

Rule 59. Amendment of Judgments; New Trials

(a) Motion to alter or amend judgment or for new trial. A motion to alter or amend judgment or for a new trial may be granted where the interests of justice require. On a motion for a new trial, 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 for motion. A motion to alter or amend judgment or for a new trial shall be filed no later than 10 days after entry of the judgment.

(c) Time for serving affidavits. When a motion for new trial is based on affidavits they shall be served with the motion. The opposing party has 10 days after such service within which to serve opposing affidavits, which period may be extended for an additional period not exceeding 20 days either by the Court for good cause shown or by the parties by written stipulation. The Court may permit reply affidavits.

(d) On Court's initiative; notice; specifying grounds. No later than 10 days after entry of judgment the Court, on its own initiative, may alter or amend the judgment, or may order a new trial for any reason that would justify granting one on a party's motion. After giving the parties notice and an opportunity to be heard, the Court may grant a timely motion for a new trial for a reason not stated in the motion. When granting a new trial on its own initiative or for a reason not stated in the motion, the Court shall specify the grounds in its order.

COMMENT

This Rule has been revised and reorganized for clarity. With the exception of the amendment to paragraph (d) explicitly allowing the Court to alter or amend a judgment on its own initiative no later than 10 days after entry of the judgment, the Rule is not intended to modify the substance or effect of SCR-Civil 59 with respect to trials in Domestic Relations actions. Grounds for a new trial under this Rule include manifest error of law or fact, and newly discovered evidence which is material to a significant issue. Similar to the civil rule, a timely motion under this Rule will toll the time for appeal. D.C. App. Rule 4(a)(2).