

FILED
AUG 04 2010
CLERK SUPREME COURT

IN THE SUPREME COURT OF IOWA

**IN THE MATTER OF
IOWA RULES OF
CIVIL PROCEDURE
1.1007 AND 1.1008**

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SUPERVISORY ORDER

The amendments to Iowa Rules of Civil Procedure 1.1007 and 1.1008 approved by order of August 3, 2010, are temporarily adopted, and will become effective on August 9, 2010 as stated in that order. These amendments will become permanent on October 4, 2010.

Dated this 4th day of August, 2010.

THE SUPREME COURT OF IOWA

By Marsha Ternus
Marsha K. Ternus, Chief Justice

IN THE SUPREME COURT OF IOWA

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CLERK SUPREME COURT

IN THE MATTER OF IOWA RULES
OF CIVIL PROCEDURE 1.1007
AND 1.1008

REPORT OF THE
SUPREME COURT

TO: THE HONORABLE KEITH A. KREIMAN, CHAIR OF THE SENATE JUDICIARY COMMITTEE OF THE 2009 REGULAR SESSION OF THE EIGHTY-THIRD GENERAL ASSEMBLY OF THE STATE OF IOWA.

Pursuant to Iowa Code sections 602.4201 and 602.4202 (2009), the Supreme Court of Iowa has approved and reports on this date to the Chair of the Senate Judiciary Committee the adoption of Iowa Rules of Civil Procedure 1.1007 and 1.1008. These amendments shall take effect October 4, 2010.

Dated this 4th day of August, 2010.

Respectfully submitted,

THE SUPREME COURT OF IOWA

By Marsha Ternus
Marsha Ternus, Chief Justice

ACKNOWLEDGMENT

I, the undersigned, Chair of the Senate Judiciary Committee, hereby acknowledge delivery to me on the ___ day of _____, the Report of the Supreme Court pertaining to Iowa Rules of Civil Procedure 1.1007 and 1.1008.

Chair of the Senate Judiciary Committee

Please retain the copy and sign and return the original to: The Iowa Supreme Court Clerk's Office, Iowa Judicial Branch Building, 1111 East Court Avenue, Des Moines, IA 50319.

CHAPTER 1

RULES OF CIVIL PROCEDURE

Rule 1.1007 Time for motions and exceptions.

Motions under rules 1.1003 and 1.1004 and bills of exception under rule 1.1001 must be filed within ~~ten~~ fifteen days after filing of the verdict, report or decision with the clerk or discharge of a jury which failed to return a verdict, unless the court, for good cause shown and not ex parte, grants an additional time not to exceed 30 days. Resistances and replies may be filed and supporting briefs may be served as provided in rules 1.431(4) and 1.431(5).

Rule 1.1008 Conditional rulings on grant of motion.

1.1008(1) Any motion may be filed under rule 1.1003 or 1.1004 without waiving the right to file or rely on any other of such motions.

1.1008(2) Not later than ~~ten~~ fifteen days after entry of a judgment notwithstanding the verdict, the party whose verdict has been set aside may file a motion for new trial pursuant to rule 1.1004.

1.1008(3) If a motion for judgment notwithstanding the verdict is granted, the court shall also rule on any motion for new trial 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 new trial. If a motion for new trial is thus conditionally granted, the order thereon does not affect the finality of the judgment. If a motion for new trial has been conditionally granted and the judgment is reversed on appeal, the new trial shall proceed unless otherwise ordered by the appellate court. If a motion for new trial has been conditionally denied, the appellee 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.