

Rule 59. New trials; amendment of judgments

(a) In General.

(1) **Grounds for New Trial.** The court may, on motion, grant a new trial on all or some of the issues—and to any party—for any of the following causes or grounds materially affecting the substantial rights of the party making the motion:

(A) Irregularity in the proceedings of the court, jury, master, or adverse party, or any order of the court, or master, or abuse of discretion by which either party was prevented from having a fair trial;

(B) Misconduct of the jury or prevailing party;

(C) Accident or surprise which ordinary prudence could not have guarded against;

(D) Newly discovered evidence material for the party making the motion which the party could not, with reasonable diligence, have discovered and produced at the trial;

(E) Manifest disregard by the jury of the instructions of the court;

(F) Excessive damages appearing to have been given under the influence of passion or prejudice; or,

(G) Error in law occurring at the trial and objected to by the party making the motion.

(2) **Further Action After a Nonjury Trial.** On a 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, and direct the entry of a new judgment.

(b) **Time to File a Motion for a New Trial.** A motion for a new trial must be filed no later than 28 days after service of written notice of entry of judgment.

(c) **Time to Serve Affidavits.** When a motion for a new trial is based on affidavits, they must be filed with the motion. The opposing party has 14 days after being served to file opposing affidavits. The court may permit reply affidavits.

(d) **New Trial on the Court's Initiative or for Reasons Not in the Motion.** No later 28 days after service of written notice of entry of judgment, the court, on its own, may issue an order to show cause why a new trial should not be granted for any reason that would justify granting one on a party's motion. After giving the parties notice and the opportunity to be heard, the court may grant a party's timely motion for a new trial for a reason not stated in the motion. In either event, the court must specify the reasons in its order.

(e) **Motion to Alter or Amend a Judgment.** A motion to alter or amend a judgment must be filed no later than 28 days after service of written notice of entry of judgment.

(f) **No Extensions of Time.** The 28-day time periods specified in this rule cannot be extended under Rule 6(b).