

Rule 63

Judgment Notwithstanding the Verdict

As noted by the Council, Rule 63 is taken directly from ORS 18.140 with minor changes in language. The only significant change is in sub F, which adds the language of Rule 50(c)(2) FRCP, allowing a party, whose verdict has been set aside on motion for judgment NOV, to serve a motion for a new trial not later than ten days after entry of the judgment NOV.

RULE 63

JUDGMENT NOTWITHSTANDING THE VERDICT

D. Time for motion and ruling. A motion for judgment notwithstanding the verdict shall be filed not later than 10 days after the [filing] entry of the judgment sought to be set aside, or such further time as the court may allow. The motion shall be heard and determined by the court within 55 days of the time of the filing of the judgment, and not thereafter, and if not so heard and determined within said time, the motion shall conclusively be deemed denied.

COMMENT

Section 63 D. was changed to make "entry" the effective date for all purposes related to judgments. See Comment to ORCP 70.

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E. Duties of the clerk. The clerk shall, on the date an order made pursuant to this rule is entered or on the date a motion is deemed denied pursuant to section D. of this rule, whichever is earlier, mail a [copy of the order and] notice of the date of entry of the order or denial of the motion to the attorney of record, if any, of each party who is not in default for failure to appear. If a party who is not in default for failure to appear does not have an attorney of record, such notice shall be mailed to the party. The clerk also shall make a note in the docket of the mailing.

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Section 63 E. was changed to conform to the changed form of notice of entry of judgment in 70 B.(1).