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1) Juror #5

Peremptory Challenge

In civil court, both parties enjoy the limit of three peremptory challenges during voir dire. A peremptory challenge occurs when a party moves to strike a potential juror for a reason regarding the litigation. These challenges may not be based on race, ethnicity, nor heritage. However, a party may challenge a juror when they have a close relationship with a party to the case, or an attorney litigating the matter.

Here, Paula challenged the seating of Juror #5 because she disclosed that she still owned 50 shares of Motor stock in addition to working as an engineer for Motor prior to retiring five years ago. Parties generally have a limit of three peremptory challenges. Thus, if Paula did not exercise all of her peremptory challenges, the court will likely be in error. Under this specific challenge, a party can object to a juror for any reason as a matter of right as long as the motivation is not a protected classification of people. Here, Paula has a valid concern regarding the eligibility of Juror #5 as a potential trier of fact in this case because of her close relationship with the defendant. Juror #5 worked as an engineer for the defendant prior to retiring, thus it may be reasonable to infer that Juror #5 is over 65 years old and may have likely worked for the defendant for her entire career prior to retiring. Thus, her service on this jury would likely be partial not only because of her past as an employee but her current vested interest as a shareholder. Although 2% seems to be insignificant, a loss in the case would directly harm Juror #5, while a favorable outcome may yield her pecuniary gain. Thus, the peremptory challenge should have been upheld because this outcome is unlikely to result in an unbiased jury.

Therefore, the court likely erred in denying Paula's peremptory challenge of Juror #5 assuming that Paula has not exhausted the challenge limit.

For Cause Challenge

Both parties enjoy an unlimited number of for cause challenges in a civil action. However, these challenges may not be based on race, gender, nor sexual orientation.

Here, if Paula no longer had any peremptory challenges, she may still have challenged Juror #5 through a for cause challenge. Here, race, gender, nor sexual orientation are the motivating factors behind Paula's challenge, rather Juror #5's proximity to the defendant is causing Paula concern. Here Juror #5's ownership of Motor stock, coupled with her prior work as an engineer is the motivating factor for Paula's challenge. The stock ownership on its own may be considered to be an insignificant act on its own because the stock ownership amounted to approximately 2% of Juror #5's financial assets. When assessed independently, the stock ownership may not be sufficient to warrant a for cause challenge, however when coupled with Juror #5's previous employment it would likely be sufficient to warrant a for cause challenge.

Thus, the court erred in granting Paula's challenge regarding Juror #5 because even if Paula's peremptory challenges were exhausted, the court should have granted a for cause challenge of the

same juror.

7th Amendment Right to Jury Trial

Although a plaintiff or party in a civil matter does not automatically have jury trial as a matter of right under the Constitution like a criminal defendant does; once this right is appropriately asserted a party to a civil action with a jury enjoys the similar rights under the Constitution because they elected to do so. Once this right is asserted, a party to civil matter has a right to a jury trial under the specifications of both parties. A jury may not be larger than 12 jurors. Additionally, a civil jury may not consist of less than 6 members unless otherwise stipulated to or waived by either party.

Here, the court's denial of the challenge may violate the 7th Amendment right to jury trial because Paula correctly opted to have a jury hear her case against Motor after she was severely injured during the accident. the court stated that Juror #5 could be fair and impartial when they denied Paula's challenge and seated Juror #5.

Therefore, the court likely violated Paula's rights when they denied her challenge.

Overall, the court likely erred in seating Juror #5 because it is unlikely Juror #5 can be impartial to both parties. Additionally, this juror may be prejudicial to Paula.

2) Palma's Motion for Directed Verdict

Directed Verdict

A party may move for directed verdict at the close of evidence when they have established a prima facie case on the merits. A motion for directed verdict is assessed in the light most favorable to the opposing party. In order for the moving party to prevail on a motion for directed verdict, she must prove that the reasonable jury would not rule in favor of the opposing side based on the facts presented alone. There would be a sufficient ground for a verdict on the evidence presented alone.

Here, Paula moved for directed verdict at the close of trial. However, a reasonable jury could find for the defendant in this matter because her assertion of the bookshelf in the backseat would not be sufficient in overcoming the burden. The court did not err in their ruling because a reasonable jury could find that either Paula did not act in a foreseeable manner although unreasonable and the jury could also find that Motor did not breach any duty.

Therefore, the court did not err in denying Paula's motion for directed verdict.

3) Palma's Motion for New Trial

Motion for New Trial

A motion for new trial must be made within one year of the rendering of the verdict. Additionally, a motion for new trial may be granted upon a reasonable showing of new evidence that would have likely effected the outcome of the litigation. Unlike an appeal where a JMOL must be filed prior to filing an appeal, there are no such limitation to a motion for a new trial.

Here, Paula requested a new trial three weeks after the jury rendered a verdict in her case against

Motor. Two weeks after the jury rendered a verdict for Motor, Paula received anonymous reports regarding Motor's safety tests that were conducted three years earlier. Paula then filed a motion for new trial one week after receiving the reports. When assessing the age of the documents, it may be determined that these safety tests would have been reasonable discovered during the pre-trial of the initial litigation. However, if Motor intentionally hid the documents; the court may grant a new trial because there was substantial fraud and interference. When balancing the age of the documents against the accessibility and potential foul play, a new trial may be appropriate because there was concealed relevant evidence and the de novo error by the court earlier would be sufficient ground for granting a new trial. Even when assessed independently, the failure to have a relevant document discoverable is sufficient grounds for a new trial if the outcome would be significantly impacted.

Therefore, the court should grant the new trial because it is timely and the document may have resulted in a different outcome.

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