

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

FREDERICK CARTER, <i>et al.</i>,)	
Plaintiffs,)	
)	CIVIL ACTION NO 08-0155-KD-N
vs.)	
)	
AUSTAL, USA, L.L.C.,)	
Defendant.)	

ORDER

This matter is before the Court on Plaintiff Frederick Carter's Renewed Motion for Judgment as a Matter of Law or Motion for New Trial (Doc. 540) pursuant to Rules 50 and 59 of the Federal Rules of Civil Procedure.¹ The Court has previously (and extensively) addressed, on the record, each of the grounds which are re-asserted by Plaintiff Carter in his motion. Accordingly, it is **ORDERED** that Plaintiff' Frederick Carter's Renewed Motion for Judgment as a Matter of Law or Motion for New Trial (Doc. 540) is **DENIED** for reasons previously stated on the record.

DONE and ORDERED this the 18th day of **November 2011**.

/s/ Kristi K. DuBose

KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE

¹ Rule 50 provides, in relevant part, as follows: **(b) Renewing the Motion After Trial; Alternative Motion for a New Trial**...No later than 28 days after the entry of judgment--or if the motion addresses a jury issue not decided by a verdict, no later than 28 days after the jury was discharged--the movant may file a renewed motion for judgment as a matter of law and may include an alternative or joint request for a new trial under Rule 59. In ruling on the renewed motion, the court may: (1) allow judgment on the verdict, if the jury returned a verdict; (2) order a new trial; or (3) direct the entry of judgment as a matter of law....**(e) Denying the Motion for Judgment as a Matter of Law; Reversal on Appeal**. If the court denies the motion for judgment as a matter of law, the prevailing party may, as appellee, assert grounds entitling it to a new trial should the appellate court conclude that the trial court erred in denying the motion. If the appellate court reverses the judgment, it may order a new trial, direct the trial court to determine whether a new trial should be granted, or direct the entry of judgment.