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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

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Martin Ogden,

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No. CV08-2180 PHX DGC

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Plaintiff,

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vs.

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ORDER

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CDI Corporation,

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Defendant.

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Plaintiff Martin Ogden has filed a motion for relief from judgment. Doc. 143. The Court will deny the motion.

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Plaintiff cites statements allegedly made by jurors in the hallway after his trial as evidence that the jurors lacked “the cognitive aptitude” to understand the issues in this case and “violated their oath” by failing to base their decision on evidence presented during the trial. *Id.* at 4. The statements quoted by Plaintiff do not suggest that there was extraneous information considered by the jury, that there was any outside influence brought to bear on the jury, or that the jurors’ verdict was incorrectly recorded. *See* Fed. R. Civ. P. 606(b). The statements instead purport to reflect the jurors’ thinking in arriving at their defense verdict.

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Statements concerning the thoughts and deliberations of jurors cannot be considered by the Court in granting relief from the verdict. “Rule 606(b) of the Federal Rules of Evidence makes clear . . . that jurors may not be asked to ‘testify as to any matter or statement occurring during the course of the jury’s deliberation or to the effect of anything upon that or any other juror’s mind or emotions as influencing the juror to assent to or dissent from the verdict[.]’” *Wilson v. Maricopa County*, No. CV-04-2873-PHX-DGC, 2007 WL

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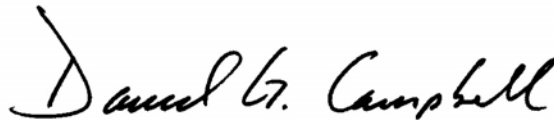
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1 1992091 at *4 (D. Ariz. July 5, 2007). This rule draws “a dividing line between inquiry into
2 the thought processes of the jurors on the one hand, and inquiry into the existence of
3 conditions or the occurrence of events calculated to exert an improper influence on the
4 verdict, on the other.” Vol. 3, J. Weinstein & M. Berger, *Weinstein’s Federal Evidence*,
5 § 606.04[1][a] (Matthew Bender 2d ed.2008). Because Plaintiff’s motion focuses solely on
6 the thought processes of the jurors, it will be denied.

7 **IT IS ORDERED** that Plaintiff’s motion for relief from order (Doc. 143) is **denied**.

8 DATED this 22nd day of April, 2011.

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13 David G. Campbell
14 United States District Judge
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