

A group of parents sued a public school district in a federal district court to enjoin the school district from using public funds and resources for educational programs at religious schools. The judge presiding over the case concluded that the programs violated the establishment clause and issued a permanent injunction against the school to prevent it from continuing with these programs.

Twenty years later, the school district filed a motion in the federal district court to obtain relief from the injunction. The school district argued that establishment clause law had changed so significantly that the programs are now constitutional.

May the court consider this motion?

- A. No, because only an appellate court may provide relief from the judgment.
- B. No, because the motion was not filed within one year from the entry of final judgment.
- C. Yes, because the motion concerns a constitutional issue.
- D. Yes, because the motion concerns law that may have significantly changed.

Explanation:

Relief from final judgment

(FRCP 60(b))

Grounds for relief	Time to file
<ul style="list-style-type: none"> • Mistake, inadvertence, surprise, excusable neglect • Newly discovered evidence • Fraud, misrepresentation, misconduct 	Within one year
<ul style="list-style-type: none"> • Void judgment (eg, lack of jurisdiction) • Judgment: <ul style="list-style-type: none"> – satisfied, released, discharged – based on reversed or vacated judgment <i>or</i> – will violate equity if applied prospectively • Other reason justifying relief (rare) 	Within reasonable time

FRCP = Federal Rule of Civil Procedure.

Under Federal Rule of Civil Procedure (FRCP) 60(b), a party may move for **extraordinary relief** from a court's final judgment or order on **limited grounds**. The motion *must* be made within one year from the court's judgment for any of the following reasons:

1. The judgment was based on the parties or the court's mistake, inadvertence, surprise, or excusable neglect.
2. The moving party discovered new evidence.
3. An opposing party engaged in fraud, misrepresentation, or misconduct.

All other FRCP 60(b) motions can be **made within a reasonable time** under the circumstances. This includes FRCP 60(b)(5), which authorizes relief from a judgment that:

- has been satisfied, released, or discharged
- is based on an earlier judgment that has been reversed or vacated *or*
- will **violate equity if applied prospectively**.

In *Agostini v. Felton*, the Supreme Court held that it violates equity to prospectively apply a judgment that was based on facts or law that have significantly changed since the court issued it. The school district's motion for relief challenges the permanent injunction on this ground, so the one-year deadline does not apply. And the motion was made within a reasonable time because the school district needed to wait until the law had significantly changed before requesting relief. As a result, the court may consider the school district's motion **(Choice B)**.

(Choice A) An **appellate court** may only provide relief from a judgment under FRCP 60(b) *after* a district court has entered a final order pertaining to such relief, which has yet to occur here.

(Choice C) The mere fact that the motion concerns a constitutional issue (ie, the establishment clause) does not provide a basis to consider this motion for relief.

Educational objective:

Under Federal Rule of Civil Procedure 60(b)(5), a party may file a motion within a reasonable time to obtain relief from a judgment that (1) has been satisfied, released, or discharged, (2) is based on an earlier judgment that has been reversed or vacated, or (3) will violate equity if applied prospectively.

References

- Fed. R. Civ. P. 60(b)–(c) (relief from judgment).
- *Agostini v. Felton*, 521 U.S. 203, 237 (1997) (holding that it is inequitable to prospectively apply an injunction that is based on law that has significantly changed since the injunction was issued).