

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	5 - 0 - 0
Yeas:	Beyer, Kruse, Prozanski, Walker, Burdick
Nays:	0
Exc.:	0
Prepared By:	Matt Kalmanson, Counsel
Meeting Dates:	3/5

WHAT THE MEASURE DOES: Establishes that a trial court has jurisdiction to decide a motion for judgment notwithstanding the verdict, a motion for a new trial or a motion for relief from a judgment, even if a party has filed a notice of appeal.

ISSUES DISCUSSED:

- Mechanics of Oregon Rules of Civil Procedure (ORCP) 63, 64, 71 and rules governing notices of appeal
- Jurisdiction of trial courts and appellate courts when notice of appeal is pending
- Need to simplify post-judgment procedure

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Parties in civil actions typically have 10 days to file a motion challenging the underlying basis for a judgment, and 30 days after a court enters a final judgment to file a notice of appeal. If the trial court does not decide the motion challenging the judgment within 55 days after the judgment is entered, the motion is deemed denied. However, ORS 19.270 provides that a notice of appeal divests a trial court of jurisdiction to consider most matters in a case once a notice of appeal is filed. The interaction of these laws has created confusion in the trial courts when one party moves to challenge a judgment and another files a notice of appeal, or when a party files a motion challenging a judgment and then files a notice of appeal before the 55 days has expired. HB 2368 simplifies the post-judgment relief process by providing that a trial court has jurisdiction to decide a motion challenging a judgment even after a party files a notice of appeal.

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This summary has not been adopted or officially endorsed by action of the committee.