

Civil Case Resolutions

FRCP	State Law or Traditional Equivalent	When	Based On	Standard for Granting
Dismissal for failure to state a claim FRCP 12(b)(6)	Demurrer	Well before trial, after the complaint has been filed	Allegations in the complaint, viewed most favorably to the plaintiff.	Even if all the allegations in the complaint were true, plaintiff would not be entitled to relief. [The claim is worthless on its face.]
Summary judgment FRCP 56	Summary Judgment	Before trial, after completion of discovery	Affidavits and evidence produced or disclosed in discovery (including depositions, admissions, and answers to interrogatories)	There is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. [There's no need for a trial.]
Judgment as a matter of law FRCP 50	Directed Verdict, if motion made before case goes to jury. J.N.O.V., if motion made after case goes to jury. Nonsuit, if motion made by defendant before case goes to jury.	At conclusion of opponent's evidence (typically renewed before case goes to jury) or after verdict in nonmovant's favor	All evidence (or, rarely, all evidence from nonmovant) viewed most favorably to nonmovant	No reasonable jury could render verdict for nonmovant (or, rarely and not in federal court, even "a scintilla of evidence" is lacking). [The evidence is so one sided one side should win, either without a jury verdict or in spite of a contrary jury verdict.]
Verdict		After trial	All evidence	For the plaintiff, if preponderance of the evidence. Otherwise for defendant.
New Trial FRCP 59	New Trial	After verdict	All evidence	Verdict against the weight of the evidence; Non-harmless legal error by judge [This trial had problems and needs to be redone.]
Reversal on appeal		After trial and post-trial motions	All evidence	De novo review of legal rulings. Clearly erroneous review of factual findings. Waiver of issues not raised. Harmless errors ignored.