

1 **Rule 50. ~~Motion for a directed verdict and for judgment notwithstanding the verdict~~ Judgment**  
 2 **as a matter of law in a jury trial; related motion for a new trial; conditional ruling.**

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

10 (a)(1) If a party has been fully heard on an issue during a jury trial and the court finds that a  
 11 reasonable jury would not have a legally sufficient evidentiary basis to find for the party on that issue,  
 12 the court may:

13 (a)(1)(A) resolve the issue against the party; and

14 (a)(1)(B) grant a motion for judgment as a matter of law against the party on a claim or  
 15 defense that, under the controlling law, can be maintained or defeated only with a favorable  
 16 finding on that issue.

17 (a)(2) A motion for judgment as a matter of law may be made at any time before the case is  
 18 submitted to the jury. The motion must specify the judgment sought and the law and facts that entitle  
 19 the moving party to the judgment.

20 **(b) Motion for judgment notwithstanding the verdict.** ~~Whenever a motion for a directed verdict~~  
 21 ~~made at the close of all the evidence is denied or for any reason is not granted~~ If the court does not grant  
 22 a motion for judgment as a matter of law made under paragraph (a), the court is deemed considered to  
 23 have submitted the action to the jury subject to a the court later determination of deciding the legal  
 24 questions raised by the motion. Not No later than 14 28 days after entry of judgment— or if the motion  
 25 addresses a jury issue not decided by a verdict, a party who has moved for a directed verdict may move  
 26 to have the verdict and any judgment entered thereon set aside and to have judgment entered in  
 27 accordance with his motion for a directed verdict; or if a verdict was not returned such party, within 14 no  
 28 later than 28 days after the jury has been was discharged, may move for judgment in accordance with his  
 29 motion for a directed verdict. A motion for a new trial may be joined with this motion, or a new trial may be  
 30 prayed for in the moving party may file a renewed motion for judgment as a matter of law and may include  
 31 an alternative or joint request for a new trial under Rule 59. If a verdict was returned In ruling on the  
 32 renewed motion the court may:

33 (b)(1) allow the judgment to stand or may reopen the judgment and either on the verdict if the jury  
 34 returned a verdict;

35 (b)(2) order a new trial; or

36 ~~(b)(3) direct the entry of judgment as if the requested verdict had been directed a matter of law. If~~  
 37 ~~no verdict was returned the court may direct the entry of judgment as if the requested verdict had~~  
 38 ~~been directed or may order a new trial.~~

39 **(c) Same: Granting the renewed motion; conditional rulings on grant of a motion for new trial.**

40 (c)(1) ~~If the motion for judgment notwithstanding the verdict, provided for in Subdivision (b) of this~~  
 41 ~~rule, is granted, the court shall grants a renewed motion for judgment as a matter of law, it must also~~  
 42 ~~conditionally rule on the any motion for a new trial, if any, by determining whether it a new trial should~~  
 43 ~~be granted if the judgment is thereafter later vacated or reversed, and shall specify. The court must~~  
 44 ~~state the grounds for conditionally granting or denying the motion for a new trial.~~

45 (c)(2) ~~If Conditionally granting the motion for a new trial is thus conditionally granted, the order~~  
 46 ~~thereon does not affect the judgment's finality; of the judgment. In case the motion for a new trial has~~  
 47 ~~been conditionally granted and if the judgment is reversed on appeal, the new trial shall must proceed~~  
 48 ~~unless the appellate court has orders otherwise ordered. In case If the motion for a new trial has been~~  
 49 ~~is conditionally denied, the respondent on appeal appellee may assert error in that denial; and if the~~  
 50 ~~judgment is reversed on appeal, subsequent proceedings shall be in accordance with the order of the~~  
 51 ~~case must proceed as the appellate court orders.~~

52 **(d) Time for losing party's new-trial motion.** ~~The party whose verdict has been set aside on motion~~  
 53 ~~for judgment notwithstanding the verdict may serve a Any motion for a new trial pursuant to under Rule~~  
 54 ~~59 by a party against whom judgment as a matter of law is rendered must be filed not later than 44 28~~  
 55 ~~days after entry of the judgment notwithstanding the verdict.~~

56 **(d) Same: denial of motion (e) Denying the motion for judgment as a matter of law; reversal on**  
 57 **appeal.** ~~If the court denies the motion for judgment notwithstanding the verdict is denied as a matter of~~  
 58 ~~law, the prevailing party who prevailed on that motion may, as respondent appellee, assert grounds~~  
 59 ~~entitling him it to a new trial in the event if the appellate court concludes that the trial court erred in~~  
 60 ~~denying the motion for judgment notwithstanding the verdict. If the appellate court reverses the judgment,~~  
 61 ~~nothing in this rule precludes it from determining that the respondent is entitled to a new trial, or from~~  
 62 ~~directing the it may order a new trial, direct the trial court to determine whether a new trial shall should be~~  
 63 ~~granted, or direct the entry of judgment.~~

64 **Advisory Committee Notes**

65 The 2016 amendments adopt the plain-language style of Federal Rule of Civil Procedure 50. We also  
 66 borrow heavily from the 1991 federal Advisory Committee Note, which explains the changes and the  
 67 reasoning behind them:

68 The revision abandons the familiar terminology of "direction of verdict" for several  
 69 reasons. The term is misleading as a description of the relationship between judge and  
 70 jury. It is also freighted with anachronisms some of which are the subject of the text of  
 71 former subdivision (a) of this rule that is deleted in this revision. Thus, it should not be  
 72 necessary to state in the text of this rule that a motion made pursuant to it is not a waiver  
 73 of the right to jury trial, and only the antiquities of directed verdict practice suggest that it  
 74 might have been. The term "judgment as a matter of law" is an almost equally familiar

75 term and appears in the text of Rule 56; its use in Rule 50 calls attention to the  
76 relationship between the two rules. Finally, the change enables the rule to refer to  
77 preverdict and post-trial motions with a terminology that does not conceal the common  
78 identity of two motions made at different times in the proceeding.

79 ....

80 Paragraph (a)(1) articulates the standard for the granting of a motion for judgment as a  
81 matter of law. It effects no change in the existing standard. .... The expressed standard  
82 makes clear that action taken under the rule is a performance of the court's duty to  
83 assure enforcement of the controlling law and is not an intrusion on any responsibility for  
84 factual determinations conferred on the jury .... Because this standard is also used as a  
85 reference point for entry of summary judgment under 56(a), it serves to link the two  
86 related provisions.

87

88 The revision authorizes the court to perform its duty to enter judgment as a matter of law  
89 at any time during the trial, as soon as it is apparent that either party is unable to carry a  
90 burden of proof that is essential to that party's case. Thus, the second sentence of  
91 paragraph (a)(1) authorizes the court to consider a motion for judgment as a matter of  
92 law as soon as a party has completed a presentation on a fact essential to that party's  
93 case. Such early action is appropriate when economy and expedition will be served. In no  
94 event, however, should the court enter judgment against a party who has not been  
95 apprised of the materiality of the dispositive fact and been afforded an opportunity to  
96 present any available evidence bearing on that fact. ....

97 As in the federal rule, the time for filing the motion has been extended to 28 days after entry of  
98 judgment. Finally, in accordance with the 2006 federal amendment, the amended rule removes the  
99 technical requirement that the motion be renewed at the close of all the evidence, a requirement that the  
100 committee determined was an unnecessary trap for the unwary.

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