

Defendant Pfeil's Motion for Relief in the matter of Akil Al-Jundi, et al. vs. Oswald, et al.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AKIL AL-JUNDI, a/k/a Herbert Scott
Deane, et al.

Plaintiffs

-vs-

KURT G. OSWALD, as Administrator of the
Estate of RUSSELL G. OSWALD;
JOHN S. KELLER, as Administrator of the
Estate of JOHN MONAHAN; VINCENT MANCUSI;
and KARL PFEIL.

Defendants

DEFENDANT PFEIL'S MOTION
FOR
THIS WOULD BE THE JUDGMENT AS
A MATTER OF LAW; (2) IN THE
ALTERNATIVE, A DENIAL OF DUE
PROCESS FOR A NEW TRIAL OF THE
SPECIAL VERDICT FINDINGS;
THIS IS THE ALTERNATIVE, A
DENIAL OF DUE PROCESS FOR A
NEW TRIAL FOR JURY AND
ADVERSE PARTY MISCONDUCT;
THIS DENIAL OF DUE PROCESS
JUDGMENT OF DISMISSAL
CIVIL NO. 75-1122

Upon the grounds previously urged for a directed verdict
at the close of the plaintiffs' case and upon the completion of
the proof and upon Defendant PFEIL's prior motion for mistrial and
upon the supporting papers on this motion and of the proceedings had
hereto, Defendant PFEIL moves the Court as follows:

RELIEF REQUESTED

1. Judgment as a matter of law pursuant to Rule 50(B)
of the Federal Rules of Civil Procedure dismissing the allegations
of the complaint against Defendant PFEIL upon the grounds previously
stated at the conclusion of the plaintiffs' case in-chief and the
completion of the entire case and as stated herein.
2. In the alternative, an order directing a new trial
on the Special Verdict findings of paragraphs (A), (B), (C) and (D)
thereof on the questions relating to negligence and responsibility
for reprisals.

Defendant Pfeil's Motion for Relief in the matter of Akil Al-Jundi, a/k/a Herbert Scott Deane, et al. vs. Kurt G. Oswald, as Administrator of the Estate of Russell G. Oswald, John S. Keller, as the Administrator of the Estate of John Monahan, Vincent Mancusi and Karl Pfeil, United States District Court, Western District of New York. The Motion is dated February 13, 1992 and signed by Irving C. Maghran, Jr., Attorney for Defendant Karl Pfeil. The Motion references a: Rule 50(B) judgment, Rule 59 order, Rule 60 and 61 order, and a denial of due process judgment of dismissal. Attached is an affirmation of Mr. Maghran. Also attached are two articles from The Buffalo News: "Lawyer asks mistrial in Attica liability suit" dated January 31, 1992; and "Some jurors got news of Attica Trial" noted as February 6, 1992.

Identifier

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Alternate Identifier

Case Files: 75-132

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