I.R.C.P. 59.1. Additurs or Remittiturs Instead of New Trial

Idaho Rules of Civil Procedure Rule 59.1. Additurs or Remittiturs Instead of New Trial.

(a) Acceptance or Rejection. If a trial court conditionally grants or denies a new trial subject to either an additur or remittitur, the party to whom it is directed has 42 days from entry of the order in which to accept or reject it. If the party files a notice of appeal, the appeal does not constitute an acceptance or a rejection of the additur or remittitur and the party is not required to accept or reject the additur or remittitur until the determination of the appeal.

(b) Effect of Appeal. If a party to whom an additur or remittitur is directed is successful on appeal, the case will proceed as provided in the opinion determining the appeal. If the order of the trial court granting a conditional new trial is affirmed, the party to whom the additur or remittitur was directed has 14 days from the date of issuance of the appellate remittitur in which to accept or reject the additur or remittitur consistent with the appellate opinion.

(Adopted March 1, 2016, effective July 1, 2016.)

Source URL: https://isc.idaho.gov/irc59.1-new