

A man brought a federal diversity action against his insurance company, alleging that the company had breached its duty under his insurance policy by refusing to pay for his medical expenses resulting from a mountain-biking accident.

At the jury trial, the man presented evidence that he had paid all premiums on the insurance policy and that the policy covered personal-injury-related medical expenses arising from accidents. After he rested his case, the company presented evidence that a provision of the policy excluded payment for injury-related expenses resulting from an insured's "unduly risky" behavior. The company also presented a witness who testified that the accident had occurred in an area where posted signs warned bikers not to enter. The man did not cross-examine the witness.

After resting its case, the company moved for judgment as a matter of law.

Should the court grant the motion?

- A. No, because a motion for judgment as a matter of law must first be made at the close of the plaintiff's case-in-chief.
- B. No, because whether the man's behavior was unduly risky is a question of fact for the jury to resolve.
- C. Yes, because the company's uncontradicted evidence of the man's unduly risky behavior means that no reasonable jury could find that the policy covers his injuries.
- D. Yes, because the man waived his right to rebut the company's evidence by not addressing the "unduly risky" policy provision in his case-in-chief.

Explanation:

Motion for judgment as a matter of law

(FRCP 50)

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| Time to file | <ul style="list-style-type: none">• 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 | <ul style="list-style-type: none">• Movant must:<ul style="list-style-type: none">– specify judgment sought & law/facts entitling movant to judgment• Court must:<ul style="list-style-type: none">– 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 | <ul style="list-style-type: none">• 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 the court should deny the motion for JMOL and allow the **jury to decide** the case if reasonable persons could reach different conclusions based on the evidence.

Here, the issue is whether the man's actions constituted "unduly risky" behavior. The company presented evidence that the man went mountain biking in an area where posted signs warned bikers not to enter. But since it did not present evidence showing *why* these signs were posted, a reasonable jury could conclude that they were meant to keep bikers out for multiple reasons (eg, to protect wildlife). As a result, whether the man's behavior was unduly risky is a question of fact for the jury to resolve, and the company's motion for JMOL should be denied.

(Choice A) A [motion for JMOL](#) may be filed *any* time after the nonmovant has had an opportunity to present evidence supporting a claim or defense and before the case is submitted to the jury. Therefore, the company did not need to move for JMOL at the close of the man's case-in-chief.

(Choice C) Although the man submitted no evidence to contradict the company's evidence, a reasonable jury could still conclude that his actions were not "unduly risky."

(Choice D) The man had no duty to address the "unduly risky" policy provision in his case-in-chief because the company raised it as a defense. The man could have rebutted the company's evidence through cross-examination but was not required to do so.

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. As a result, the court should deny the motion and allow a jury to decide the case if reasonable persons could reach different conclusions based on the evidence.

References

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

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