

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No. 2:11-cv-00167-RGK-JEM Date June 26, 2023

Title *City of Pomona v. SQM North America Corporation*

Present: The Honorable R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE

Joseph Remigio

Not Reported

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

Not Present

Not Present

**Proceedings: (IN CHAMBERS) Order to Show Cause Whether Remittitur or a New Trial is Appropriate**

In 2011, the City of Pomona (“Plaintiff”) sued SQM North America Corporation (“Defendant”), alleging products liability for a design defect in Defendant’s fertilizer. After the third trial in this matter, a jury found Defendant liable and awarded Plaintiff \$48,128,378. (ECF No. 744.) At the close of trial, Defendant renewed its Motion for Judgment as a Matter of Law or a New Trial, arguing that the jury’s damages award was excessive and necessitated either remittitur or a new trial. (ECF No. 746.) The Court denied Defendant’s motion, finding that the award was adequately supported by the testimony of Plaintiff’s experts: Peter von Bucher and Dr. Robert Trussell. (ECF No. 749.)

On appeal, the Ninth Circuit disagreed, explaining:

. . . [T]he district court did not provide reasons supported by the evidence to uphold the jury’s damages award in denying SQMNA’s motion for a new trial or remittitur. We believe the district court is in the best position to evaluate the evidence, and on remand, it may determine that the evidence supports the jury’s award for reasons other than those the district court previously gave.

If the district court concludes the award is unsupported, it may order remittitur or a new trial. In the event that a new trial is necessary, we remind the district court that it may order a new trial limited to damages if it determines “the issue of damages is so distinct and independent of the others . . . that it can be separately tried.” Because we find no error in the jury’s liability determination, we suggest the district court consider this option.

(ECF No. 795 (internal citations omitted).) The Ninth Circuit accordingly reversed and remanded the matter back to this Court.

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In light of the Ninth Circuit's ruling, the Court **ORDERS** the Parties to **SHOW CAUSE IN WRITING** by July 3, 2023, whether the jury's award was supported by the evidence, or remittitur or a new trial on damages is appropriate. The Parties' filings must be no more than ten (10) pages in length.

**IT IS SO ORDERED.**

Initials of Preparer

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