

IN THE SUPREME COURT OF ALABAMA
July 28, 2020

ORDER

IT IS ORDERED that Rule 59.1, Alabama Rules of Civil Procedure, be amended to read in accordance with Appendix A to this order;

IT IS FURTHER ORDERED that the Committee Comments to the amendment to Rule 59.1, Alabama Rules of Civil Procedure, be adopted to read in accordance with Appendix B to this order;

IT IS FURTHER ORDERED that the amendment of Rule 59.1 and the adoption of the Committee Comments thereto are effective October 1, 2020; and

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule 59.1:

"Note from the reporter of decisions: The order amending Rule 59.1 and adopting the Committee Comments thereto, effective October 1, 2020, is published in that volume of Alabama Reporter that contains Alabama cases from ___ So. 3d."

Parker, C.J., and Bolin, Shaw, Wise, Bryan, Sellers, Mendheim, Stewart, and Mitchell, JJ., concur.

Witness my hand this 28th day of July, 2020.



Clerk, Supreme Court of Alabama

**FILED
July 28, 2020
12:42 pm
Clerk
Supreme Court of Alabama**

APPENDIX A

Rule 59.1 Disposition of Motion for New Trial and Other Postjudgment Motions.

No postjudgment motion filed pursuant to Rules 50, 52, 55, or 59 shall remain pending in the trial court for more than ninety (90) days, unless with the express consent of all the parties, which consent shall appear of record, or unless extended by the appellate court to which an appeal of the judgment would lie, and such time may be further extended for good cause shown. Consent to extend the time for a hearing on the postjudgment motion beyond the 90 days is deemed to include consent to extend the time for the trial court to rule on and dispose of the postjudgment motion. A failure by the trial court to render an order disposing of any pending postjudgment motion within the time permitted hereunder, or any extension thereof, shall constitute a denial of such motion as of the date of the expiration of the period.

(dc) District Court Rule. Rule 59.1 applies in the district courts, except that the time period of ninety (90) days is reduced to fourteen (14) days unless within that time an order extends the period, for good cause shown, for not more than an additional fourteen (14) days.

APPENDIX B

Committee Comments to Amendment to Rule 59.1
Effective October 1, 2020

This amendment adds the following sentence to Rule 59.1: "Consent to extend the time for a hearing on the postjudgment motion beyond the 90 days is deemed to include consent to extend the time for the trial court to rule on and dispose of the postjudgment motion." In Ex parte Bodenhamer, 904 So. 2d 294 (Ala. 2004), the Supreme Court held that Rule 59.1 did not permit the parties' consent to extend the hearing on the postjudgment motion to a date beyond the 90th day to operate to also extend the trial court's time to rule on or dispose of the postjudgment motion. After the adoption of this amendment, a consent that consents only to extend the hearing date beyond the 90th day will operate to extend the time for the trial court to rule on or dispose of the postjudgment motion.