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

Jury Trial:

Under the constitution, there is a right to jury trial for the claim of \$20. There is a common law right to jury trial however no equity right to jury trial. Jury trial request must be made withing 14 days along with the proper complaint.

The claimant has right to have impartial jury from cross community. There is no right to have 12 jurors, however there must be 6 jurors and verdict of the jurors must be aninomouse.

The claimant has a preemptory right to exclude jurors if the juror is biased or partial on the juror has any interest or relation with the parties involved.

Here, Palma was a passenger in a car manufactured by Motor. She was seriously injured in the accident because of the seat collapsed.

The facts suggests that she filed and served a proper complaint in California Superior Court against Motor for a defective seat design.

Court erred in seating of juror # 5, because he in not impartial juror. Juror # 5 revealed that he worked as a motor engineer before retiring for 5 years and he has 50 shares of Motor stock. Palma's claim is for damages against Motor and it is likely that if the court finds that the seat was defective and Motor was liable for the damages payable to Palma. Juror # 5 is having interest in the company. If after the verdict , the shares of Motor might decline and juror# 5 has to bear a loss . It is very likely that juror # 5 has interest in the outcome of the claim in the favour of Motor. Juror # 5 holds 2% of her total financial assets. Juror # 5 said he could be fair and impartial, however Palma will argue any judgement against Motor will impair Juror # 5' equity interest and it is highly unlikely that she would be fair and impartial. Palma's argument has merit here because juror # 5 has financial interest in the outcome and she might want to favour Motor so that would not impact her financial assets . Although she said she would be fair and impartial but it is highly unlikely that she would. She is not impartial juror and therefore court erred in seating juror #5.

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

Motion for directed verdict or summary judgment:

Parties can bring a motion for directed verdict or summary judgement when there is no triable issue of law or fact. The motion can be brought after the discovery and close of the evidence.

Court will look in the evidence most favourable to non moving party. If the court finds that

based on the evidence most favourable to non moving party, there is no other decision the trier of fact would reach a different verdict than the moving party is requesting for, then court will allow the motion for directed verdict.

Here, Motor presented evidence that the seat was not defective. Motor asserted a defense that any injuries Palma suffered was due to reclining the seat.

Strict Product Liability:

A manufacturer, trader, wholesaler are strictly liable for defective product. The plaintiff has to prove that the product was defective when it leaves the control of the manufacture. When the product is in a stream of commerce and the product is defective, the manufacture or merchant who deals with the sales of the product is strictly liable.

There are three types of defect, manufacture defect , design defect and warning defect.

Design defect is a defect that makes the use of the product unsafe and would have alternate design without incurring the cost. Some misuse of the defective product is foreseeable.

Here, Palma claiming strict product liability against Motor. When Motor asserted that the injury caused to Palma was due to the reclining of the seat and not because the seat was defective, Palma submitted the evidence that at the time of the accident , a bookshelf was in the backseat and the seat could not have been excessively reclined. The facts do not indicate that Palma is suing Motor for negligence.

If the claim is for negligence, then trier of fact has to look into all the evidence to determine the percentage of negligence, however in the strict product liability, the plaintiff just need to prove that the product was defective when it leaves the control of the manufacturer. However, in this case, as Motor also represented the evidence that the seat was not defective, and looking into the evidence favourable to non moving party, it is very difficult to determine the cause of injury to Palma. The jury needs more information and evidence to determine the cause of injury and liability, the court here rightly denied Palma's motion for directed verdict.

3. court's ruling on Palma's motion for a new trial

A party must file a motion for renewed trial withing 28 days of the verdict.

Here, Palma received the reports two weeks after the verdict and judgment. She has now evidence that through the anonymous report that the injuries can be caused regardless of the angle of the seat and she can bring this evidence to the court. She filed the motion for a new trial after one week after receiving the report stating that the verdict was flawed and

Motor hid the evidence intentionally.

It seems she filed the motion within 21 days of the verdict and judgement. It is within the time provided by the Federal Rules of Civil Procedure and therefore, the court should allow Palma's motion for a new trial.

Question #4 Final Word Count = 940

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