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1. Did the court error in seating Juror #5?

Generally jurors can be dismissed for cause if they are shown to not be impartial or if they are biased. The for cause challenged can be overruled by the court if the court believes that the juror can be impartial and fair.

Bias

Bias is when the juror has had a previous connection with the defendant in the case, and it could impartial their judgement.

Here, Juror #5 used to work as a Motor Engineer before retiring 5 years ago. There was a prior relationship between her and motor company. Therefore she has a bias, given Palma is suing the company she used to work for prior to retirement.

Interest in Motor Stock can lead to being impartial.

Furthermore juror #5 also owns 50 shares of stock, and even though it only amounts to 2% of her income, she still has an interest in the outcome of these proceedings. Also, there is no information regarding the shares of stock, but regardless if the juror owns majority of minority of the stock, she still has an interest.

Even though the court asked the juror if she could be impartial and she said she could, this was not enough to keep her. Regardless of what juror #5 says, she still has an interest in the outcome of these proceedings. If the court were to rule against motor, it would affect her shares in the stock, given the information gets out in public, and it decreases the stock value.

Thus, the court errored in keeping juror #5.

2. Did the court correctly deny Palma'a motion for directed verdict?

A motion for directed verdict is normally granted when there is no genuine issue of material fact and the moving party is entitled to directed verdict as a matter of law.

I. No Genuine issue of material fact

Here, there is a genuine issue of material Fact, Motor presented evidence that the seat was not defective and that the injuries suffered were due to reclining the seat at an unsafe angle. Palma showed evidence that the accident was due to the bookshelf she had in the backseat which prevented the declining. Palma argued that misuse is not a defense to

defective design which is true, but misuse by a bookshelf is not really foreseeable as she argues. A reasonable jury could find that there is still a issue of fact, which here is whether the seat was defective because of way Palma was seated due to the bookcase or whether it was due to a product defective design.

Thus, the element of no genuine issue of material fact is not satisfied. There is a huge issue of material fact in this case, the court properly also saw it when Palma filed her motion for directed verdict and thus denied it.

II. Entitled to Directed verdict as matter of law

A. No reasonable jury could have found for opposing party

Here, As previously mentioned a jury could have found for Motor, given the fact that Palma had a bookshelf in her backseat. Having a bookshelf is not considered normal use. This itself is enough for a jury to find that maybe the bookshelf did play a role in the injuries of Palma.

Thus, the jury could have found for Motor if, they found Palma, also misused the vehicle by driving and having a bookshelf in the back.

B. Evidence is viewed in light more favorable of nonmoving party

Here, viewing the evidence in light more favorable for nonmoving party, Motor was able to demonstrate evidence that the seat was not defective. Motor also showed that the injuries suffered were due to reclining the seat an unsafe angle. In this case, and keeping this into consideration, there is minimal evidence for the moving party Palma.

Thus, the court did not error in denying Palma's motion for a directed verdict.

3. How should the court rule on Palma's motion for a new trial?

A party can bring a motion for a new trial if there is new evidence that would change the outcome of the case. However, this motion has to be brought within 28 days after discovery of this evidence and it has to be reliable.

Timing

Here, the motion is proper because Palma filed within 21 days to get a new trial based on the newly discovered evidence.

Thus, Palma's request for a new trial is timely.

Newly Discovered Evidence

Here, Palma discovered new evidence two weeks after the jury verdict, from an anonymous report, stating that the safety tests conducted three years earlier proved that severe injuries were likely regardless of the angles on the seats. When Palma discovered

this evidence, she was allowed to bring a motion for a new trial because this evidence is outcome determinative. There is a high probability that the newly discovered evidence could change the outcome of her case.

Motor may try to argue that the new evidence should not come in because it is coming from anonymous report. However, the court system has a duty to inquire into this evidence, especially if this evidence could have changed the outcome of the case.

Thus, the court should grant Palma's motion for a new trial.

Question #4 Final Word Count = 874

END OF EXAM