



HETZEL
v.
PRINCE WILLIAM COUNTY, VIRGINIA
Supreme Court of the United States
523 U.S. 208
March 23, 1998
[9 – 0]

PER CURIAM: A jury in the Eastern District of Virginia found for petitioner Hetzel on her claims against respondent County of Prince William under Title VII of the Civil Rights Act of 1964. **The District Court reduced the damages from \$750,000 to \$500,000, on the grounds that one of the claims supporting the award was legally insufficient.** On respondents' appeal to the Court of Appeals for the Fourth Circuit, that court affirmed the finding of liability, but held that the damage award was grossly excessive because it was unsupported by the limited evidence of harm presented at trial. The court "set aside the damage award and remanded the case to the district court for the recalculation of the award of damages for emotional distress."

On remand, the District Court recalculated the damages and awarded petitioner \$50,000. Petitioner filed a motion for a new trial in which she declined the award. She argued that in reducing her damages, the Court of Appeals in effect had offered her a remittitur, and that she was therefore entitled to a new trial under the Seventh Amendment's guaranty of a right to trial by jury. Respondents agreed that the Court of Appeals' decision functioned as a remittitur, but contended that the decision did not allow petitioner the option of a new trial. In a memorandum opinion, the District Court determined that although the Court of Appeals' mandate clearly reversed the judgment and remanded for recalculation of damages, it did not address the **Seventh Amendment issue**, which had not arisen until petitioner rejected the recalculated damage award and sought a new trial. Concluding that circuit precedent was clear that when a court finds a jury's verdict excessive and reduces it, the plaintiff has a right either to accept the reduced award or to have a new trial, the court granted petitioner's motion for a new trial on the issue of damages.

Respondents petitioned the Court of Appeals for a writ of mandamus, contending that the District Court did not have authority under its prior decision to order a new trial. In an unpublished order, the Court of Appeals granted the petition and stayed the scheduled retrial. It stated that its prior decision had ordered the District Court to recalculate the damages "and to enter final judgment thereon." It also reiterated that pursuant to its earlier mandate, the District Court should closely examine two cases it had previously noted as comparable to what would be an appropriate award in petitioner's case.

How about a roadmap? A **jury** returned a verdict for Hetzel and against the County in the amount of \$750,000 which the **Trial Judge** reduced to \$500,000, but the County appealed because that reduction did not satisfy them. The Court of Appeals found that even the \$500,000 judgment was excessive, vacated the judgment and sent it back to the **Trial Judge** to “recalculate.” In other words, the Court of Appeals said \$500,000 is too much, but, instead of deciding what would be an appropriate amount, they asked the **Trial Judge** to determine what would be an appropriate amount. The Trial Judge then recalculated and awarded Hetzel a judgment of \$50,000. On the theory that this amounted to what the law defines as a remittitur, Hetzel asked for a new jury trial. When a court “remit” a case (reduces a judgment amount), normally the party harmed by the reduction has a choice to either accept the lesser amount or seek a new trial and start all over. The Trial Court allowed Hetzel’s motion for a new trial. But, a new trial was put on hold while the County appealed that decision back to the Court of Appeals. The Court of Appeals held that Hetzel did not have a right to a new trial and Hetzel then appealed to the U.S. Supreme Court. That is where we find the parties as we return to the decision and reasoning of the Supremes.

Petitioner contends that this action of the Court of Appeals violated her Seventh Amendment right to a jury trial. We agree. The Seventh Amendment provides that "the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law."

In *Kennon v. Gilmer* (1889), the plaintiff won a general damages verdict for \$20,000, and the trial court denied a motion for a new trial. On appeal, the Supreme Court of the Territory of Montana reduced the verdict to \$10,000 on the grounds that the evidence was insufficient to sustain such a high damages award, and affirmed the judgment for that amount. This Court concluded that the judgment reducing the amount of the verdict "without submitting the case to another jury, or putting the plaintiff to the election of remitting part of the verdict before rendering judgment for the rest, was irregular, and, so far as we are informed, unprecedented." It noted that in accord with the Seventh Amendment's prohibition on the reexamination of facts determined by a jury, a court has no authority, upon a motion for a new trial, "according to its own estimate of the amount of damages which the plaintiff ought to have recovered, to enter an absolute judgment for any other sum than that assessed by the jury."

In determining that the evidence did not support the jury's general damages award and in ordering the District Court to recalculate the damages, the Court of Appeals in this case imposed a remittitur. The District Court correctly afforded petitioner the option of a new trial when it entered judgment for the reduced damages. The Court of Appeals' writ of mandamus, requiring the District Court to enter judgment for a lesser amount than that determined by the jury without allowing petitioner the option of a new trial, cannot be squared with the Seventh Amendment. See also *Dimick v. Schiedt* (1935) (reaffirming the practice of conditionally remitting damages, but noting that where a verdict is set aside as grossly inadequate or excessive, both parties remain entitled to have a jury determine the issues of liability and the extent of injury); *Gasperini v. Center for Humanities, Inc.* (1996) (the trial judge's discretion includes "overturning verdicts

for excessiveness and ordering a new trial without qualification, or conditioned on the verdict winner's refusal to agree to a reduction (remittitur)"...

We therefore grant the petition for certiorari and reverse the judgment of the Court of Appeals issuing a writ of mandamus to the District Court. Reversed.

So, it appears that a judge (court) cannot alter the dollar amount of a jury's verdict, per the 7th Amendment, without giving the party affected the option of a new trial.