

A customer sued a retailer in federal court, claiming that the retailer had intentionally engaged in trade practices that violated federal law. At the close of evidence, the retailer filed a motion for judgment as a matter of law, which was denied. The jury returned a verdict for the customer.

Twenty-five days after the court entered judgment on the verdict, the retailer filed a renewed motion for judgment as a matter of law. The trial court determined that the evidence was legally insufficient to find in the customer's favor because the customer's main witness was not credible. The trial court then issued an order granting the retailer's motion. Twenty-eight days later, the customer appealed.

Is the appellate court likely to uphold the trial court's ruling?

- A. No, because the retailer renewed its motion for judgment as a matter of law more than 21 days after the trial court entered judgment on the verdict.
- B. No, because the trial court considered the credibility of the customer's main witness when granting the retailer's renewed motion.
- C. Yes, because the appellate court must give great deference to the trial court's ruling.
- D. Yes, because the customer appealed more than 30 days after the trial court entered judgment on the verdict.

## Explanation:

### Motion for judgment as a matter of law

(FRCP 50)

- |                                |  |
|--------------------------------|--|
| <b>Time to file</b>            | <ul style="list-style-type: none"><li>• May be filed after nonmovant presents its case but before case is submitted to jury</li><li>• May be renewed within 28 days after entry of final judgment</li></ul>  |
| <b>Procedural requirements</b> | <ul style="list-style-type: none"><li>• Movant must:<ul style="list-style-type: none"><li>– specify judgment sought &amp; law/facts entitling movant to judgment</li></ul></li><li>• Court must:<ul style="list-style-type: none"><li>– view evidence &amp; draw all reasonable inferences in nonmovant's favor</li><li>– disregard evidence favorable to movant that jury is not required to believe</li><li>– not consider credibility of witnesses or evaluate weight of evidence</li></ul></li></ul> |
| <b>Standard for grant</b>      | <ul style="list-style-type: none"><li>• Evidence is legally insufficient for reasonable jury to find in nonmovant's favor</li></ul>  |

**FRCP** = Federal Rule of Civil Procedure.

A motion for **judgment as a matter of law** (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. An initial motion for JMOL must be filed before the case is submitted to the jury. If that motion is denied, the movant can file a renewed motion within 28 days after the entry of final judgment on the jury's verdict.\*

When considering an initial or renewed motion for JMOL, the trial 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 retailer timely renewed its motion for JMOL 25 days after the trial court entered judgment on the jury's verdict **(Choice A)**. The trial court granted this motion after determining that the evidence was legally insufficient to find in the customer's

favor. However, the appellate court will likely overturn that ruling because the trial court improperly considered the credibility of the customer's main witness.

\*A trial court can grant the renewed motion even if the initial motion was denied. This is often done so that the jury's verdict can be reinstated if the trial court's decision is overturned on appeal.

**(Choice C)** A trial court's discretionary rulings (eg, admissibility of evidence) are reviewed for **abuse of discretion** and are given great deference. However, a trial court's legal rulings (eg, granting or denying JMOL) are reviewed de novo and are given *no* deference.

**(Choice D)** A **notice of appeal** must be filed within 30 days after entry of a final judgment OR an order disposing of a posttrial motion. Therefore, the customer timely appealed 28 days after the trial court entered a posttrial order granting the renewed motion for JMOL.

**Educational objective:**

When considering a motion for JMOL, a court must (1) view the evidence and draw all reasonable inferences in favor of the nonmovant, (2) disregard 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).