



IN THE SUPREME COURT OF ALABAMA

March 26, 2026

ORDER

IT IS ORDERED that Rule 6 and Rule 59(a), Alabama Rules of Civil Procedure, be amended to read in accordance with Appendices A and C, respectively, to this order;

IT IS FURTHER ORDERED that the Committee Comments to the Amendment of Rule 6 Effective April 9, 2026, and the Committee Comments to the Amendment of Rule 59(a) Effective April 9, 2026, be adopted to read in accordance with Appendices B and D, respectively, to this order;

IT IS FURTHER ORDERED that the amendments of Rule 6 and Rule 59(a) and the adoption of the Committee Comments thereto are effective April 9, 2026; and

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule 6 and Rule 59:

"Note from the reporter of decisions: The order amending Rule 6 and Rule 59(a), Alabama Rules of Civil Procedure, and adopting the Committee Comments thereto, effective April 9, 2026, is published in that volume of *Alabama Reporter* that contains Alabama cases from __ So. 3d."

Stewart, C.J., and Shaw, Wise, Bryan, Sellers, Mendheim, Cook, McCool, and Parker, JJ., concur.

Witness my hand and seal this 26th day of March, 2026.

Megan B. Rhodelseck

Clerk of Court,
Supreme Court of Alabama

FILED
March 26, 2026
Clerk of Court
Supreme Court of Alabama



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APPENDIX A

Rule 6. Computing and Extending Time; Time for Motion Papers

(a) Computing Time. The following rules apply in computing any time period specified in these rules, in a court order, or in any statute that does not specify a method of computing time:

(1) Day of the Act, Event, or Default Excluded. Exclude the day of the act, event, or default that begins the period.

(2) Exclusion from Brief Periods. Exclude intermediate Saturdays, Sundays, and legal holidays when the period is less than 11 days.

(3) Last Day. Include the last day of the period unless it is a Saturday, Sunday, or legal holiday, or -- if the act to be done is filing a paper in court -- a day on which weather or other conditions make the clerk's office inaccessible.

(4) "Legal Holiday" Defined. As used in this rule and Rule 77(c), "legal holiday" includes:

(A) the day set aside by statute for observing New Year's Day, Martin Luther King Jr.'s Birthday, President's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, or Christmas Day; or

(B) any other day declared a holiday by the President or Congress or as prescribed by § 1-3-8, Ala. Code 1975.

(b) Extending Time.



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(1) In General. When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or

(B) on motion made after the time has expired if the movant failed to act because of excusable neglect.

(2) Exceptions. A court may not extend the time to act under Rules 50(b) and (c)(2), 52(b), 59(b), (d), and (e), and 60(b), except as those rules allow.

(c) Motions, Notices of Hearing, and Affidavits.

(1) In General. A written motion and notice of hearing must be served at least 5 days before the time specified for the hearing, with the following exceptions:

(A) when the motion may be heard ex parte;

(B) when these rules set a different time; or

(C) when a court order -- which a party may, for good cause, apply for ex parte -- sets a different time.

(2) Supporting Affidavit. Any affidavit supporting a motion must be served with the motion. Except as Rule 59(c) provides otherwise, any opposing affidavit must be served at least 1 day before the hearing, unless the court permits service at another time.

(d) Additional Time After Certain Kinds of Service. When a party may or must act within a specified time after being served and



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service is made under Rule 5(b)(2)(C) (by mail) or (E) (through the court's electronic-filing system), 3 days are added after the period would otherwise expire under Rule 6(a).

(dc) District Court Rule. Rule 6 applies in the district courts, except that Rule 6(a)(2) does not apply to any periods prescribed or allowed by statute or these rules in unlawful-detainer or eviction actions.



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APPENDIX B

Committee Comments to the Amendment of Rule 6 Effective April 9, 2026

Former Rule 6(b) stated that courts "may not extend the time for taking any action under Rules 50(b), 52(b), 59(b), (d), and (e), and 60(b)." The former rule did not include Rule 50(c)(2) -- which sets the deadline for filing a motion for a new trial by a party against whom a judgment as a matter of law has been entered -- in the list of rules setting deadlines that may not be extended. Amended Rule 6(b)(2) adds Rule 50(c)(2) to this list of exceptions. Logically, Rule 50(c)(2) belongs in this list, and its absence from the former Rule 6(b) appears to have been an oversight. As amended, the list of exceptions in Rule 6(b)(2) corresponds to the list in Federal Rule 6(b)(2). The federal rule includes Rule 50(d) in the list of exceptions, and Federal Rule 50(d) corresponds to Alabama Rule 50(c)(2). Otherwise, the changes are intended to be stylistic only.



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APPENDIX C

Rule 59(a), Alabama Rules of Civil Procedure

(a) Grounds. A new trial may be granted to all or any of the parties and (1) on all or part of the issues in an action in which there has been a trial by jury, for any of the reasons for which new trials have heretofore been granted in actions at law in the courts of Alabama; and (2) on all or part of the issues in an action tried without a jury, for any of the reasons for which rehearings have heretofore been granted in suits in equity in the courts of Alabama. On a motion for a new trial in an action tried without a jury, the court may open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new findings and conclusions, and direct the entry of a new judgment.



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APPENDIX D

Committee Comments to the Amendment of Rule 59(a) Effective April 9, 2026

The amendment to Rule 59(a) grants trial courts the discretion to order a new trial on all or part of the issues, regardless of whether the action was tried to a jury or without a jury. Previously, Alabama Rule 59 allowed a new trial as to all issues in jury cases, but it prohibited a new trial on part of the issues if the action was tried to a jury. The amendment allowing partial new trials in jury cases brings Alabama Rule 59(a) into line with Federal Rule 59 and similar rules in effect in other states.

Although this new power is not limited to new trials on damages only, the amendment confers that power. The Committee Comments on the rule's initial 1973 adoption referenced some concern about new trials on damages alone when liability issues are intertwined with damages. See *Gasoline Prods. Co. v. Champlin Refining Co.*, 283 U.S. 494 (1931) (holding that, in some cases, liability may be so intertwined with the issue of damages that a new trial on all issues is required). In some cases, however, the issue of intertwining can be remedied by allowing the second jury to consider some evidence of liability, subject to the discretion of the trial court, so long as the evidence is relevant to the issue of damages. See, e.g., *Watts v. Laurent*, 774 F.2d 168 (7th Cir. 1985) (allowing plaintiff option of new trial on damages only).

The amendment makes no other changes to the rule and is not intended to alter, add, or eliminate any grounds for a new trial established under Alabama law.