

A decedent's executor has brought a federal diversity action against a man, alleging that while the decedent and the man were riding dirt bikes on a track, the man's bike ran into the decedent's bike, causing the decedent to fall to her death. The man denies fault for the decedent's death.

At trial, the executor's only witness testifies that shortly before the accident he was riding 50 feet behind the man and saw the man rapidly approaching the decedent until they were only a few feet apart. This witness briefly looked away, heard an unusual noise, and immediately afterward saw the decedent and the decedent's bike on the ground.

The man calls three witnesses, none of whom had met the decedent or the man before. Two riders testify that they were riding parallel to the man and never saw his bike touch the decedent's bike. A track attendant, who was stationed close to the area where the decedent fell, testifies that he was watching the track and never saw any contact between the decedent and the man.

The man has moved for judgment as a matter of law.

Should the court grant the motion?

- A. No, because the executor's evidence is sufficient for the jury to find for the executor.
- B. No, because there is a credibility dispute for the jury to resolve.
- C. Yes, because a verdict for the executor would be against the great weight of the evidence.
- D. Yes, because the executor has presented insufficient evidence to support a verdict.

Correct

Collecting Statistics

02 mins, 14 secsTime Spent

2023Version

Explanation:

Motion for judgment as a matter of law

(FRCP 50)

Time to file	May be filed after nonmovant presents its case but before case is submitted to jury May be renewed within 28 days after entry of final judgment
Procedural requirements	Movant must: specify judgment sought & law/facts entitling movant to judgment Court must: view evidence & draw all reasonable inferences in nonmovant's favor disregard evidence favorable to movant that jury is not required to believe not consider credibility of witnesses or evaluate weight of evidence
Standard for grant	Evidence is legally insufficient for reasonable jury to find in nonmovant's favor

FRCP = Federal Rule of Civil Procedure.

A motion for **judgment as a matter of law** (JMOL) is a request that the court enter a judgment in favor of the movant because the **evidence is legally insufficient** for a reasonable jury to **find in the nonmovant's favor**. This means that a **court should grant** a defendant's motion for JMOL if the plaintiff failed to present sufficient evidence at trial for a reasonable jury to issue a verdict in favor of the plaintiff.

Here, the executor's only witness testified that he saw the decedent and the man riding bikes a few feet apart but did not see them collide. In defense, the man called three disinterested witnesses who all testified that they never saw any contact between the decedent and the man. Based on this testimony, a reasonable jury could *not* conclude that the man collided with the decedent and caused her death. And since the executor has presented insufficient evidence to support a verdict, the court should grant the man's motion for JMOL.

(Choice A) The executor's evidence is *insufficient* for the jury to find for the executor. That is because the executor's only witness did not see the collision, and the executor presented no other evidence that the man collided with the decedent and caused her death. Therefore, the man is entitled to JMOL.

(Choice B) The jury generally has the responsibility to determine which witnesses are credible when their testimonies conflict. However, the witnesses' testimonies do not conflict here because none of them saw any contact between the decedent and the man. Therefore, there is no credibility dispute for the jury to resolve.

(Choice C) A court may grant a motion for a *new trial* on several grounds, one of which is that the verdict is against the clear (ie, great) weight of the evidence. But here, the man has moved for *JMOL*—not a new trial.

Educational objective:

A court may grant a motion for judgment as a matter of law when the evidence is legally insufficient for a reasonable jury to find in the nonmovant's favor.

References

Fed. R. Civ. P. 50 (setting forth the standard for judgment as a matter of law).

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