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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9 Jenghiz K. Stewart,

No. CV-05-2567-PHX-MHM

10 Plaintiff,

ORDER

11 vs.

12 Vanessa Klein,

13 Defendant.

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16 Currently pending before the Court is Plaintiff Jenghiz K. Stewart’s Renewed Motion
17 for Judgment as a Matter of Law, (Dkt.#241). After reviewing the record and determining
18 oral argument unnecessary, the Court issues the following Order.

19 A renewed motion for judgment as a matter of law is properly granted “if the
20 evidence, construed in the light most favorable to the nonmoving party, permits only one
21 reasonable conclusion, and that conclusion is contrary to the jury’s verdict.” Pavao v. Pagay,
22 307 F.3d 915, 918 (9th Cir. 2002). The “jury’s verdict must be upheld if its is supported by
23 substantial evidence, which is evidence adequate to support the jury’s conclusion, even if it
24 is also possible to draw a contrary conclusion.” Id. Accordingly, a court “can overturn the
25 jury’s verdict and grant such a motion only if there is no legally sufficient basis for a
26 reasonable jury to find for that party on that issue.” Costa v. Desert Palace, Inc., 299 F.3d
27 858, 859 (9th Cir. 2002) (internal citations omitted). If there is “sufficient evidence before
28 the jury on a particular issue, and if the jury instructions on the issue were correct, then the

1 jury's verdict must stand." Transgo, Inc. v. Ajac Transmission Parts Corp., 768 F.2d 1001,
2 1014 (9th Cir. 1985).

3 In ruling on a motion for judgment as a matter of law, the trial court must view all
4 evidence in the light most favorable to the nonmoving party, draw all reasonable inferences
5 in the favor of the nonmover, and disregard all evidence favorable to the moving party that
6 the jury is not required to believe. Costa, 299 F.3d at 859. The court "may not substitute
7 [its] view of the evidence for that of the jury," nor can the court "make credibility
8 determinations nor weigh the evidence." Id. The "high hurdle" of the 50(b) standard thus
9 "recognizes that credibility, inferences, and factfinding are the province of the jury, not [the]
10 court." Id.

11 At the conclusion of the presentation of evidence, the Court instructed the jury that,
12 in order to prevail on his claim against Klein, Stewart must establish a causal connection
13 between Klein's conduct and the alleged infringement of his First Amendment right to the
14 free exercise of religion. The Court also instructed the jury that, in order to demonstrate that
15 his free exercise rights were violated, Stewart must demonstrate that: (a) his practice of
16 consuming a diet that excludes meat and egg products is sincerely held and rooted in
17 religious belief; (b) during the relevant time frame, he received a diet that contained meat or
18 egg products; and (c) the diet he received substantially burdened his religious practice by
19 interfering with a tenet or belief that is central to his religious doctrine. The Court also
20 instructed the jury that "substantially burdened" means that the interference complained of
21 must be more than an inconvenience, an isolated incident or a short-term occurrence.

22 In his Rule 50(b) Motion, Stewart does not challenge the instructions given to the jury
23 or point to any alleged error in the trial proceedings. Instead, Stewart attacks the credibility
24 of certain witnesses, argues about a purported inability to adequately prepare for trial, and
25 claims that, although he adduced no evidence linking Klein to the alleged discrepancies in
26 his meals at trial, the jury nonetheless should have concluded that Klein knew about them by
27 virtue of her duties and responsibilities as manager of the kitchen that prepared his meals and
28 could have ensured that the alleged discrepancies were resolved, but did not do so.

