

A car manufacturer sued one of its competitors for infringing the manufacturer's patented technology for its self-driving cars. During discovery, the manufacturer requested that the competitor produce all documents related to the competitor's research into self-driving technology. The competitor turned over millions of documents, none of which contained any information related to the manufacturer's patented technology.

The case proceeded to trial, and the jury returned a verdict in favor of the competitor. Six months after the court entered a judgment consistent with this verdict, the competitor's CEO was charged with criminal negligence after several of the competitor's self-driving cars caused accidents. During a search of the competitor's research labs, the police discovered several documents containing information about the manufacturer's patented self-driving technology. The documents had been saved to the competitor's computers three years earlier.

What action may the manufacturer take upon discovering this new evidence?

- A. Move for a new trial.
- B. Move for judgment as a matter of law.
- C. Move for relief from the prior judgment.
- D. Move for summary judgment.

Explanation:

Posttrial relief

Relief	Grounds	Timing
Attorney's fees	<ul style="list-style-type: none">• Statute or rule allows recovery	≤ 14 days after entry of final judgment
Judgment as matter of law	<ul style="list-style-type: none">• Evidence legally insufficient to find for nonmovant	≤ 28 days after entry of final judgment
New trial	<ul style="list-style-type: none">• Prejudicial trial error• Prejudicial misconduct by judge, attorney, party, juror• Verdict not supported by clear weight of evidence• Verdict based on false/nonexistent evidence• Excessive or inadequate damages• Newly discovered evidence	
Alter/amend judgment	<ul style="list-style-type: none">• Manifest error of law or fact is basis for judgment• Intervening change in controlling law• Newly discovered evidence	
Correction of mistake	<ul style="list-style-type: none">• Clerical mistake• Mistake arising from oversight or omission	Freely OR with appellate court's leave if docketed
Extraordinary relief	<ul style="list-style-type: none">• Mistake, inadvertence, surprise, excusable neglect• Newly discovered evidence• Fraud, misrepresentation, misconduct by opposing party• Void judgment• Judgment satisfied, released, discharged• Other reason justifying relief	≤ 1 year after entry of final judgment Within reasonable time

Federal Rule of Civil Procedure 60(b) allows a party to move for **extraordinary relief** from a final judgment or court order on **limited grounds**. This motion may generally be made within a reasonable time, but it must be made **within one year** from the entry of a final judgment or order when based on any of the following grounds:

- The judgment was due to mistake, inadvertence, surprise, or excusable neglect by the parties or the court.
- The moving party **discovered new evidence** that (1) existed at the time of the trial and (2) could not have reasonably been discovered in time to move for a new trial (ie, within 28 days of the entry of final judgment).
- The **opposing party** engaged in fraud, misrepresentation, or **misconduct**.

Here, the competitor engaged in *misconduct* during discovery when it failed to disclose the documents containing information about the manufacturer's patented technology. This *newly discovered* evidence existed at the time of trial but could not have reasonably been discovered until now. And since only six months have passed since the court entered a final judgment, the manufacturer can move for relief from this prior judgment.

(Choice A) A motion for a new trial must be filed within *28 days* after the final judgment is entered. Therefore, this motion would be untimely and likely denied.

(Choice B) A party can renew a motion for judgment as a matter of law (JMOL) within *28 days* after the court enters final judgment as long as that party moved for JMOL before the case was submitted to the jury.

(Choice D) A motion for summary judgment must be filed within 30 days after the end of discovery (ie, before trial).

Educational objective:

A party can move for extraordinary relief within one year from the entry of a final judgment or court order that is based on (1) mistake, inadvertence, surprise, or excusable neglect, (2) newly discovered evidence, or (3) the opposing party's fraud, misrepresentation, or misconduct.

References

- Fed. R. Civ. P. 60(b)–(c) (extraordinary relief from judgment).