

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

DR. RACHEL TUDOR,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-15-324-C
)	
SOUTHEASTERN OKLAHOMA)	
STATE UNIVERSITY and)	
THE REGIONAL UNIVERSITY)	
SYSTEM OF OKLAHOMA,)	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

Plaintiff has filed a Motion to Strike Defendants' Renewed Motion for Judgment as a Matter of Law and, in the Alternative, for New Trial (Dkt. No. 318). Plaintiff argues that Defendants' Motion is untimely, as it was filed well after the deadline imposed by the Court at the close of the trial. The trial in this matter concluded on November 20, 2017. After the jury returned the verdict, the Court conducted a conference with counsel at the bench. During that conference the Court set deadlines for various post-trial activities such as a schedule for briefing on the issue of reinstatement and/or front pay. Defendants' counsel inquired as to the proper time to request judgment notwithstanding the verdict on behalf of Defendants. The Court informed counsel that if they wished to file a written motion to do so within 14 days from the next Monday, mid-December of 2017. Defendants' Motion was not filed until July 5, 2018, well after the deadline imposed by the Court. Defendants argue that their Motion is timely, as they submitted it within the time period set by Fed. R. Civ. 50 and/or 59(e), as it was filed within 28 days of the judgment.

While Defendants correctly note the deadline set by the Federal Rules of Civil Procedure, they overlook the fact that, in this instance, the Court altered those deadlines by a valid oral Order and they were obligated to comply with that Order. A review of the discussions held between counsel following trial made it clear that the Court's intent was to address post-trial matters as soon as possible following the trial. As the issues of reinstatement and/or backpay would necessarily take some time to resolve, it was the Court's intent to resolve all other matters, including request for a new trial, as expeditiously as possible. This was particularly true of the motions for new trial, as a grant of any such motion would have obviated the need to consider the front pay/reinstatement issue and thereby prevent any waste of the Court's or parties' time. Because Defendants failed to file their Motion within the deadline set by the Court, Defendants' Motion is subject to being denied on that basis alone. However, even when considered on its merits, Defendants' Motion fails.

The standard for granting a Rule 50 motion is whether a reasonable jury would not have a legally sufficient evidentiary basis to find for the party on that issue. See Fed. R. Civ. P. 50(a)(1). The standard for considering a Rule 59 motion is whether or not the verdict ““is clearly, decidedly, or overwhelmingly against the weight of the evidence.”” See M.D. Mark, Inc. v. Kerr-McGee Corp., 565 F.3d 753, 762 (10th Cir. 2009) (quoting Anaeme v. Diagnostek, Inc., 164 F.3d 1275, 1284 (10th Cir. 1999)). The arguments raised by Defendants in their Motion fail to satisfy either of these standards. Rather than demonstrating that the verdict was clearly against the weight of the evidence or that the errors alleged in the Rule 59 Motion so tainted the verdict as to require a new trial,

Defendants' arguments simply reflect their view of how the evidence was presented or their view as to what the jury should have decided based on the evidence presented at trial. Contrary to Defendants' argument, there was sufficient evidence on which the jury could have reached the verdict issued in this case. Accordingly, even were the Court to consider Defendants' Motion for Judgment as a Matter of Law or New Trial on the merits, that Motion would fail.

For the reasons set forth herein, Plaintiff's Motion to Strike (Dkt. No. 318) is GRANTED. Defendants' Motion for Judgment as a Matter of Law (Dkt. No. 316) is DENIED as untimely and without merit.

IT IS SO ORDERED this 18th day of September, 2018.


ROBIN J. CAUTHRON
United States District Judge