

A woman sued her former employer in federal court for sexual discrimination in violation of federal law. At the jury trial, the woman presented evidence that she had been repeatedly passed over for promotions that went to her less-qualified male colleagues. After the woman rested her case, the employer presented evidence that the promotions were made pursuant to a merit-based system that did not take sex into account. To rebut the employer's evidence, the woman provided witness testimony that the system was just a pretext to discriminate against female employees.

At the conclusion of evidence, the employer moved for judgment as a matter of law. Viewing the evidence in the light most favorable to the employer, the court granted the employer's motion. Twenty-two days later, the woman appealed the district court's entry of judgment as a matter of law.

Is the appellate court likely to overturn the judgment as a matter of law?

- A. No, because the entry of judgment as a matter of law was appropriate under the circumstances.
- B. No, because the woman failed to timely appeal the district court's entry of judgment as a matter of law.
- C. Yes, because the district court failed to follow the proper procedural requirements in assessing the motion for judgment as a matter of law.
- D. Yes, because the employer failed to move for judgment as a matter of law at the close of the woman's 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 party may move for **judgment as a matter of law** (JMOL) at any time after the nonmovant has had an opportunity to present its case-in-chief but before the case is submitted to the jury. A motion for 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. When considering such a motion, the **district court must**:

- **view the evidence** and draw all reasonable inferences in the **light most favorable to the nonmovant**
- **disregard any evidence** favorable to the movant that the **jury is not required to believe** *and*
- **not consider** the **credibility of witnesses** or evaluate the weight of evidence.

Here, the employer timely moved for JMOL after the woman presented her case-in-chief and before the case was submitted to the jury (**Choice D**). However, the district court improperly viewed the evidence in the light most favorable to the employer (movant). As a result, the entry of JMOL was *not* appropriate under the circumstances, and the appellate court will likely overturn it (**Choice A**).

(Choice B) A party generally must appeal an adverse ruling, judgment, or order within 30 days after the entry of final judgment.* Therefore, the woman timely appealed the JMOL 22 days after it was entered.

*The time to appeal is extended to 60 days if one of the parties is (1) the United States, (2) a federal agency, or (3) a federal officer or employee sued for conduct that relates to government duties.

Educational objective:

When considering a motion for JMOL, the district court must (1) view the evidence and draw all reasonable inferences in the light most favorable to the nonmovant, (2) disregard any evidence favorable to the movant that the jury is not required to believe, and (3) not consider the credibility of witnesses or evaluate the weight of evidence.

References

- Fed. R. Civ. P. 50(a) (motion for judgment as a matter of law).
- *Reeves v. Sanderson Plumbing Prods., Inc.*, 530 U.S. 133, 150–51 (2000) (explaining the procedural requirements for considering a JMOL motion).