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

Jury Selection

Under the FRCP jury selection must be conducted in a fair and impartial manner. Either party has an unlimited number of times they can disqualify a jury member with cause as long as it doesn't have a racial or gender reasoning. A jury panel must mirror the community of the court that the case is tried in. Additionally a juror who has any personal relationship with either party must be dismissed due to bias. A juror may be dismissed for either bias towards or against a party. A juror can also be biased if they have a financial stake in the outcome of the case.

Here, Palma (P) requested that Juror #5 be dismissed because she had worked at the defendant's company Motor (M) as an engineer before. This is an adequate an appropriate reason for P to request a juror dismissal for cause. However, since it had been 5 years since juror 5 retired from M, and her stocks only amount to a very small percentage of her total financial assets (2%) it is very unlikely that she is biased towards M since she has a very low financial stake in the outcome of this case. Further there is nothing in the facts that provide that she has any other interest in the case. P could argue that M's role as a former engineer could sway the jury panel. However, this could go either way, Juror 5's personal knowledge could inform the case in ways that could help either party. But either way, this is highly speculative and no facts support that #5 has any insider information that will sway the jury, and the juror will likely survive a jury dismissal claim as the court ruled.

Therefore, given the facts presented the court did not err in seating juror #5.

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

Strict products liability

In strict product liability cases, the manufacturer has the absolute duty of care in ensuring that any foreseeable use (including misuse) of their product will not cause any harm to any foreseeable consumer.

Here, P was a foreseeable consumer since she was a passenger in a car manufactured by M. Further, P's use of the front passenger seat of the car is also foreseeable and any injuries caused by the use of the car seat is also foreseeable. Here, M argued that P's injuries were caused due to her misuse of the car seat. It is foreseeable that a consumer will place objects behind a car seat such as a bookshelf here, as foreseeable use. However, using a car seat at any reclining angle is a foreseeable use of a car seat.

Therefore, P's claim that misuse of a product is not a defense to a defective design when misuse is foreseeable is an adequate counter argument to M's defense.

Directed Verdict

A directed verdict may be granted when there are no disputed facts left to litigate in the case. A party can move for a directed verdict when they have shown that there are no disputed facts such as but for the other party's action they would not have suffered the harm that they did--which means there is a causal link between the harm they suffered and the other party's actions.

Here, however, even though it is arguable that there were contributing factors such as P's misuse of the car and M's defective design of the car seat that led to P's injuries. In a strict products liability case as mentioned above a manufacturer is liable for any foreseeable injuries and misuse of their products.

Therefore, the court did err in denying P's motion directed verdict, since there aren't many materially disputed facts to prove M's liability.

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

Report Discovery - Duty to provide material information

A party has the duty to provide all information to the other party any information that is relevant to the case. A party may not intentionally hide relevant and admissible information and if they inadvertently hid information they must correct the record make this information available to the other party as soon as practicable.

RELEVANCE - Logical and legal relevance

Information/evidence is logically relevant if it makes the disputed facts in the case at issue more or less likely even if the information is inadmissible.

In admitting this evidence the court will use the 403 balancing test-- if the evidence's probative value is substantially outweighed by unfair prejudice--the evidence is legally relevant.

Here, the report is logically relevant since it proves that M was aware that their car seat design was defective. M might argue that the report creates undue prejudice towards them, however, this argument is likely to fail since the report's tends to show that M's defective seat design which is the entire premises of this case. Therefore the report is also legally relevant.

Tr had to duty to provide the reports to P during discovery since it is both logically and legally relevant to the case.

Business Records Exception:

Any records kept in the regular course of business is admissible even though it is hearsay (an out of court statement/ writing offered to prove the truth of the matter asserted.)

Here, it is unclear whether the reports were business records regularly kept by M.

Therefore, if the reports are not admissible under the business records exception.

Motion for new trial

Under the FRCP party may motion for a new trial or appeal within 21 days of when the final judgement is entered on the case. A motion for new trial can be based on new evidence received after the final judgement.

Here, it has been exactly 21 days (3 weeks) since the jury verdict and final judgement and P is well within the timeframe to request such motion. Further, P now has evidence that proves M intentionally hid the reports and she could not have had access to these reports during discovery due to M's actions.

Therefore, the court should approve P's motion for a new trial.

Question #4 Final Word Count = 1026

END OF EXAM