I.R.C.P. 84.t. Finality of Judgments or Decisions and Remittiturs.

Idaho Rules of Civil Procedure Rule 84(t). Finality of Judgments or Decisions and Remittiturs.

(1) Judgment or Decision on Petition for Judicial Review. The judgment or decision on petition for judicial review shall be entered in the manner prescribed by law. The clerk shall file stamp the district court's ruling and judgment and mail copies to the parties and to the agency.

(2) Finality of Judgment or Decision where district court does not take additional evidence.

(a) If a notice of appeal is not filed, then the judgment or decision of the district court shall become final forty-two (42) days after the date evidenced by the filing stamp of the clerk of the court on the judgment or decision.

(b) If, after the judgment or decision, a party timely files a petition for rehearing then the judgment or decision shall become final forty-two (42) days after the date evidenced by the filing stamp of the clerk of the court on the order denying the rehearing or on any modified judgment or decision issued by the district court with or without a rehearing, if a notice of appeal is not filed.

(c) If a timely notice of appeal is filed, then the judgment or decision of the district becomes final upon the issuance of a remittitur by the Clerk of the Supreme Court or Court of Appeals.

(3) Finality of Judgment or Decision where the district court does take additional evidence.

(a) If a notice of appeal is not filed, then the judgment or decision shall become final within forty-two (42) days after the date evidenced by the filing stamp of the clerk of the court on the judgment or decision.

(b) If, after the judgment or decision, a party timely files a motion which, if granted, could affect the findings of fact or conclusions of law or the judgment or decision (except a motion under Rule 60 of the Idaho Rules of Civil Procedure or a motion regarding costs or attorney fees), then the judgment becomes final forty-two (42) days after the date evidence by the filing stamp of the clerk of the court on the order deciding that motion, if a notice of appeal is not filed.

(c) If a timely notice of appeal is filed from the judgment or decision of the district court, or from an

order deciding a motion that could affect such judgment or decision, then the judgment or decision becomes final upon the issuance of a remittitur by the Clerk of the Supreme Court or Court of Appeals on an opinion that does not remand the case for further proceedings in the district court.

(4) Remittiturs. When the judgment or decision of the district court has become final in accordance with this rule, the clerk of the court shall issue a remittitur, mail copies to all parties to the petition for judicial review, and mail a certified copy to the agency. The remittitur shall advise the agency that the judgment or decision has become final and that the agency shall forthwith comply with the directive of the judgment or decision.

(Amendment order deleting I.R.C.P. Rule 84 in its entirety and replaced with new Rule 84, to read as above, dated March 22, 2002, effective July 1, 2002; amended April 22, 2004, effective July 1, 2004.)

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