

Rule 52. Findings and Conclusions by the Court; Judgment on Partial Findings

(a) FINDINGS AND CONCLUSIONS.

(1) *In General.* Unless expressly waived by all parties, in an action tried on the facts without a jury or with an advisory jury, the court must find the facts specially and state its conclusions of law separately. The findings and conclusions may be stated on the record or may appear in an opinion or a memorandum of decision filed by the court and are sufficient if they state the controlling factual and legal grounds of decision.

Judgment must be entered under Rule 58.

(2) *For an Interlocutory Injunction.* In granting or refusing an interlocutory injunction, the court must similarly state the findings and conclusions that support its action.

(3) *For a Motion.* The court is not required to state findings or conclusions when ruling on a motion under Rule 12 or 56 or, unless these rules provide otherwise, on any other motion.

(4) *Effect of a Master's Findings.* A master's findings, to the extent adopted by the court, must be considered the court's findings.

(5) *Questioning the Evidentiary Support.* A party may later question the sufficiency of the evidence supporting the findings, whether or not the party requested findings, objected to them, moved to amend them, or moved for partial findings.

(6) *Setting Aside the Findings.* Findings of fact, whether based on oral or other evidence, must not be set aside unless clearly erroneous, and the reviewing court must give due regard to the trial court's opportunity to judge the witnesses' credibility.

(b) **AMENDED OR ADDITIONAL FINDINGS.** On a party's motion filed no later than 28 days after the entry of judgment, the court may amend its findings—or make additional findings—and may amend the judgment accordingly. The motion may accompany a motion for a new trial under Rule 59.

(c) **JUDGMENT ON PARTIAL FINDINGS.** If a party has been fully heard on an issue during a nonjury trial and the court finds against the party on that issue, the court may enter judgment against the party on a claim or defense that, under the controlling law, can be maintained or defeated only with a favorable finding on that issue. The court may, however, decline to render any judgment until the close of the evidence. A judgment on partial findings must be supported by findings of fact and conclusions of law as required by Rule 52(a).

COMMENT TO 2017 AMENDMENTS

This rule is substantially similar to *Federal Rule of Civil Procedure 52*, as amended in 2007 and 2009, but maintains the following local distinctions in subsection (a)(1): 1) the parties can expressly waive the requirement that the court state its findings of fact and conclusions of law in a nonjury action; 2) the phrase “after the close of evidence” has been deleted to permit the court to make partial findings and conclusions as the case progresses; and 3) the findings and conclusions need only state the controlling grounds for the decision.

Consistent with the federal rule, the 10-day deadline for parties to file post-judgment motions has been expanded to 28 days. This was necessitated by the Rule 6(b) prohibition on an extension of this deadline. The change is intended to give parties more

time to prepare a satisfactory post-judgment motion while maintaining certainty in appeal times.

COMMENT

Identical to *Federal Rule of Civil Procedure 52* except that section (a) has been revised to eliminate the requirement of stating findings of facts and conclusions of law in non-jury actions where the necessity of making the same is expressly waived by the parties and to indicate that such findings and conclusions may be written or oral and need only state the controlling grounds of decision. These provisions are necessitated by the time demands of a massive volume of litigation and are designed to insure that all litigants who desire it receive a fair and adequate statement of the grounds of decision applied in their case while at the same time making clear that such statements of fact and law need not be unduly lengthy nor presented in written form if the Court prefers to dictate them from the bench.