

A group of consumers sued a company in federal court for violating federal antitrust laws. Immediately after presenting evidence in its defense, the company moved for judgment as a matter of law. The judge denied the motion. The jury returned a verdict in favor of the consumers. The court expressed surprise at the verdict, noting the scarcity of evidence in favor of the consumers, but nevertheless entered a judgment consistent with the verdict. Twenty days later, the company renewed its motion for judgment as a matter of law, challenging the sufficiency of the evidence. The motion was denied. The company then filed a notice of appeal, challenging the sufficiency of the evidence supporting the jury's verdict.

Is the appellate court likely to review the company's challenge?

- A. No, because the company's motion for judgment as a matter of law at the close of its defense was untimely.
- B. No, because the jury has complete discretion to determine the sufficiency of the evidence presented by the consumers.
- C. Yes, because the company timely renewed its motion for judgment as a matter of law.
- D. Yes, because the jury verdict based on scarce evidence was clearly erroneous.

Explanation:

Under Federal Rule of Civil Procedure 50, a party can challenge the sufficiency of the evidence supporting a jury verdict on appeal if it:

- **moved for judgment as a matter of law (JMOL) before the case was submitted to the jury and**
- **filed a renewed motion for JMOL within 28 days after the entry of final judgment** that could have included an alternative or joint request for a new trial.*

Here, the company moved for JMOL after presenting its evidence and before the case was submitted to the jury, which the judge denied. The company then timely renewed its motion for JMOL within 28 days after final judgment was entered. This means that the company preserved its sufficiency-of-the-evidence challenge for appeal, and the appellate court is likely to review this challenge.

*If the court grants a renewed motion for JMOL, it also must conditionally rule on any motion for a new trial by determining whether a new trial would be warranted if the court's judgment is later reversed.

(Choice A) A defendant can move for JMOL any time after the plaintiff has presented its case but before the case is submitted to the jury. And since the defendant here moved for JMOL at the close of its defense and before the case was submitted to the jury, the motion was timely.

(Choice B) The jury, as the trier of fact, has complete discretion to weigh the evidence presented at trial to determine if a party has met its **burden of proof**. However, the appellate court may still review the legal sufficiency of a jury's determinations. When doing so, the appellate court must give great deference to and uphold the jury's determinations if they are supported by **substantial evidence** (ie, more than a scintilla).

(Choice D) Although the jury's verdict was based on scarce evidence, the clearly-erroneous standard of review is used to review factual findings in a bench (not jury) trial.

Educational objective:

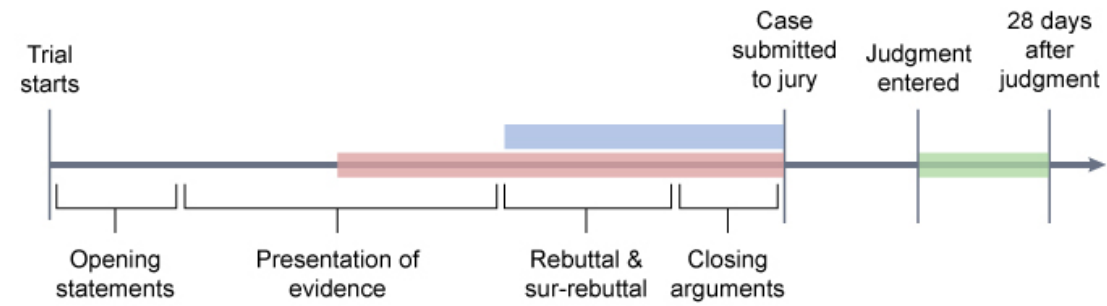
A party may challenge the sufficiency of the evidence supporting the jury's verdict on appeal if that party (1) moved for judgment as a matter of law (JMOL) before the case was submitted to the jury and (2) renewed its motion for JMOL within 28 days after the entry of final judgment.

References

- Fed. R. Civ. P. 50 (judgment as a matter of law).
- *Unitherm Food Sys., Inc. v. Swift-Eckrich, Inc.*, 546 U.S. 394, 399–402 (2006) (explaining the procedural requirements to challenge the sufficiency of evidence supporting a jury verdict).

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



■ = Defendant can seek JMOL ■ = Plaintiff can seek JMOL ■ = Losing party can *renew* JMOL

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