
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

TAYLOR HARPER,

Plaintiff,

v.

MICHAEL TVETER,

Defendant.

MEMORANDUM DECISION AND
ORDER ON PARTIES' MOTIONS FOR
JUDGMENT AS A MATTER OF LAW

Case No. 2:13-CV-889 TS

District Judge Ted Stewart

This matter is before the Court on the parties' Motions for Judgment as a Matter of Law.

The parties made their Motions orally at the conclusion of trial on September 2, 2015.

Federal Rule of Civil Procedure 50(a) provides,

If a party has been fully heard on an issue during a jury trial and the court finds that a reasonable jury would not have a legally sufficient evidentiary basis to find for the party on that issue, the court may:

(A) resolve the issue against the party; and

(B) grant a motion for judgment as a matter of law against the party on a claim or defense that, under the controlling law, can be maintained or defeated only with a favorable finding on that issue.

In reviewing a Rule 50 Motion, the Court should review all of the evidence in the record.¹ However, all reasonable inferences are drawn in favor of the nonmoving party and the Court does "not make credibility determinations or weigh the evidence."²

Judgment as a matter of law is appropriate "only if the evidence points but one way and is susceptible to no reasonable inferences which may support the opposing party's

¹ *Reeves v. Sanderson Plumbing Prods., Inc.*, 530 U.S. 133, 150 (2000).

² *Id.*

position.”³ A judgment as a matter of law is appropriate “[i]f there is no legally sufficient evidentiary basis . . . with respect to a claim or defense . . . under the controlling law.”⁴

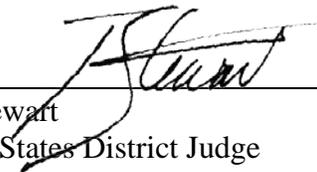
Having considered the evidence and arguments presented on both sides, the Court finds that neither party has shown their entitlement to judgment as a matter of law.

It is therefore

ORDERED that both parties’ Motions for Judgment as a Matter of Law are DENIED.

DATED this 2nd day of September, 2015.

BY THE COURT:



Ted Stewart
United States District Judge

³ *Finley v. United States*, 82 F.3d 966, 968 (10th Cir. 1996).

⁴ *Baty v. Willamette Indus., Inc.*, 172 F.3d 1232, 1241 (10th Cir. 1999).