

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Moss v. City and County of San Francisco

Moss · No. 22-cv-01252-JSC · Decided April 30, 2025

SUMMARY

The United States District Court for the Northern District of California denied the City and County of San Francisco’s motion for judgment as a matter of law and its alternative motion for a new trial or remittitur following a jury verdict for Cecil H. Moss on California disability-discrimination claims. The court held that substantial evidence supported the jury’s findings that the City failed to provide reasonable accommodation and failed to engage in a good-faith interactive process. The court also granted in part and denied in part Moss’s motion to amend the judgment, including to correct a calculation error and award post-judgment interest.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jacqueline Scott Corley
JURISDICTION	United States District Court for the Northern District of California
DECIDED	April 30, 2025
DOCKET	22-cv-01252-JSC
DISPOSITION	other
PROCEDURAL POSTURE	After a jury verdict for Moss on FEHA disability-discrimination claims and an initial judgment awarding \$255,116 in lost wages, the City moved under Federal Rule of Civil Procedure 50(b) for judgment as a matter of law and under Rule 59 for a new trial or remittitur. Moss moved under Rule 59(e) to amend the judgment.
STANDARD OF REVIEW	For Rule 50(b), judgment as a matter of law is proper only when the evidence permits only one conclusion contrary to the jury's verdict; the court views the evidence and reasonable inferences in favor of the nonmoving party, may not weigh evidence or make credibility determinations, and upholds the verdict if supported by substantial evidence. A Rule 50(b) motion is limited to grounds raised in the pre-verdict Rule 50(a) motion. For a Rule 59 motion, the court may set aside a verdict contrary to the clear weight of the evidence, but the movant must show substantial prejudice. Remittitur is appropriate only

when the damages award is excessive, and must reflect the maximum amount sustainable by the proof. Rule 59(e) amendment is appropriate for specified grounds including manifest error, newly discovered evidence, manifest injustice, intervening controlling law, or clerical incorporation of undisputed facts.

PRECEDENTIAL VALUE

unpublished district court order; persuasive only

PARTIES

City and County of San Francisco v. Cecil H. Moss

TOPICS

motion for new trial

motion to amend

motion for directed verdict

disability discrimination

damages

PRACTICE AREAS

employment law

civil rights

civil procedure

disability discrimination

remedies

QUESTIONS PRESENTED

1. Whether the City was entitled to judgment as a matter of law on Moss's FEHA failure-to-accommodate claim.
2. Whether the City was entitled to judgment as a matter of law on Moss's FEHA failure-to-engage-in-the-interactive-process claim.
3. Whether the jury's verdicts were against the clear weight of the evidence so as to warrant a new trial.
4. Whether alleged limits on Moss's testimony and the exclusion of impeachment evidence substantially prejudiced the City.
5. Whether admission of medical-restriction evidence warranted a new trial.
6. Whether the lost-wage award required a new trial or remittitur based on mitigation or excessiveness.
7. Whether the judgment should be amended to correct the lost-wage calculation and award prejudgment and post-judgment interest.

HOLDINGS

1. The City was not entitled to judgment as a matter of law because substantial evidence supported the jury's finding that Moss met the minimum qualifications for, and could perform the essential functions of, the School Crossing Guard position. The City also improperly attempted to raise a new minimum-qualifications argument in its Rule 50(b) motion.
2. The City was not entitled to judgment as a matter of law on the interactive-process claim because its argument that Moss caused the breakdown was not raised in its Rule 50(a) motion, and substantial evidence supported the jury's finding that the City failed to participate in a timely, good-faith interactive process.

3. The City was not entitled to a new trial or remittitur because it failed to show that the verdict was against the clear weight of the evidence, that the evidentiary rulings caused substantial prejudice, or that the damages award was unsupported or excessive.
4. The judgment was properly amended to reduce the lost-wage award from \$255,116 to \$250,616 because the parties did not dispute that the original figure included an extra month of wages.
5. Moss was not entitled to prejudgment interest under California Civil Code section 3287(a) because the amount of damages depended on disputed facts concerning which alternate position he was qualified to perform.
6. The judgment was properly amended to award post-judgment interest from January 28, 2025, at the statutory rate, calculated by the court as \$28.77 per day.

