

A woman from State A sued a pharmaceutical company incorporated and with its principal place of business in State B in federal district court for \$1 million in damages. The woman alleged that the company engaged in deceptive marketing by failing to disclose all the health risks associated with one of its drugs. She claimed that this contributed to her becoming addicted to the drug, which led to severe medical complications.

The case was tried to the court. The woman presented evidence to support her claim and immediately after, the company moved for a judgment on partial findings. The judge announced her findings of fact and conclusions of law from the bench and explained that the woman had failed to present legally sufficient evidence to establish the causation element of her claim. Specifically, the judge did not believe that the woman's witnesses concerning that element were credible and discounted their testimony. The judge then granted the company's motion and entered a judgment in favor of the company.

Were the judge's actions proper?

- A. No, because the judge acted improperly when she discounted the testimony of the witnesses.
- B. No, because the judge failed to state her findings and conclusions in writing.
- C. Yes, because a judgment on partial findings may be entered at any time during trial.
- D. Yes, because the woman had an opportunity to be fully heard on her claim.

### Explanation:

When a case is tried to the court (ie, a **bench trial**), a party can file a motion for **judgment on partial findings** in lieu of a motion for judgment as a matter of law (JMOL). This motion requests that the court enter a partial finding against the nonmovant *after* the nonmovant has been **fully heard on the issue**. If that finding resolves a claim or defense, the court may enter a judgment on partial findings. The court must provide factual findings and legal conclusions (orally or in writing) on the record in support of that judgment (**Choice B**).

Here, the judge announced her findings and conclusions on the company's motion for judgment on partial findings from the bench (ie, on the record). The judge found that the woman's witnesses were not credible, so the woman did not have legally sufficient evidence to establish the causation element of her claim. And since the woman had been fully heard on her claim, the court acted properly in entering the judgment on partial findings.\*

\*The woman can still challenge the judge's decision on appeal. The appellate court will review the judge's factual findings for clear error (high deference) and the judge's conclusions of law de novo (no deference).

**(Choice A)** As the fact finder in a bench trial, a judge may consider the credibility of witnesses and the weight of the evidence to determine if they are sufficient to render a decision for the movant before entering a judgment on partial findings.\*\* Therefore, the judge acted properly when she discounted the testimony of the woman's witnesses after assessing their credibility.

\*\*In contrast, the court may not evaluate the credibility of witnesses or the weight of the evidence when considering an initial or renewed motion for JMOL.

**(Choice C)** A judgment on partial findings can be entered only *after* the nonmovant has had an opportunity to be fully heard. So had the company moved for a judgment on partial findings *before* the woman presented her case, the court could not have considered the motion.

### Educational objective:

In a bench trial, a judge may enter a partial finding against the nonmovant after the nonmovant has been fully heard on the issue. If that finding resolves a party's claim or defense, the court may then enter a judgment on partial findings.

### References

- Fed. R. Civ. P. 52(c) (judgment on partial findings).

### Jury trial

v.

### Bench trial



Jury acts as finder of fact.  
Judge acts as interpreter of law.

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Judge acts as finder of fact  
and interpreter of law.