgment, decree or final order must be entered upon every final decision from which an appeal lies." Upon reconsideration, the Committee now recommends deleting USCIT subpart (a) and renumbering subparts (b) through (f) to (a) through (e) and making conforming changes to the subparts referenced in Rule 58 as needed. USCIT Rule 54(b), which is identical to FRCP Rule 54(b), does not refer to decree or final order, but rather uses the word judgment. USCIT Rule 54(a) is identical to FRCP Rule 54(a), and defines "judgment" as including "a decree or any order from which an appeal lies." Accordingly, USCIT Rule 58(a) is unnecessary because the other provisions of Rule 58 explain how judgment will be entered and USCIT Rule 54(a) defines Judgment as including "a decree or any order from which an appeal lies." Once these modifications are made, CIT Rule 58 and FRCP 58 will be identical.