



Legal Research, Writing, and Civil Litigation

Class 14

Post Trial Motions

- **Motion to judgment notwithstanding the verdict**
 - Only can be granted if, as a matter of law, no reasonable jury could have found as the jury did!
- **Motion for a new trial (the jury's verdict was not unreasonable, but...)**
 1. the verdict is against the weight of the evidence
 2. the verdict is grossly inadequate or excessive
 3. newly discovered evidence makes the verdict unfair; this evidence must...
 - a. be so strong as to probably change the result of the trial
 - b. have been discovered after the trial
 - c. not have been discoverable with due diligence prior to trial
 - d. not simply be about impeaching the other side's case
 - e. be about a change in facts, not just a change in law

Post Trial Motions (cont.)

- **Motion for relief from judgment**

1. the judgment came as a result of excusable neglect or surprise (i.e., usually with default judgments)
2. newly discovered evidence
3. a party can show that the other party used fraud or other misconduct to win the case
4. 4) the judgment is void because the court lacked authority to hear the case (e.g., no jurisdiction or no service of process, etc.)
5. the relief ordered by the judgment has already been satisfied
6. any other reason that justifies relief from judgment

Enforcement of Judgments

- [Judgment creditor: A person who is owed money pursuant to a judgment]
- [Judgment debtor: A person who owes money pursuant to a judgment]
- In addition to having a court order the other party to pay the judgment, the law provides other remedies to the party who obtained the judgment:
 1. Levy: The court can order the sheriff to seize goods belonging to a judgment debtor and hold those goods to sell and pay off the judgment from the proceeds
 - Levying is inefficient because these types of auction-sales don't usually bring full value. Thus, it should only be used as a last resort.

Enforcement of Judgments (cont.)

2. Contempt of court: A judgment debtor can be held in contempt of court and fined for not paying off a judgment (but can't be sent to prison for inability to pay...)
3. Garnishment of wages; though income exemption rules limit this ability to (under federal rules) the lesser of:
 - 25% of the judgment debtor's disposable income; and
 - the income of the defendant minus the minimum wage times 30
4. In some cases, the plaintiff can even "attach" the defendant's property before the trial to prevent the defendant from getting rid of all assets while the trial is proceeding.



QUIZ TIME!