

No. 17-1213

IN THE
Supreme Court of the United States

GENERAL MOTORS, LLC,
Petitioner,

v.

MICHAEL BAVLSIK, ET AL.,
Respondents.

*On Petition for Writ of Certiorari to
the United States Court of Appeals
for the Eighth Circuit*

RESPONDENTS' BRIEF IN OPPOSITION

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QUESTION PRESENTED

In *Gasoline Products Co. v. Champlin Refining Co.*, 283 U.S. 494, 500 (1931), this Court held that a partial retrial is permissible if “it clearly appears that the issue to be retried is so distinct and separable from the others that a trial of it alone may be had without injustice.” In this case, the Eighth Circuit applied this settled rule and concluded that, “[h]aving closely reviewed the record,” the “facts are such” that the jury’s liability finding and damages award are sufficiently “distinct and separable’ from one another” that the district court did not abuse its discretion in ordering a new trial on damages. App. 23 (quoting *Gasoline Prods.*, 283 U.S. at 500). The question presented is whether, on the facts of this case, the Eighth Circuit’s holding is correct.

TABLE OF CONTENTS

Questions presented	i
Table of authorities	iii
Introduction	1
Statement	2
Reasons for denying the petition.....	5
I. As GM admitted below, there is an “accepted legal standard for granting partial new trials,” and the Eighth Circuit applied it.	5
II. The court of appeals correctly held that liability and damages were sufficiently “distinct and separable” such that the district court did not abuse its discretion in ordering a new trial on damages.	12
III. The question presented arises infrequently and is unworthy of this Court’s review, and this case would be a poor vehicle to review it in any event.	14
Conclusion	16

TABLE OF AUTHORITIES

Cases

<i>Ajax Hardward Manufacturing Corp. v. Industrial Plants Corp.</i> , 569 F.2d 181 (2d Cir. 1977)	7
<i>Boesing v. Spiess</i> , 540 F.3d 886 (8th Cir. 2008)	10
<i>Burger King Corp. v. Mason</i> , 710 F.2d 1480 (11th Cir. 1983)	7, 9
<i>Carter v. Chicago Police Officers</i> , 165 F.3d 1071 (7th Cir. 1998)	7, 9, 10, 11
<i>Carter v. DecisionOne Corp. Through C.T. Corp. Sys.</i> , 122 F.3d 997 (11th Cir. 1997)	6
<i>Darbrow v. McDade</i> , 255 F.2d 610 (3d Cir. 1958)	7
<i>Diamond D Enterprises USA, Inc. v. Steinsvaag</i> , 979 F.2d 14 (2d Cir. 1992)	6, 7
<i>Fairmount Glass Works v. Cub Fork Coal Co.</i> , 287 U.S. 474 (1933)	14
<i>Gasoline Products Co. v. Champlin Refining Co.</i> , 283 U.S. 494, 500 (1931)	<i>passim</i>
<i>Gasperini v. Center for Humanities, Inc.</i> , 518 U.S. 415(1996)	14
<i>Gries v. Zimmer, Inc.</i> , 940 F.2d 652, 1991 WL 137243 (4th Cir. 1991)	9
<i>Hadra v. Herman Blum Consulting Engineers</i> , 632 F.2d 1242 (5th Cir. 1980)	7

<i>Hadra v. Herman Blum Consulting Engineers,</i> 451 U.S. 912 (1981).....	7
<i>Haug v. Grimm,</i> 251 F.2d 523 (8th Cir. 1958)	8
<i>Lucas v. American Manufacturing Co.,</i> 630 F.2d 291 (5th Cir. 1980)	7, 8
<i>Luria Brothers & Co. v. Piolet Brothers Scrap Iron & Metal, Inc.,</i> 600 F.2d 103 (7th Cir. 1979)	10
<i>Maher v. Isthmian Steamship Co.,</i> 253 F.2d 414 (2d Cir. 1958).....	10
<i>Mekdeci By & Through Mekdeci v. Merrell National Labs.,</i> 711 F.2d 1510 (11th Cir. 1983)	7, 8
<i>Nichols v. Cadle Co.,</i> 139 F.3d 59 (1st Cir. 1998).....	6
<i>Phav v. Trueblood, Inc.,</i> 915 F.2d 764 (1st Cir. 1990).....	9, 10
<i>Reider v. Phillip Morris USA, Inc.,</i> 793 F.3d 1254 (11th Cir. 2015)	8
<i>Shugart v. Central Rural Electric Cooperative,</i> 110 F.3d 1501 (10th Cir. 1997)	10
<i>Spell v. McDaniel,</i> 824 F.2d 1380 (4th Cir. 1987)	8, 11
<i>Yarbrough v. Sturm, Ruger & Co.,</i> 964 F.2d 376 (5th Cir. 1992)	8
Rules	
Supreme Court Rule 10.....	11

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