I.R.C.P. 74.d. Trial - Judgment.

Idaho Rules of Civil Procedure Rule 74(d). Trial - Judgment.

Upon trial of the complaint or petition for writ of mandamus or writ of prohibition, the plaintiff or petitioner shall have the burden of proof in the proceedings as in other civil actions and upon conclusion of the trial the court shall enter its decision and judgment granting or denying a peremptory writ together with a determination of damages, if applicable. If an answer be made which raises a question as to a matter of fact essential to the determination of the motion and affecting the substantial rights of the parties, and upon the supposed truth of the allegation on which the application for the writ is based, the court may, in its discretion, order the question to be tried before a jury and postpone the final hearing until such trial can be had and the verdict certified to the court. The question to be tried must be distinctly stated in the order for trial, and the county must be designated in which the same shall be had. The order may also direct the jury to assess any damages which the plaintiff may have sustained in case they find for the plaintiff. Upon entry of the judgment, if the writ is awarded it shall be issued immediately upon application of the plaintiff or petitioner as a peremptory writ ordering the party to whom it is directed to perform an act or refrain from performing an act and shall have the force and effect of a judgment. A writ issued by the court shall be served upon the party to whom it is directed in the same manner as service of process under these rules.

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