

Rule 301. Motions Relating to Judgments

(a) Posttrial Motions

- (1) Motion for Judgment on the Verdict. A party may move for judgment on the verdict at any time after rendition of a verdict.
- (2) Motion for Judgment after Nonjury Trial. A party may move for judgment in a case tried to the court at any time after the evidence is closed.
- (3) Motion for Judgment Notwithstanding the Verdict or to Disregard Jury Findings. A party may move for judgment notwithstanding the verdict after receipt of the jury's verdict, if a directed verdict would have been proper or may move to disregard one or more jury findings that will not support a judgment under the law or that have no support in the evidence.
- (4) Form of Motion; Duty of Clerk. Complaints and requests for relief included in posttrial motion for judgment must be specific. [A posttrial motion for judgment may be made in open court on the record or may be made in writing and filed with the clerk of the court. The clerk must promptly call such a written motion to the attention of the judge, but the failure to do so does not affect the preservation of complaints made in the motion.]
- (5) Disposition of Motions. A posttrial motion is overruled by operation of law [on the date the final judgment under Rule 300 is signed as to any requested relief not granted in the judgment *or* on the date the court's plenary power expires as provided in Rule 304 *or* 75 days after the date on which the judgment is signed.]
- (6) Preservation of Complaints. A posttrial motion preserves complaints about the judgment that are made in the motion if the motion is

overruled by signed written order before it is overruled by operation of law or when it is overruled by operation of law.

- (7) Form of Judgment. A party must submit a proposed form of judgment with a motion for judgment.

(b) Postjudgment Motions

- (1) Motions for New Trial. A party may move to set aside in judgment and seek a new trial pursuant to Rule 302.
- (2) Motions to Modify Final Judgments. A party may move to modify the judgment in any respect, including (without limitation) by [moving for] *or* [requesting] judgment on the verdict, judgment notwithstanding the verdict, or judgment in disregard of one or more jury findings, regardless of whether a posttrial motion seeking such relief has been made before judgment.
- (3) Premature Motions. No postjudgment motion may be held ineffective because it was filed prematurely. Every such motion will be deemed to have been filed on the date of, but subsequent to, the signing of the judgment the motion assails.
- (4) Disposition of Postjudgment Motions.
 - (A) Filing. A postjudgment motion for new trial or to modify a [final] judgment, if filed by a party, must be filed within 30 days after the [final] judgment was signed. The filing of a posttrial motion for judgment is not a prerequisite to the filing of a postjudgment motion to modify the judgment.
 - (B) Amendment. One or more amended or additional motions may be filed without leave of court within 30 days after the [final] judgment is signed, regardless of whether a prior motion has been overruled.

- (C) Duty of Clerk. The trial court clerk must promptly call a postjudgment motion for new trial or to modify a [final] judgment to the attention of the judge. But the failure of the clerk to do so does not affect the preservation of complaints made in the motion.
- (D) Disposition of Motions. If not determined by signed written order within 75 days after the final judgment was signed, a motion for new trial or a motion to modify a [final] judgment is overruled by operation of law on the expiration of that period.
- (E) Discretion to Rule on Tardy Motions. As long as the trial court retains plenary power over its judgment, the trial court has discretion to consider and rule on a motion or an amended motion for new trial or to modify a [final] judgment that was not filed within 30 days after the signing of the trial court's [final] judgment. The court's express substantive ruling on the merits of such a late filed motion is subject to review on appeal.