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28 USC APPENDIX **Rule 50**

01/19/04

-EXPCITE-

TITLE 28 - APPENDIX

RULES OF THE UNITED STATES COURT OF INTERNATIONAL TRADE

TITLE VI - TRIALS

-HEAD-

Rule 50. Judgment as a Matter of Law in Actions Tried by Jury;Alternative Motion for **New Trial**; Conditional Rulings

-STATUTE-

(a) Judgment as a Matter of Law.

(1) If during a trial by jury a party has been fully heard on an issue and there is no legally sufficient evidentiary basis for a reasonable jury to find for that party on that issue, the court may determine the issue against that party and may grant a motion for judgment as a matter of law against that party with respect to a claim or defense that cannot under the controlling law be maintained or defeated without a favorable finding on that issue.

(2) Motions for judgment as a matter of law may be made at any time before submission of the case to the jury. Such a motion shall specify the judgment sought and the law and the facts on which the moving party is entitled to the judgment.

(b) Renewal of Motion for Judgment After Trial; Alternative Motion for **New Trial**. Whenever a motion for a judgment as a matter of law made at the close of all the evidence is denied or for any reason is not granted, the court is deemed to have submitted the

action to the jury subject to a later determination of the legal questions raised by the motion. Such a motion may be renewed by service and filing not later than 30 days after the entry of judgment. A motion for a **new trial** under Rule 59 may be joined with a renewal of the motion for judgment as a matter of law, or a **new trial** may be requested in the alternative. If a verdict was returned, the court may, in disposing of the renewed motion, allow the judgment to stand or may reopen the judgment and either order a **new trial** or direct the entry of judgment as a matter of law. If no verdict was returned, the court may, in disposing of the renewed motion, direct the entry of judgment as a matter of law or may order a **new trial**.

(c) Same; Conditional Rulings on Grant of Motion for Judgment as a Matter of Law.

(1) If the renewed motion for judgment as a matter of law is granted, the court shall also rule on the motion for a **new trial**, if any, by determining whether it should be granted if the judgment is thereafter vacated or reversed, and shall specify the grounds for granting or denying the motion for the **new trial**. If the motion for a **new trial** is thus conditionally granted, the order thereon does not affect the finality of the judgment. In case the motion for a **new trial** has been conditionally granted and the judgment is reversed on appeal, the **new trial** shall proceed unless the appellate court has otherwise ordered. In case the motion for a **new trial** has been conditionally denied, the appellee on appeal may assert error in that denial; and if the judgment is reversed on appeal, subsequent proceedings shall be in accordance with the order of the appellate court.

(2) The party against whom judgment as a matter of law has been

rendered may serve a motion for a **new trial** pursuant to Rule 59 not later than 30 days after the entry of the judgment.

(d) Same; Denial of Motion for Judgment as a Matter of Law. If the motion for judgment as a matter of law is denied, the party who prevailed on that motion may, as appellee, assert grounds entitling the party to a **new trial** in the event the appellate court concludes that the trial court erred in denying the motion for judgment. If the appellate court reverses the judgment, nothing in this rule precludes it from determining that the appellee is entitled to a **new trial**, or from directing the trial court to determine whether a **new trial** shall be granted.

-SOURCE-

(As amended July 28, 1988, eff. Nov. 1, 1988; Sept. 25, 1992, eff. Jan. 1, 1993; Oct. 5, 1994, eff. Jan. 1, 1995.)

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PRACTICE COMMENT

Rule 50 has been amended to conform to the new **Rule 50** under the Federal Rules of Civil Procedure, which went into effect on December 1, 1991. The time for filing a motion for a **new trial** in the court, 30 days, is governed by 28 U.S.C. Sec. 2646. To avoid confusion and inefficiency, **Rule 50(b)** provides the same 30-day filing period for any motion filed thereunder. In contrast, **Rule 50(b)** of the Federal Rules of Civil Procedure, provides a 10-day period. However, motions for new trials in courts in which the Federal Rules of Civil Procedure apply are not subject to 28 U.S.C. Sec. 2646. The same comment is applicable to **Rule 50(c)(2)**.



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