



## SAMPLE SENTENCES FOR 1L SPRING BRIEFS

### 1: Motion for Summary Judgment (MSJ) (FRCP 56)

For P's MSJ (on P's claim):

- “The undisputed facts establish P's claim as a matter of law.”
- “On this record, no reasonable jury could find in D's favor.”

For D's opposition to P's MSJ:

- “P has failed to set forth sufficient evidence to prove her claim as a matter of law.”
- “Disputes on several material facts that only a jury may resolve make summary judgment inappropriate.”

For D's MSJ (on P's claim):

- “P has failed to produce sufficient evidence on which a reasonable jury could find in her favor at trial.”
- “No material fact disputes exist, such that D is entitled to judgment as a matter of law.”

For P's opposition to D's MSJ:

- “There are too many material factual disputes for judgment to be entered as a matter of law.”
- “P has adduced sufficient evidence on which a reasonable jury could find in her favor at trial.”

### 2: Post-Trial JMOL (previously “JNOV”) (FRCP 50)

A: D's JMOL after a jury verdict for P (D lost at trial)

For D's JMOL:

- “Even viewing the evidence in the light most favorable to P, no reasonable jury could have found in her favor on this record.”
- “Because P failed to present legally sufficient evidence on essential elements of her claim, the Court should enter judgment as a matter of law for D.”

For P's opposition to D's JMOL:

- “Taking the evidence and all reasonable inferences in P's favor, a reasonable jury could have found for P, so judgment as a matter of law for D is improper.”

- “Because the verdict rests on evidence a reasonable jury could credit, the Court must defer to the jury’s role and deny D’s motion for judgment as a matter of law.”

B: P’s JMOL after a defense verdict (P lost at trial)

For P’s JMOL:

- “On this trial record, no reasonable jury could have found for D on P’s claim, so P is entitled to judgment as a matter of law.”
- “Because D failed to introduce sufficient evidence to support its affirmative defense, the Court should set aside the jury’s verdict for D and enter judgment for P.”

For D’s opposition to P’s JMOL:

- “Where the evidence is susceptible to more than one reasonable interpretation, conflicts and credibility determinations are for the jury, not the Court, so P’s motion for judgment as a matter of law must be denied.”
- “Because a reasonable jury could accept D’s version of the evidence and conclude that P failed to carry her burden at trial, the verdict must stand and P’s renewed motion should be denied.”

### **3: Appeal from Summary Judgment or JMOL**

For Plaintiff–Appellant (P lost below):

- “The district court improperly weighed the evidence and resolved factual disputes that should have been left to a jury.”
- “Viewing the record in the light most favorable to [Appellant], a reasonable jury could find in [her/his/their] favor, so summary judgment (or JMOL) was improper.”

For Defendant–Appellee (D won below):

- “The lower court applied the correct standard and concluded that no reasonable jury could find for P on this record, so the decision should be affirmed.”
- “Because no reasonable jury could have found for P on the evidence submitted, D was properly awarded judgment as a matter of law.”