

**04-597 UNITHERM FOOD SYSTEMS V. SWIFT-ECKRICH, INC.**

DECISION BELOW: 375 F3d 1341

LOWER COURT CASE NUMBER: 03-1472, 03-1473

**QUESTION PRESENTED:**

Whether the failure of a party to renew a motion for judgment as a matter of law following a jury verdict, in accordance with Rule 50(b) of the Federal Rules of Civil Procedure, precludes an appellate court from reviewing the sufficiency of the evidence.

**LIMITED TO THE FOLLOWING QUESTION:** Whether, and to what extent, a court of appeals may review the sufficiency of evidence supporting a civil jury verdict where the party requesting review made a motion for judgment as a matter of law under Rule 50(a) of the Federal Rules of Civil Procedure before submission of the case to the jury, but neither renewed that motion under Rule 50(b) after the jury's verdict, nor moved for a new trial under Rule 59?

CERT. GRANTED 2/28/2005