

The Burger Court Opinion Writing Database

Grubbs v. General Electric Credit Corp.

405 U.S. 699 (1972)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

April 13, 1972

Re: No. 71-257 - Grubbs v. General Electric Credit Corp.

Dear Bill:

Please join me in your per curiam.

Regards,

WJB

Mr. Justice Rehnquist

Copies to the Conference

P.S. I still think
this should be
a signed opinion

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

April 8, 1972

Dear Bill:

Please join me in the Per Curiam in
No. 71-257 - Grubbs v. General Electric Co.

W. O. D.

Mr. Justice Rehnquist

cc: Conference

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U.S. SUPREME COURT RECORDS

B
You & Chief have not joined. All others have.

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

April 11, 1972

RE: No. 71-257 - Grubbs v. General Electric
Credit Corporation

Dear Bill:

I agree but suggest you make it a signed opinion. It was (1) orally argued, (2) seven pages in an argued case are too many for a per curiam, (3) it answers important law questions and (4) it is particularly lucid and well written.

Sincerely,

Bill

Mr. Justice Rehnquist

cc: The Conference

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U.S. DEPARTMENT OF COMMERCE

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE POTTER STEWART

April 10, 1972

71-257 - Grubbs v. G. E. Corp.

Dear Bill,

I am glad to join your opinion for the Court in this case. I see no reason why your name should not be on this opinion, and strongly suggest that you put it there.

Sincerely yours,

P.S.

Mr. Justice Rehnquist

Copies to the Conference

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OFFICE OF THE CLERK OF THE SUPREME COURT

April 8, 1972

Re: No. 71-257 - T. R. Grubbs v.
General Electric Credit
Corporation

Dear Bill:

Please join me.

Sincerely,

B.R.W.

Mr. Justice Rehnquist

cc: Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

April 13, 1972

Re: No. 71-257 - Grubbs Tire v. General
Electric Credit Corp.

Dear Bill:

Please join me.

Sincerely,


T.M.

Mr. Justice Rehnquist

cc: The Conference

B

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

April 10, 1972

Re: No. 71-257 - Grubbs v. General Electric
Credit Corporation

Dear Bill:

Please join me.

Sincerely,

HAB.

Mr. Justice Rehnquist

cc: The Conference

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SSSBNOC 30 ADV 1 IN

66
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

April 9, 1972

Re: Grubbs v. General Electric
Credit Corp. No. 71-257

Dear Bill:

Please join me.

Sincerely,

L. F. P.

Mr. Justice Rehnquist

lfp/ss

cc: The Conference

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION

U.S. SUPREME COURT RECORDS

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
✓ Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell

*Please forward
to
JH*

2nd DRAFT

From: Rehnquist, J.

SUPREME COURT OF THE UNITED STATES

Circulated: 2-7-72

Recirculated: _____

No. 71-257

T. R. Grubbs dba T. R. Grubbs
Tire & Appliance,
Petitioner,
v.
General Electric Credit
Corporation.

On Writ of Certiorari
to the United States
Court of Appeals for
the Fifth Circuit.

[April —, 1972]

PER CURIAM.

Petitioner recovered a money judgment against respondent in the United States District Court for the Eastern District of Texas, and respondent appealed to the United States Court of Appeals for the Fifth Circuit. That court held the District Court lacked jurisdiction of the case, and reversed the judgment with instructions that the case be remanded to the Texas state court whence it had been removed. This Court granted certiorari, — U. S. —. We have concluded that whether or not the case was properly removed, the District Court did have jurisdiction of the parties at the time it entered judgment. Under such circumstances the validity of the removal procedure followed may not be raised for the first time on appeal, and we accordingly reverse the judgment of the Court of Appeals.

In September 1964 respondent General Electric Credit Corporation commenced a lawsuit against petitioner Grubbs by the filing of a petition in the Texas State Trial Court. Petition sought recovery upon a promis-

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To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

From: Rehnquist, J.

No. 71-257

Circulated:

Recirculated:

4-14-72

| | |
|--|---|
| T. R. Grubbs dba T. R. Grubbs Tire & Appliance, Petitioner, v. General Electric Credit Corporation. | } On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit. |
|--|---|

[April —, 1972]

MR. JUSTICE REHNQUIST delivered the opinion of the Court.

Petitioner recovered a money judgment against respondent in the United States District Court for the Eastern District of Texas, and respondent appealed to the United States Court of Appeals for the Fifth Circuit. That court held the District Court lacked jurisdiction of the case, and reversed the judgment with instructions that the case be remanded to the Texas state court whence it had been removed. This Court granted certiorari, — U. S. —. We have concluded that whether or not the case was properly removed, the District Court did have jurisdiction of the parties at the time it entered judgment. Under such circumstances the validity of the removal procedure followed may not be raised for the first time on appeal, and we accordingly reverse the judgment of the Court of Appeals.

In September 1964 respondent General Electric Credit Corporation (GECC) commenced a lawsuit against petitioner Grubbs by the filing of a petition in the Texas State Trial Court. The petition sought recovery upon a

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Dawson

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell

NOTE: Where it is deemed desirable, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Lumber Co.*, 200 U.S. 321, 337.

From: Rehnquist, J.

SUPREME COURT OF THE UNITED STATES

Circulated: _____

Syllabus

Recirculated: 4-17-72

GRUBBS, DBA T. R. GRUBBS TIRE & APPLIANCE
v. GENERAL ELECTRIC CREDIT CORP.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 71-257. Argued March 23, 1972—Decided April 18, 1972

Respondent, a New York corporation, brought suit for \$66,000 on a promissory note against petitioner, a citizen of Texas, in a Texas state court, and petitioner filed a cross-action for \$25,000 seeking damages for slander, conversion, and conspiracy in restraint of trade. A later cross-action included the United States, which held a judgment against petitioner, as a party defendant. The action was removed to the Federal District Court for trial of the issues, on petition of the United States. The District Court, without objection, considered all the issues and awarded petitioner a \$20,000 judgment against respondent. The Court of Appeals, *sua sponte*, held that the District Court lacked jurisdiction and ordered the case returned to the state court. *Held*: Where after removal a case is tried on the merits without objection and the federal court enters a judgment, the issue on appeal is not whether the case was properly removed, but whether the District Court would have had original jurisdiction if the case had been filed in that court. Here there was diversity jurisdiction in the District Court if the action had been brought there originally. Pp. 4-7.

447 F. 2d 286, reversed and remanded.

REHNQUIST, J., delivered the opinion for a unanimous Court.