

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 834

Amending Civil Rule 41(e)
concerning dismissal for want
of prosecution

IT IS ORDERED:

Civil Rule 41(e) is amended to provide:

(e) Dismissal for Want of Prosecution. Actions which have been pending in a court for more than one year without any proceedings having been taken [THEREIN] may be dismissed as a matter of course, for want of prosecution, by the court on its own motion or on motion of a party to the action. The clerk [COURT] shall review all pending cases [AT LEAST] semi-annually and in all cases in which no proceedings have been taken for more than one year, the court shall [EITHER (1)] hold a call of the calendar or the clerk shall [(2)] send notice to the parties to show cause in writing why [A DISMISSAL OF] the action should not be dismissed [ORDERED]. If good cause to the contrary is not shown at a call of the calendar or within 30 [33] days of distribution of the notice [THE MAILING OF A NOTICE TO SHOW CAUSE IN WRITING], the court shall dismiss the action [ACTION SHALL BE DISMISSED]. [THE COURT MAY ALSO DISMISS SUCH CASES FOR WANT OF PROSECUTION AT ANY TIME ON MOTION OF ANY PARTY UPON NOTICE TO OTHER PARTIES.] The clerk may dismiss actions under this paragraph if a party has not opposed dismissal. A dismissal for want of prosecution is without prejudice unless the court states in the order that the case is dismissed with prejudice.

DATED: April 30, 1987

EFFECTIVE DATE: August 1, 1987

Chief Justice Rabinowitz

Justice Burke

Justice Matthews

Justice Compton

Justice Moore