

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Eric Ward, et al. v. M/Y Utopia IV, Official No. 1305829, MMSI No.
339328000, her engines, tackle, gear, appurtenances, etc., in rem, and
Utopia Yachting, LLC, in personam

Ward · No. 22-cv-23847-BLOOM · Decided December 29, 2025

SUMMARY

The United States District Court for the Southern District of Florida granted Defendants’ motion to strike Plaintiff Fred Wennberg’s election to proceed with a new trial. The Court held that the challenged damages awards for past lost wage-earning capacity were legally impermissible under Eleventh Circuit precedent and could be stricken without providing a new-trial option. The Court also ordered mediation concerning Plaintiff Eric Ward’s punitive damages.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	December 29, 2025
DOCKET	22-cv-23847-BLOOM
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to strike Plaintiff Fred Wennberg's election to proceed with a new trial after the Court had granted judgment as a matter of law on specified lost-earning-capacity damages and reduced another plaintiff's punitive-damages award. The Court construed the motion as one for reconsideration under Federal Rule of Civil Procedure 59(e), granted it, struck Wennberg's election, and struck the specified damages awards.
STANDARD OF REVIEW	Relief under Rule 59(e) is proper only upon newly discovered evidence or a manifest error of law or fact; a Rule 60(b)(6) motion requires extraordinary circumstances and is committed to the district court's sound discretion. The Court applied Eleventh Circuit authority concerning legal-error corrections under Rule 50 and traditional remittitur under Rule 59.
PRECEDENTIAL VALUE	district court order; precedential status not stated

TOPICS

motion for reconsideration

motion for new trial

damages

mediation

civil procedure

PRACTICE AREAS

civil procedure

admiralty

remedies

damages

QUESTIONS PRESENTED

1. Whether Defendants' motion to strike Wennberg's election to proceed with a new trial should be treated as a motion for reconsideration under Rule 59(e) or Rule 60(b).
2. Whether the Court's prior elimination of Wennberg's lost-earning-capacity awards was a legal-error correction under Rule 50, rather than a traditional remittitur requiring an option of a new trial under the Seventh Amendment.
3. Whether Wennberg was entitled to elect a new trial after the Court determined that the challenged damages were not legally supportable because the trial evidence was insufficient to establish the full extent of his post-injury earning capacity.

HOLDINGS

1. A motion styled as a motion to strike an election of a new trial may be construed as a motion for reconsideration under Rule 59(e) when it challenges the Court's prior order granting the new-trial option.
2. Reconsideration was warranted because the prior grant of a new-trial option constituted a manifest error of law.
3. The Seventh Amendment did not require Wennberg to receive the option of a new trial because the Court corrected legally impermissible damages under Rule 50 rather than substituting its judgment for the jury's as to the appropriate amount of damages.

KEY QUOTATIONS

“where a portion of a verdict is for an identifiable amount that is not permitted by law, the court may simply modify the jury’s verdict to that extent and enter judgment for the correct amount.” (III. DISCUSSION)

“Since the Court has not implicated Mr. Wennberg’s rights under the Seventh Amendment, he is not entitled to a ‘do over,’ i.e., a new trial.” (III. DISCUSSION)

“The parties shall proceed to mediation on Ward’s punitive damages.” (IV. CONCLUSION)

FACTUAL BACKGROUND

The jury awarded Fred Wennberg \$181,500 for past net lost wage-earning capacity and benefits for each of Incidents 3 and 5. The Court previously determined that the trial evidence did not establish the full extent of Wennberg's post-injury earning capacity and that no reasonable juror could award those damages without speculation. The Court also reduced Ward's punitive-damages award for willful delay of nursing and medical expenses and directed the parties to mediate that issue.

PROCEDURAL HISTORY

After a jury trial, the Court previously granted Defendants' renewed motion for judgment as a matter of law as to Wennberg's past loss-of-earning-capacity damages for Incidents 3 and 5 and reduced Plaintiff Ward's punitive-damages award. The Court had offered Plaintiffs the option of a new trial in lieu of remittitur, and both Plaintiffs elected a new trial. Defendants challenged only Wennberg's election. The Court held that its prior ruling was a legal-error correction under Rule 50 rather than a traditional remittitur, so the Seventh Amendment did not require a new-trial option.

DISPOSITION

other

CASES CITED

- Buland v. NCL (Bahamas) Ltd., 992 F.3d 1143, 1152 (11th Cir. 2021)
- Exxon Shipping Co. v. Baker, 554 U.S. 471, 493, 511 (2008)
- Johansen v. Combustion Eng'g, Inc., 170 F.3d 1320, 1329-32 (11th Cir. 1999)
- New York, L.E. & W.R. Co. v. Estill, 147 U.S. 591, 622 (1893)
- Hetzel v. Prince William County, Va., 523 U.S. 208, 209, 211-12 (1998)
- Rasinski v. McCoy, 227 So. 3d 201, 204 (Fla. 5th DCA 2017)
- Holmes v. West Palm Beach Housing Authority, 309 F.3d 752, 758 (11th Cir. 2002)
- Dingman v. Cart Shield USA, LLC, No. 12-cv-20088, 2013 WL 2034984, at *2 (S.D. Fla. May 14, 2013)
- Region 8 Forest Serv. Timber Purchasers Council v. Alcock, 993 F.2d 800, 806 n.5 (11th Cir. 1993)
- Marques v. JP Morgan Chase, N.A., 805 F. App'x 668, 670-71 (11th Cir. 2020)
- Arthur v. King, 500 F.3d 1335, 1343 (11th Cir. 2007)
- Michael Linet, Inc. v. Village of Wellington, Fla., 408 F.3d 757, 763 (11th Cir. 2005)
- Cano v. Baker, 435 F.3d 1337, 1342 (11th Cir. 2006)
- Toole v. Baxter Healthcare Corp., 235 F.3d 1307, 1317 (11th Cir. 2000)
- Donovan v. Penn Shipping Co., 536 F.2d 536, 539 (2d Cir. 1976)
- Earl v. Bouchard Transp. Co., 917 F.2d 1320, 1327 (2d Cir. 1990)
- Carter v. District of Columbia, 795 F.2d 116, 134 (D.C. Cir. 1986)