

Rule 59. Amending a Judgment; New Trial

(a) MOTION TO ALTER OR AMEND JUDGMENT OR FOR NEW TRIAL.

(1) *In General.* The court may grant a motion to alter or amend judgment or for a new trial where the interests of justice require.

(2) *Further Action.* On motion for a new trial, the court may:

- (A) open the judgment if one has been entered;
- (B) take additional testimony;
- (C) amend findings of fact and conclusions of law or make new ones; and
- (D) direct the entry of a new judgment.

(b) **TIME TO FILE A MOTION.** A motion to alter or amend judgment or for a new trial must be filed no later than 28 days after entry of the judgment.

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

(d) **ON COURT'S INITIATIVE; NOTICE; SPECIFYING GROUNDS.** No later than 28 days after the entry of judgment, the court, on its own, 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. In either event, the court must specify the reasons in its order.

COMMENT TO 2018 AMENDMENTS

The deadlines were changed to conform with those in Civil Rule 59.

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).