

1 **Rule 60. Relief from judgment or order.**

2 (a) **Clerical mistakes.** Clerical mistakes in judgments, orders or other parts of the
3 record and errors therein arising from oversight or omission may be corrected by the
4 court at any time of its own initiative or on the motion of any party and after such notice,
5 if any, as the court orders. During the pendency of an appeal, such mistakes may be so
6 corrected before the appeal is docketed in the appellate court, and thereafter while the
7 appeal is pending may be so corrected with leave of the appellate court.

8 (b) **Mistakes; inadvertence; excusable neglect; newly discovered evidence;
9 fraud, etc.** On motion and upon such terms as are just, the court may in the furtherance
10 of justice relieve a party or his legal representative from a final judgment, order, or
11 proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable
12 neglect; (2) newly discovered evidence which by due diligence could not have been
13 discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether
14 heretofore denominated intrinsic or extrinsic), misrepresentation or other misconduct of
15 an adverse party; (4) the judgment is void; (5) the judgment has been satisfied,
16 released, or discharged, or a prior judgment upon which it is based has been reversed
17 or otherwise vacated, or it is no longer equitable that the judgment should have
18 prospective application; or (6) any other reason justifying relief from the operation of the
19 judgment. The motion shall be made within a reasonable time and for reasons (1), (2),
20 or (3), not more than ~~3 months~~ 90 days after the judgment, order, or proceeding was
21 entered or taken. A motion under this Subdivision (b) does not affect the finality of a
22 judgment or suspend its operation. This rule does not limit the power of a court to
23 entertain an independent action to relieve a party from a judgment, order or proceeding
24 or to set aside a judgment for fraud upon the court. The procedure for obtaining any
25 relief from a judgment shall be by motion as prescribed in these rules or by an
26 independent action.

27 [Advisory Committee Notes](#)

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