

## **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, the court must make written findings of fact and separate conclusions of law. Judgment must be entered under Rule 58.

(2) *For an Interlocutory Injunction.* In granting or refusing an interlocutory injunction, the court must 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 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 2018 AMENDMENTS**

The rule was modified to make it consistent with Civil Rule 52.

### **COMMENT TO 2015 AMENDMENTS**

Section (c), "matters taken under advisement," was deleted; the matters previously addressed by this section are now the subject of an administrative order.

### **COMMENT**

Paragraph (c) is not intended to trigger notices where the Court has announced a decision on the record but has yet to issue the written findings.