

A basketball coach sued the university that employed her for violating a federal law that prohibits religious discrimination. The coach claimed that the university dismissed her due to her religious beliefs. The university denied this allegation and asserted that the coach was dismissed because she had a subpar coaching record.

At trial, the coach testified that the university's athletic director frequently disparaged the coach's religious beliefs when the two met to discuss the coach's employment status. The athletic director had died before the trial commenced. Based on this evidence, the jury returned a verdict in favor of the coach and awarded her \$3 million in damages. Six months after the district court entered judgment consistent with the verdict, the university discovered that the coach had secretly recorded her meetings with the athletic director but never disclosed the existence of the recordings when the university requested that she turn over all relevant evidence before trial. In these recordings, the athletic director never mentioned the coach's religious beliefs and focused entirely on her subpar coaching record.

What is the best way for the university to seek relief from the judgment?

- A. Move for a new trial based on the newly discovered evidence.
- B. Move for relief from the judgment based on the newly discovered evidence.
- C. Move to alter or amend the judgment based on the newly discovered evidence.
- D. Move to correct the mistaken judgment based on the newly discovered evidence.

## Explanation:

### Relief from final judgment

(FRCP 60(b))

Grounds for relief	Time to file
<ul style="list-style-type: none"><li>• Mistake, inadvertence, surprise, excusable neglect</li><li>• Newly discovered evidence</li><li>• Fraud, misrepresentation, misconduct</li><li>• Void judgment (eg, lack of jurisdiction)</li><li>• Judgment:<ul style="list-style-type: none"><li>– satisfied, released, discharged</li><li>– based on reversed or vacated judgment <i>or</i></li><li>– will violate equity if applied prospectively</li></ul></li><li>• Other reason justifying relief (rare)</li></ul>	<p>Within one year</p> <p>Within reasonable time</p>

**FRCP** = Federal Rule of Civil Procedure.

A party can seek **extraordinary relief** from a district court's final judgment in **limited circumstances** (see table above). This motion for relief may generally be made within a reasonable time, but it *must* be made **within one year** from the entry of the final judgment when the motion asserts any of the following grounds for relief:

- The judgment was due to mistake, inadvertence, surprise, or excusable neglect by the nonmovant or the court.
- The movant has **discovered new evidence** that existed at the time of the trial and could not have reasonably been discovered in time to move for a new trial—ie, within 28 days of the final judgment.
- The nonmovant engaged in misrepresentation, misconduct, or fraud.

Here, the university requested that the coach turn over all relevant evidence before trial. The coach's recordings of her conversations with the deceased athletic director existed at that time, but she did not disclose them. As a result, the university did not learn of the recordings until six months after entry of the final judgment. The university should therefore move for relief from the judgment based on this newly discovered evidence before the one-year deadline expires.\*

\*The university could also move to obtain relief on the ground that the coach engaged in misconduct by failing to disclose the existence of the recordings when all relevant evidence was requested before trial.

**(Choices A & C)** A motion for a new trial and a [motion to alter or amend](#) a judgment must be filed within 28 days after a final judgment is entered. Since this deadline has passed, the university cannot obtain relief through these motions.

**(Choice D)** A motion to correct a mistake is appropriate when a judgment contains a clerical mistake or a mistake arising from an oversight or omission. However, the district court made no such mistakes when entering the final judgment.

**Educational objective:**

A party may obtain extraordinary relief from a final judgment within one year from the entry of a judgment when the motion is based on (1) mistake, inadvertence, surprise, or excusable neglect by the parties or court, (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).