

Rule 50. Judgment as a Matter of Law in Jury Trials; Alternative Motion for New Trial; Conditional Rulings**50.01 Judgment as a Matter of Law During Trial**

(a) Standard. 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 decide 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.

(b) Timing and Content. Motions for judgment as a matter of law during trial 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.

(Amended effective January 1, 2006; amended January 9, 2006.)

50.02 Making or Renewing Motion for Judgment After Trial; Alternative Motion for New Trial

If, for any reason, the court does not grant a motion for judgment as a matter of law made during trial, 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. Whether or not the party has moved for judgment as a matter of law before submission of the case to the jury, a party may make or renew a request for judgment as a matter of law by serving a motion within the time specified in Rule 59 for the service of a motion for a new trial - and may alternatively request a new trial or join a motion for a new trial under Rule 59. In ruling on such a motion, the court may:

- (a) if a verdict was returned:
 - (1) allow the judgment to stand,
 - (2) order a new trial, or
 - (3) direct entry of judgment as a matter of law; or
- (b) if no verdict was returned:
 - (1) order a new trial, or
 - (2) direct entry of judgment as a matter of law.

(Amended effective January 1, 2006; amended effective January 2, 2006.)

50.03 Granting Motion for Judgment as a Matter of Law; Conditional Rulings; New Trial Motion

(a) Conditional Rulings. If the 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 respondent 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.

(b) Timing. Any motion for a new trial under Rule 59 by a party against whom judgment as a matter of law is rendered shall be served and heard within the times specified in Rule 59 for the service and hearing of a motion for a new trial.

(Added effective January 1, 2006; amended effective January 2, 2006.)

50.04 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 respondent on appeal, 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 respondent is entitled to a new trial, or from directing the trial court to determine whether a new trial shall be granted.

(Added effective January 1, 2006.)

Advisory Committee Comment - 2000 Amendment

Although the text of this Rule 50.02 is not changed substantively by these amendments, it is worth noting that Rule 59.03, governing the time for filing a motion for a new trial is changed to expand the time from 15 days to 30 days for filing the motion and from 30 days to 60 days for having the motion heard. This amendment has the practical effect of extending the time for filing a motion under Rule 50 because Rule 50.02(c) incorporates the filing and hearing time limits of Rule 59.

Advisory Committee Comment - 2006 Amendment

Rule 50 is amended in toto to adopt various changes made in 1991 to Fed. R. Civ. P. 50. The 1991 amendment of the federal rule was made to remove the archaic language and procedures of directing verdicts and granting j.n.o.v. The amended rule states a standard that the former rule already recognized: a uniform standard for motions made after trial begins of a "motion for judgment as a matter of law." The purpose of the change is two-fold: to adopt names that better describe the role of the motions and, because the motions essentially apply the same standard, to give them a common name.

This change is not intended to change substantive practice relating to these motions. The federal rule amendment in 1991 was not intended to change the actual practice under that rule. See Fed. R. Civ. P. 50(a), Advisory Comm. Notes - 1991 Amend. The federal courts have recognized the non-substantive nature of the amendment. See 9A CHARLES ALAN WRIGHT & ARTHUR R. MILLER, FEDERAL PRACTICE & PROCEDURE section 2521, at 243 n.15 and accompanying text (2d ed. 1995)(collecting cases).

Minnesota practice differs from federal practice in one important respect - former Fed. R. Civ. P. 50 did not have the express provision of Minn. R. Civ. P. 50.02(a) allowing a motion for judgment n.o.v. to be brought "whether or not the party has moved for a directed verdict," and the current version of Fed. R. Civ. P. 50 lacks equivalent language with regard to motions for judgment as a matter of law. Because the amended Minnesota Rule 50.02 is not intended to change Minnesota practice in this respect, the amended rule retains the concept that a motion for judgment as a matter of law may be brought after submission of the case to the jury, whether or not such a motion was brought before submission to the jury.

The timing provisions of the federal rule have been changed slightly to accommodate Minnesota procedure including that relating to the service and filing of post-decision motions. Like the current

rule, motions under Rule 50 must be served and filed in accordance with the timing mechanism and deadlines of Minn. R. Civ. P. 59.