

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

John Doe,)	
)	
Plaintiff,)	
)	
v.)	No. 2022 L 2140
)	
Board of Education of J. Sterling Morton High School)	
District 201; Hector Garcia, as agent; Manuel Isquierdo,)	
as agent, and Jane Reynolds, individually and as agent,)	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

A party seeking a judgment notwithstanding the verdict must establish that all the evidence viewed most favorably to the opponent so overwhelmingly favors movant that no contrary verdict could ever stand. In contrast, a party seeking a new trial must show that a trial court’s errors caused substantial prejudice and affected the outcome. Here, the post-trial motion and reply brief fail to establish that the evidence overwhelmingly favored the defendant or that the trial judge’s errors caused substantial prejudice and affect the trial’s outcome. The defendant’s post-trial motion must, therefore, be denied.

Facts

From 21 February through 11 March 2025, the parties tried this case before this court and a jury. The jury heard evidence that Jane Reynolds groomed and had a sexual relationship with John Doe while he a student and a minor at Morton East High School in Cicero, Illinois. The jury also heard evidence that Doe’s mother had complained about Reynolds’ conduct to the school’s principal, Hector Garcia, and vice-principal, Manuel Isquierdo. It was uncontested that neither Garcia nor Isquierdo reported the alleged conduct to the Illinois Department of Children and Family Services (“DCFS”). The Board of Education of J. Sterling Morton High School District 201 (the “District”) was a defendant based on a *respondeat superior* theory.

The trial concluded with the jury returning a verdict for the plaintiff and awarding damages in the amount of \$15 million.

as required by the Abused and Neglected Child Reporting Act (“ANCRA”).

On 8 April 2025, the, filed a post-trial motion seeking a judgment notwithstanding the verdict or, in the alternative, a new trial. The parties briefed the motion, providing argument as well as exhibits.

Analysis

The Code of Civil Procedure authorizes the filing of a post-trial motion to seek a judgment notwithstanding the verdict or a new trial. 735 ILCS 5/2-1202(b). Here, the District has filed a post-trial motion for either a judgment notwithstanding the verdict (“judgment *n.o.v.*”) or, alternatively, for a new trial. The standards of review applied to those two motions differ. *Lazenby v. Mark’s Constr., Inc.*, 236 Ill. 2d 83, 100 (2010).

A trial court should enter a judgment *n.o.v.* only if “all of the evidence, when viewed in its aspect most favorable to the opponent, so overwhelmingly favors movant that no contrary verdict based on that evidence could ever stand.” *Pedrick v. Peoria & E. R.R. Co.*, 37 Ill. 2d 494, 510 (1967). The *Pedrick* standard is a high one given that the entry of a judgment *n.o.v.* is inappropriate if reasonable minds could differ as to the inferences and conclusions drawn from the facts. *Lazenby v. Mark’s Constr., Inc.*, 236 Ill. 2d 83, 100 (2010) (citing *Pasquale v. Speed Products Eng’g*, 166 Ill. 2d 337, 351 (1995)). A reviewing court should not usurp the jury’s function and substitute a judgment on questions of fact “fairly submitted, tried, and determined from the evidence which did not greatly preponderate either way.” *Maple v. Gustafson*, 151 Ill. 2d 445, 452-53 (1992).

In contrast, a trial court will set aside a jury’s verdict and order a new trial only if: “(1) the jury verdict is contrary to the manifest weight of the evidence or (2) serious and prejudicial errors were made at trial in the exclusion or admission of evidence.” *McHale v. W.D. Trucking, Inc.*, 2015 IL App (1st) 132625, ¶ 56. In other words, when considering a motion for a new trial, a trial court is to weigh the evidence. *Lawlor v. North Am. Corp. of Ill.*, 2012 IL 112530, ¶ 38. A verdict is against the manifest weight of the evidence only if “the opposite result is clearly evident or [if] the jury’s findings are unreasonable, arbitrary, and not based upon any of the evidence.” *Bland v. Q-West, Inc.*, 2023 IL App (2d) 210683, ¶ 10. To grant a new trial because of flawed evidentiary rulings, the error must have: (1) caused substantial prejudice; and (2) affected the outcome. *Browning v. Advocate Health & Hosp. Corp.*, 2023 IL App (1st) 221430, ¶ 64.

