

The parents of a teenager from State A sued a construction company from State B for negligence on behalf of the teenager in a federal district court. The parents requested \$100,000 in damages and demanded a jury trial. The construction company denied liability. At trial, the parents presented evidence that the construction company failed to sufficiently warn about the excavation pit on its worksite, these insufficient warnings caused the teenager to fall into the pit, and the teenager suffered severe injuries as a result.

Immediately after the parents presented their case and before offering any evidence in its defense, the construction company moved for judgment as a matter of law.

May the court consider the construction company's motion?

- A. No, because the construction company has not presented any evidence in its defense.
- B. No, because the construction company may only move for judgment as a matter of law after the court enters a final judgment.
- C. Yes, because the construction company may move for judgment as a matter of law at any time before the case is submitted to the jury.
- D. Yes, because the parents had an opportunity to present their case.

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. This motion may be filed before the case is submitted to the jury but only **after the nonmovant** has had the opportunity to **present evidence** to establish a claim or defense (**Choice C**). That means that a defendant may move for JMOL after the plaintiff presents its case.

Here, the parents (plaintiffs) had an opportunity to present evidence that the construction company (defendant) was negligent. Since the construction company moved for JMOL after the parents had that opportunity, the court may consider the motion. The court will then grant the motion if the parents failed to present legally sufficient evidence for the jury to reasonably conclude that the construction company is liable for **negligence**—eg, if the parents failed to present evidence establishing the construction company's duty of care.

(Choice A) The construction company may move for JMOL even though it has presented no evidence in its defense. That is because the parents, as the plaintiffs, have the burden to prove their claim.

(Choice B) A party may *renew* its motion for JMOL within 28 days after the court enters a final judgment consistent with the jury's verdict if that party moved for JMOL before the case was submitted to the jury and the court denied it.

Educational objective:

A motion for judgment as a matter of law requests that the court issue a judgment in favor of the movant because the evidence is legally insufficient for a reasonable jury to find in the nonmovant's favor. This motion may be filed before the case is submitted to the jury but only after the nonmovant has had the opportunity to present its case.

References

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

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

