

After a lengthy federal trial, the defendant moved for judgment as a matter of law (JMOL). The court denied the motion and sent the case to the jury, which returned a verdict for the plaintiff and awarded damages.

Five weeks after the court entered judgment on the verdict, the defendant filed a renewed motion for JMOL. One week after that motion was filed, the parties filed a stipulation agreeing to extend the time to file and respond to posttrial motions. In the stipulation, the defendant acknowledged that it had filed its renewed JMOL motion late, citing computer difficulties relating to an office move. The plaintiff has acknowledged that it suffered no prejudice as a result of the late renewal motion but opposes it.

Is the court likely to consider the renewed JMOL motion on the merits?

- A. No, because the deadline for filing a renewed JMOL motion cannot be extended.
- B. No, because the defendant failed to show good cause for its delay in filing the motion.
- C. Yes, because although the motion was late, the defendant explained the reason, and the plaintiff suffered no prejudice.
- D. Yes, because although the motion was late, the parties agreed to extend the time for posttrial motions.

Incorrect

Correct answer A

Collecting Statistics

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Explanation:

Extending deadlines

(FRCP 6(b))

Extension permitted

Court may extend deadline to act for good cause:

with or without motion or notice if court acts, or request is made, before deadline expires *or*

on motion made after time has expired if party failed to act due to excusable neglect

Extension prohibited

Court may not extend deadline for following motions:

Renewed judgment as a matter of law

Amended or additional findings

New trial

Alter or amend judgment

Relief from judgment

FRCP = Federal Rule of Civil Procedure.

A motion for judgment as a matter of law (JMOL) can only be filed after the nonmovant has presented its case but before the case is submitted to the jury. If a motion for JMOL is denied during trial, the movant can file a **renewed motion for JMOL** no later than **28 days after the entry of judgment** to seek to overturn an adverse verdict. However, a **court cannot extend the deadline to file** a renewed motion for JMOL.

Here, the defendant properly moved for JMOL at the close of trial, but that motion was denied. The defendant then filed a renewed motion for JMOL after the court entered judgment against the defendant. But that motion was late because it was filed *35 days* after the court's entry of judgment. And though the parties agreed in their stipulation to extend the deadline for posttrial motions, the deadline for filing a renewed JMOL motion cannot be extended (**Choice D**). Therefore, the court is unlikely to consider the motion on the merits.

(Choice B) The court is unlikely to hear the defendant's renewed JMOL motion because the court cannot extend the motion's filing deadline—not because the defendant failed to show good cause for its delay in filing the motion.

(Choice C) A court may generally extend the deadline for a party to act (eg, file a motion) if good cause exists. Here, good cause may exist since the defendant explained why the renewed JMOL motion was filed late and the plaintiff suffered no prejudice as a result of the late filing. But even when good cause exists, the court cannot extend the deadline for a party to renew its motion for JMOL.

Educational objective:

A renewed motion for judgment as a matter of law must be filed within 28 days after the court enters judgment. A court cannot extend that deadline.

References

Fed. R. Civ. P. 50 (setting the deadline to renew motion for judgment as a matter of law).

Fed. R. Civ. P. 6(b) (explaining when the court may extend deadlines).

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