

A state opened a new park near a residential neighborhood. One of the residents sued the state in federal district court, claiming that the state took some of his property for the new park without providing him just compensation.

At trial, the resident entered an old, unrecorded document into evidence that supported his claim that he owned the disputed property. In its defense, the state entered hundreds of documents into evidence that showed that the disputed property was state-owned land. At the end of trial, the jury returned a verdict in favor of the state, and the court entered a final judgment consistent with the verdict.

The next day, the resident hired a professional researcher to meticulously search the state and county records relating to the property. The researcher discovered a misfiled document in the county records that conclusively showed that the resident, not the state, owned the disputed property. This document was not entered into evidence at trial. The resident immediately moved for a new trial based on this newly discovered evidence.

Is the court likely to grant the resident's motion for a new trial?

- A. No, because the resident could have discovered the document before the end of trial had he exercised due diligence.
- B. No, because the resident must present the document on appeal.
- C. Yes, because the document is material to the resident's case.
- D. Yes, because the document will likely produce a different result at a new trial.

Explanation:

Grounds for new trial

- Prejudicial trial error (eg, erroneous evidentiary ruling)
- Prejudicial misconduct by judge, attorney, party, or juror
- Verdict not supported by clear weight of evidence
- Verdict based on false/nonexistent evidence
- Excessive or inadequate damages
- Newly discovered evidence

Federal Rule of Civil Procedure 59 allows a party to **move for a new trial** after the entry of a final judgment on certain grounds, including when new evidence is discovered after trial. A court will grant a new trial based on **newly discovered evidence** if the movant shows that:

- the evidence was **unknown** to the movant at the time of trial
- the movant used **due diligence** to discover the evidence before the end of trial
- the evidence is **material**—not cumulative or impeaching—and
- a new trial considering the evidence will likely result in a **different outcome**.

Here, the researcher discovered a document after trial that had not been entered into evidence. This document conclusively shows that the resident owns the disputed property, so it is material to his case and would likely lead to a different result at a new trial. However, the resident did not use due diligence to discover the document because he could have hired the researcher or conducted his own search before the end of trial. As a result, the court will likely deny the resident's motion for a new trial on this ground **(Choices C & D)**.

(Choice B) When an appellate court reviews a decision by a lower court, it is limited to the facts and evidence contained in the record. Therefore, the resident cannot present the document for the first time on appeal.

Educational objective:

A court will grant a motion for a new trial based on newly discovered evidence if the movant shows that (1) the evidence was unknown to the movant at trial, (2) due diligence was used to discover the evidence before trial ended, (3) the evidence is material, and (4) a new trial with the evidence will likely have a different outcome.

References

- Fed. R. Civ. P. 59(a) (new trial).
- 58 Am. Jur. 2d New Trial § 291 (2019) (explaining the requirements for a new trial based on newly discovered evidence).

Copyright © UWorld. All rights reserved.