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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OWEN DIAZ,
Plaintiff,
v.
TESLA, INC., et al.,
Defendants.

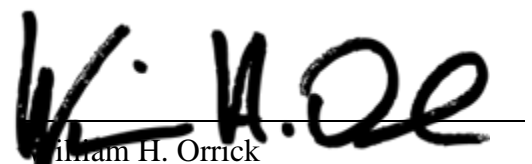
Case No. [3:17-cv-06748-WHO](#)

**ORDER GRANTING MOTION FOR
NEW DAMAGES TRIAL**

After the jury in this case returned a verdict in favor of plaintiff Owen Diaz, I denied defendant Tesla, Inc.’s (“Tesla”) motion for judgment as a matter of law and denied its motion for a new trial conditioned on Diaz accepting a remittitur of the jury’s award of damages. *See* Dkt. No. 328. Diaz has now rejected the remittitur. Dkt. No. 347. Accordingly, Tesla’s motion for judgment as a matter of law and a new trial on liability is DENIED for the reasons previously given; its motion for a new trial solely on damages is GRANTED. *See Fenner v. Dependable Trucking Co.*, 716 F.2d 598, 603 (9th Cir. 1983) (discussing procedure for granting new trial upon rejection of remittitur). A trial-setting conference is scheduled for July 12, 2022, at 2:00 pm. Trial counsel shall meet and confer in advance of the conference regarding desired and back up trial dates, and shall have their calendars available at the conference so that trial can be set.

IT IS SO ORDERED.

Dated: June 27, 2022


William H. Orrick
United States District Judge

United States District Court
Northern District of California