

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-08-0015
PETITION TO AMEND RULE 50,)
ARIZONA RULES OF CIVIL PROCEDURE)
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ORDER

A petition having been filed proposing to amend Rule 50(b), Rules of Civil Procedure, and to promulgate a Committee Comment on the amendment, and comments having been received, upon consideration,

IT IS ORDERED that the petition to amend Rule 50(b), Rules of Civil Procedure and to promulgate a Committee Comment on the amendment, be approved as modified in accordance with the attachment hereto, effective January 1, 2010.

DATED this _____ day of September, 2009.

REBECCA WHITE BERCH
Chief Justice

TO:
Rule 28 Distribution

ATTACHMENT*

Rule 50(b), Rules of Civil Procedure

(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. If the court does not grant a motion for judgment as a matter of law made under Rule 50(a), the court is considered to have submitted the action to the jury subject to the court's later deciding the legal questions raised by the motion.~~ Such a motion may be renewed by service and filing not later than 15 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.

State Bar Committee Note

2010 Amendment

This amendment eliminates the need to make a motion for judgment as a matter of law at the close of all the evidence as a prerequisite to renewing a motion made earlier during trial, as the former rule had been interpreted by cases such as *Ash v. Flieger*, 118 Ariz. 547, 578 P. 2d 628 (App. 1978).

*Additions to text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.