

SUMMARY STATEMENT

Sweet v. Foreman, Docket No. 43501

Sweet, the father of a minor child, appealed a change of custody granting Foreman, the child's mother, primary physical custody. After the magistrate court's decision, Sweet filed a motion for reconsideration, as well as a motion for new trial, to bring new evidence to the court's attention that Sweet had learned of following trial of the matter. The magistrate court denied the motion for reconsideration but did not act upon the motion for new trial. The Supreme Court remanded the case to the magistrate judge to consider and act upon the motion for new trial.