

A man from State A sued a woman from State B in a proper federal district court to recover \$250,000 for the damage to his car and personal injuries he suffered when the two were involved in a car accident at a four-way intersection. The man requested a jury trial. The only issue in dispute is who had the green light as the cars approached the intersection.

At trial, the man called his 18-year-old son to the stand. The son testified that he was sitting in the passenger seat of the man's car and that his father was driving reasonably. On cross-examination, the son admitted that he did not see the light as the man's car approached the intersection. The man called no other witnesses and presented no other evidence.

In her defense, the woman called five witnesses to the accident. All five testified that the woman had the green light as she approached the intersection.

At the close of evidence, the woman's attorney moved for judgment as a matter of law. The court denied this motion and allowed the case to go to the jury. After deliberating for twenty minutes, the jury returned a verdict in favor of the man.

If the woman seeks to overturn the jury's verdict and obtain a judgment in her favor, which of the following actions would most effectively and efficiently accomplish her goal?

- A. Move for a judgment on partial findings.
- B. Move for a new trial.
- C. Petition for writ of mandamus.
- D. Renew her motion for judgment as a matter of law.

### Explanation:

A motion for **judgment as a matter of law** (JMOL or directed verdict) is a request that the court issue 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 motion can only be filed after the nonmovant has presented its case but before the case is submitted to the jury. That is because the motion, if granted, **removes the case from the jury's** consideration.

If a motion for JMOL is denied during trial (as seen here), the movant can file a **renewed motion for JMOL** no later than **28 days after the entry of judgment**. A judge can grant the renewed motion even if the original motion was denied. This is often done so that, if the trial court's decision is overturned on appeal, the jury's verdict can simply be reinstated instead of a new trial being required. The motion also provides an effective and efficient means to overturn a jury verdict—especially here, since the evidence on the green light overwhelmingly favors the woman.

**(Choice A)** A judgment on partial findings is analogous to a JMOL but is used when a case is tried before a judge—not a jury (as seen here).

**(Choice B)** The losing party can file a motion for new trial within 28 days after the court enters a final judgment. But a second trial would be expensive and time-consuming, so this motion would not provide the most efficient means to obtain a favorable judgment.

**(Choice C)** A petition for writ of mandamus is a *rare* procedure that allows a party to seek appellate review before a final judgment is issued—but only when no other remedy (eg, JMOL) is available.

### Educational objective:

A motion for judgment as a matter of law is used to remove a case from the jury's consideration when there is legally insufficient evidence for a reasonable jury to find in the nonmovant's favor. The motion can be renewed within 28 days after the entry of judgment to seek to overturn an adverse verdict.

### References

- Fed. R. Civ. P. 50 (judgment as a matter of law).

### Timeline for seeking judgment as a matter of law (JMOL)

