

**Commonwealth of Kentucky**  
**Court of Appeals**

NO. 2005-CA-002498-MR

PAT TRUJILLO

APPELLANT

v. APPEAL FROM PIKE CIRCUIT COURT  
HONORABLE STEVEN D. COMBS, JUDGE  
ACTION NO. 04-CI-01083

DENNY RAY WEBB

APPELLEE

OPINION  
AFFIRMING

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BEFORE: THOMPSON AND VANMETER, JUDGES; PAISLEY,<sup>1</sup> SENIOR JUDGE.

VANMETER, JUDGE: Pat Trujillo appeals from the Pike Circuit Court's order denying his motion for judgment notwithstanding the verdict. We affirm.

CR 50.02 provides in part that

a party who has moved for a directed verdict at the close of all the evidence may move to have the verdict and any

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<sup>1</sup> Senior Judge Lewis G. Paisley sitting as Special Judge by assignment of the Chief Justice pursuant to Section 110(5)(b) of the Kentucky Constitution and Kentucky Revised Statutes (KRS) 21.580.

judgment entered thereon set aside and to have judgment entered in accordance with his motion for a directed verdict[.]

“Kentucky courts have consistently construed this rule as precluding a party from obtaining a judgment notwithstanding the verdict if said party failed to move for a directed verdict at the close of all the evidence.” *Myers v. City of Louisville*, 590 S.W.2d 348, 349 (Ky.App. 1979); *see also Huddleston v. Murley*, 757 S.W.2d 216, 217 (Ky.App. 1988). At the trial of the matter here, Trujillo did not move for a directed verdict at the close of all the evidence. Accordingly, the trial court did not err by failing to grant his motion for judgment notwithstanding the verdict.

The Pike Circuit Court's order is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

Lawrence R. Webster  
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BRIEF FOR APPELLEE:

W. Sidney Trivette  
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