

A boutique sued a dressmaker in federal court for breach of contract. The boutique's complaint alleged that the dressmaker violated the contract between the parties by delivering the wrong dresses. The dressmaker immediately filed an answer, in which he admitted to delivering the wrong dresses. The answer also contained an affirmative defense that the boutique failed to file its complaint within the applicable statute of limitations.

The dressmaker wants the court to decide the case based solely on the information contained in the complaint and answer.

Which motion will best accomplish the dressmaker's goal?

- A. A motion for default judgment.
- B. A motion for judgment as a matter of law.
- C. A motion for judgment on the pleadings.
- D. A motion for summary judgment.

Explanation:

Pretrial motions

Motion	Grounds
Default judgment	<ul style="list-style-type: none">• Defendant failed to timely serve answer• Any party failed to comply with court order
Pre-answer	<ul style="list-style-type: none">• No subject-matter or personal jurisdiction• Improper venue• Insufficient process or service of process• Failure to join required party• Failure to state claim upon which relief can be granted
Judgment on the pleadings	<ul style="list-style-type: none">• Pleadings, attached exhibits & matters of public record show (1) no genuine dispute of material fact & (2) movant entitled to judgment as a matter of law
Voluntary dismissal	<ul style="list-style-type: none">• Plaintiff requests dismissal
Involuntary dismissal	<ul style="list-style-type: none">• Defendant requests dismissal because plaintiff failed to (1) prosecute action or (2) comply with rule/court order
Summary judgment	<ul style="list-style-type: none">• Pleadings, affidavits, declarations, discovery & other materials show (1) no genuine dispute of material fact & (2) movant entitled to judgment as a matter of law

A motion for **judgment on the pleadings** can be used to dismiss a suit once the **pleadings** have closed—ie, when all required pleadings have been served. Since the court's consideration of this motion is **limited to** the contents of the **pleadings** (including attached exhibits) and matters of **public record**, this motion will best accomplish the dressmaker's goal.

The motion will likely be granted if the pleadings show that the statute of limitations has expired because there would be no issues of material fact and the dressmaker would be entitled to judgment as a matter of law.

(Choice A) A **default judgment** is appropriate (1) when a defendant fails to timely serve an answer or (2) as a sanction when a party fails to comply with a court order—neither of which applies here.

(Choice B) A party can move for **judgment as a matter of law** *during trial* once the nonmovant has presented its case.

(Choice D) The standards to grant a motion for summary judgment are identical to those required for a judgment on the pleadings, but a court can consider materials *outside* the pleadings (eg, discovery materials). Since the dressmaker seeks a resolution based solely on the pleadings, a judgment on the pleadings is more appropriate.

Educational objective:

A party may move for judgment on the pleadings once the pleadings are closed. In considering such a motion, the court is limited to the contents of the pleadings (including exhibits) and matters of public record.

References

- Fed. R. Civ. P. 12(c) (motion for judgment on the pleadings).
- 61A Am. Jur. 2d Pleading § 560 (2019) (explaining the requirements for judgment on the pleadings).

Copyright © UWorld. All rights reserved.