

1 **Rule 50. Motion for a directed verdict and for judgment notwithstanding the**
2 **verdict.**

3 (a) **Motion for directed verdict; when made; effect.** A party who moves for a
4 directed verdict at the close of the evidence offered by an opponent may offer evidence
5 in the event that the motion is not granted, without having reserved the right so to do
6 and to the same extent as if the motion had not been made. A motion for a directed
7 verdict which is not granted is not a waiver of trial by jury even though all parties to the
8 action have moved for directed verdicts. A motion for a directed verdict shall state the
9 specific ground(s) therefor. The order of the court granting a motion for a directed
10 verdict is effective without any assent of the jury.

11 (b) **Motion for judgment notwithstanding the verdict.** Whenever a motion for a
12 directed verdict made at the close of all the evidence is denied or for any reason is not
13 granted, the court is deemed to have submitted the action to the jury subject to a later
14 determination of the legal questions raised by the motion. Not later than ~~ten~~ 14 days
15 after entry of judgment, a party who has moved for a directed verdict may move to have
16 the verdict and any judgment entered thereon set aside and to have judgment entered
17 in accordance with his motion for a directed verdict; or if a verdict was not returned such
18 party, within ~~ten~~ 14 days after the jury has been discharged, may move for judgment in
19 accordance with his motion for a directed verdict. A motion for a new trial may be joined
20 with this motion, or a new trial may be prayed for in the alternative. If a verdict was
21 returned the court may allow the judgment to stand or may reopen the judgment and
22 either order a new trial or direct the entry of judgment as if the requested verdict had
23 been directed. If no verdict was returned the court may direct the entry of judgment as if
24 the requested verdict had been directed or may order a new trial.

25 (c) **Same: conditional rulings on grant of motion.**

26 (c)(1) If the motion for judgment notwithstanding the verdict, provided for in
27 Subdivision (b) of this rule, is granted, the court shall also rule on the motion for a
28 new trial, if any, by determining whether it should be granted if the judgment is
29 thereafter vacated or reversed, and shall specify the grounds for granting or denying
30 the motion for a new trial. If the motion for a new trial is thus conditionally granted,

31 the order thereon does not affect the finality of the judgment. In case the motion for a
32 new trial has been conditionally granted and the judgment is reversed on appeal, the
33 new trial shall proceed unless the appellate court has otherwise ordered. In case the
34 motion for a new trial has been conditionally denied, the respondent on appeal may
35 assert error in that denial; and if the judgment is reversed on appeal, subsequent
36 proceedings shall be in accordance with the order of the appellate court.

37 (c)(2) The party whose verdict has been set aside on motion for judgment
38 notwithstanding the verdict may serve a motion for a new trial pursuant to Rule 59
39 not later than ~~ten~~ 14 days after entry of the judgment notwithstanding the verdict.

40 (d) **Same: denial of motion.** If the motion for judgment notwithstanding the verdict
41 is denied, the party who prevailed on that motion may, as respondent, assert grounds
42 entitling him to a new trial in the event the appellate court concludes that the trial court
43 erred in denying the motion for judgment notwithstanding the verdict. If the appellate
44 court reverses the judgment, nothing in this rule precludes it from determining that the
45 respondent is entitled to a new trial, or from directing the trial court to determine whether
46 a new trial shall be granted.

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