

A consumer brought a federal diversity action against a manufacturer, alleging strict products liability. After the parties presented their evidence at trial, the judge instructed the jury to return a special verdict providing written answers to specific questions about each factual issue but refraining from finding in favor of a party.

The jury returned its special verdict, specifically finding that the manufacturer's product was defectively designed and caused the consumer foreseeable harm. Before the judge entered a judgment consistent with the jury's findings, the manufacturer moved for judgment as a matter of law, arguing that the evidence was insufficient to support the jury's determinations.

Should the judge consider the manufacturer's motion?

- A. No, because the case has already been submitted to the jury.
- B. No, because the jury is the conclusive determiner of the sufficiency of the evidence.
- C. Yes, because the consumer has had the opportunity to present evidence to the jury.
- D. Yes, because the court has not yet entered a final judgment.

### Explanation:

A motion for **judgment as a matter of law** (JMOL) is a request that the court issue a judgment in the movant's favor because the **evidence is legally insufficient** for a reasonable jury to find in favor of the nonmovant. A party may move for JMOL **after the nonmovant** has had the opportunity to **present evidence** to establish a claim or defense. However, this motion **must be made *before*** the case is **submitted to the jury** or the motion is waived.

Here, the manufacturer moved for JMOL after the jury returned its **special verdict**. Although the consumer has had the opportunity to present evidence to the jury, the manufacturer failed to timely move for JMOL *before* the case was submitted to the jury **(Choice C)**. Therefore, the judge should not consider the manufacturer's motion for JMOL.

**(Choice B)** The jury is not the conclusive determiner of the sufficiency of the evidence because a judge may assess whether the evidence was legally sufficient to support the verdict in ruling on a properly filed motion for JMOL.

**(Choice D)** A party must move for JMOL before the case is submitted to the jury—not before the court enters a final judgment. However, a party may file a *renewed* motion for JMOL within 28 days after the entry of final judgment so long as the party properly moved for JMOL (not seen here).

### Educational objective:

A party may move for judgment as a matter of law after the nonmovant has had an opportunity to present its case to the jury. However, this motion must be asserted before the case is submitted to the jury or the motion is waived.

### References

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

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