KEY QUOTATIONS

“A Rule 50(b) motion for judgment as a matter of law is proper when “the evidence permits only one conclusion and that conclusion is contrary to the jury’s verdict.”” (at 3)

“The court must view the evidence in the light most favorable to the nonmoving party and draw all reasonable inferences in that party’s favor.” (at 3)

“A “jury’s verdict must be upheld if it is supported by substantial evidence, which is evidence adequate to support the jury’s conclusion, even if it is possible to draw a contrary conclusion.”” (at 3)

“Because it is a renewed motion, a proper post-verdict Rule 50(b) motion is limited to the grounds asserted in the pre-deliberation Rule 50(a) motion.” (at 3)

“Upon the Rule 59 motion of the party against whom a verdict has been returned, the district court has the duty to weigh the evidence as the court saw it, and to set aside the verdict of the jury, even though supported by substantial evidence, where, in the court’s conscientious opinion, the verdict is contrary to the clear weight of the evidence.” (at 8)

“If the court, “after viewing the evidence concerning damages in a light most favorable to the prevailing party, determines that the damages award is excessive, it has two alternatives”: “[i]t may grant defendant’s motion for a new trial or deny the motion conditional upon the prevailing party accepting a remittitur.”” (at 10)

“As the “shall” in the statute indicates, “postjudgment interest on a district court judgment is mandatory.”” (at 19)

FACTUAL BACKGROUND

Moss, a City employee with a physical disability, sought reasonable accommodation after a medical separation from his prior position. The evidence included potential alternate City positions, including an 8201 School Crossing Guard position, for which a City reasonable-accommodation coordinator testified Moss met the minimum qualifications. The jury found that the City failed to accommodate Moss and failed to participate in a timely, good-faith interactive process, awarding lost wages based on the School Crossing Guard position.

PROCEDURAL HISTORY

Moss sued the City alleging failure to provide reasonable accommodation and failure to engage in a good-faith interactive process under FEHA. Following a five-day trial, the jury found for Moss on both claims and awarded \$255,116 in lost wages. The court entered judgment on January 28, 2025, denied the City's post-trial motions, reduced the damages award by \$4,500 to correct an undisputed calculation error, denied prejudgment interest, and awarded post-judgment interest.

DISPOSITION

other

CASES CITED

- Martin v. California Department of Veterans Affairs, 560 F.3d 1042, 1046 (9th Cir. 2009)
- E.E.O.C. v. Go Daddy Software, Inc., 581 F.3d 951, 961 (9th Cir. 2009)
- Reeves v. Sanderson Plumbing Products, Inc., 530 U.S. 133, 150 (2000)
- Pavao v. Pagay, 307 F.3d 915, 918 (9th Cir. 2002)
- Molski v. M.J. Cable, Inc., 481 F.3d 724, 729, 731 (9th Cir. 2007)
- Murphy v. City of Long Beach, 914 F.2d 183, 187 (9th Cir. 1990)
- Harper v. City of Los Angeles
- United States v. Castillo, 181 F.3d 1129, 1131-32 (9th Cir. 1999)
- Francis v. Clark Equipment Co., 993 F.2d 545, 550-51 (6th Cir. 1993)
- Fenner v. Dependable Trucking Co., 716 F.2d 598, 603 (9th Cir. 1983)
- Unicolors, Inc. v. H&M Hennes & Mauritz, L.P., 52 F.4th 1054, 1087 (9th Cir. 2022)
- Boehm v. American Broadcasting Co., 929 F.2d 482, 485 (9th Cir. 1991)
- Parker v. Twentieth Century-Fox Film Corp., 3 Cal. 3d 176, 181 (1970)
- Allstate Insurance Co. v. Herron, 634 F.3d 1101, 1111 (9th Cir. 2011)
- Trustees of Central States, Southeast & Southwest Areas Pension Fund v. Golden Nugget, Inc., 697 F. Supp. 1538, 1546 (C.D. Cal. 1988)
- Olson v. Cory, 35 Cal. 3d 390, 402 (1983)
- Currie v. Workers' Compensation Appeals Board, 24 Cal. 4th 1109, 1111, 17 P.3d 749 (2001)
- San Diego County Deputy Sheriffs Association v. San Diego County Sheriff's Department, 68 Cal. App. 4th 1084, 1086 (1998)
- Jadwin v. County of Kern, 767 F. Supp. 2d 1069, 1091, 1094 (E.D. Cal. 2011)
- Chesapeake Industries, Inc. v. Togova Enterprises, Inc., 149 Cal. App. 3d 901, 906 (1983)
- Air Separation, Inc. v. Underwriters at Lloyd's of London, 45 F.3d 288, 290 (9th Cir. 1995)

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