

1 **Rule 59. New trial; altering or amending a judgment.**

2 *Effective: 5/1/2016*

3 (a) **Grounds.** Except as limited by Rule [61](#), a new trial may be granted to any party on
4 any issue for any of the following reasons:

5 ~~(a)~~(1) irregularity in the proceedings of the court, jury or opposing party, or any
6 order of the court, or abuse of discretion by which a party was prevented from
7 having a fair trial;

8 ~~(a)~~(2) misconduct of the jury, which may be proved by the affidavit or declaration of
9 any juror;

10 ~~(a)~~(3) accident or surprise that ordinary prudence could not have guarded against;

11 ~~(a)~~(4) newly discovered material evidence that could not, with reasonable diligence,
12 have been discovered and produced at the trial;

13 ~~(a)~~(5) excessive or inadequate damages that appear to have been given under the
14 influence of passion or prejudice;

15 ~~(a)~~(6) insufficiency of the evidence to justify the verdict or other decision; or

16 ~~(a)~~(7) that the verdict or decision is contrary to law or based on an error in law.

17 (b) **Time for motion.** A motion for a new trial must be filed no later than 28 days after
18 entry of the judgment. When the motion for a new trial is filed under paragraph (a)(1),
19 (2), (3), or (4), it must be supported by affidavits or declarations. If a motion for a new
20 trial is supported by affidavits or declarations, they must be served with the motion.

21 (c) **Further action after non-jury trial.** After a nonjury trial, the court may, on motion
22 for a new trial, open the judgment if one has been entered, take additional testimony,
23 amend findings of fact and conclusions of law or make new ones, and direct entry of a
24 new judgment.

25 (d) **New trial on initiative of court or for reasons not in the motion.** No later than 28
26 days after entry of the judgment the court, on its own, may order a new trial for any

27 reason that would justify a new trial on motion of a party. After giving the parties
28 notice and an opportunity to be heard, the court may grant a timely motion for a new
29 trial for a reason not stated in the motion. The order granting a new trial must state the
30 reasons for the new trial.

31 (e) **Motion to alter or amend a judgment.** Unless otherwise provided for by statute or
32 rule, a motion to alter or amend the judgment must be filed no later than 28 days after
33 entry of the judgment.

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