

The Burger Court Opinion Writing Database

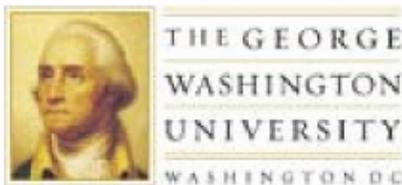
Parsons Steel, Inc. v. First Alabama Bank

474 U.S. 518 (1986)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University in St. Louis

Forrest Maltzman, George Washington University



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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 14, 1985

84-1616 - Parsons Steel, Inc. v. First
Alabama Bank of Montgomery and Edward Herbert

Dear Bill,

Please note at the end of your dissenting
opinion that Justice White would also grant
certiorari.

Sincerely yours,



Justice Rehnquist
Copies to the Conference

June 17, 1985

84-1616 Parson Steel v. First Alabama Bank of Montgomery

Dear Bill:

Please add my name to your dissent.

Sincerely,

Justice Rehnquist

Copies to the Conference

LFP/vde

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Stevens
Justice O'Connor

6/17

Case is close, &
WHR has written
persuasively. I am
inclined to change
my vote 1st DRAFT to a grant.

From: Justice Rehnquist

JUN 13 1985

Circulated: _____

Recirculated: _____

SUPREME COURT OF THE UNITED STATES

PARSONS STEEL, INC., ET AL. v. FIRST ALABAMA
BANK OF MONTGOMERY AND EDWARD HERBERT



ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

No. 84-1616. Decided June —, 1985

JUSTICE REHNQUIST, dissenting from denial of certiorari.

Stripped to its essentials, this case raises the question of whether a federal court may enjoin the enforcement of a final judgment of a state court because the state court incorrectly refused to accord *res judicata* effect to a prior federal court judgment between the same parties. The Court of Appeals majority held that it could, relying on the "relitigation exception" to the Anti-Injunction Act, 28 U. S. C. § 2283. The dissenting judge thought that it could not, concluding that the relitigation exception had no application after the state court judgment became final, and that the injunction violated the Full Faith and Credit Act, 28 U. S. C. § 1738. I dissent from the Court's refusal to decide this question involving two important and related federal statutes of great significance to the harmonious working of our dual court system.

Dissent

Petitioners Parsons Steel, Inc., and Jim and Melba Parsons sued respondent bank in Alabama state court in February 1979, essentially alleging that the bank had fraudulently induced the Parsons to permit a third person to take control of a subsidiary of Parsons Steel and eventually to obtain complete ownership of the subsidiary. In May 1979, Parsons Steel and the Parsons sued the bank in the United States District Court for the District of Alabama, alleging that the bank's conduct which was the subject of the state court suit also violated the Bank Holding Company Act Amendments, 12 U. S. C. §§ 1971-1978 (BHCA).

The parties conducted joint discovery in the federal and state actions. The federal action then proceeded to trial on

Justice Rehnquist adds nothing new to the debate. The issue is still a close one, but you have indicated that you would prefer waiting for a less messy case.

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Stevens
Justice O'Connor

From: Justice Rehnquist

Circulated: _____

Recirculated: 6/19/85

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

PARSONS STEEL, INC., ET AL. *v.* FIRST ALABAMA
BANK OF MONTGOMERY AND EDWARD HERBERT

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

No. 84-1616. Decided June —, 1985

JUSTICE REHNQUIST, with whom JUSTICE POWELL and
JUSTICE O'CONNOR join, dissenting from denial of certiorari.

Stripped to its essentials, this case raises the question of whether a federal court may enjoin the enforcement of a final judgment of a state court because the state court incorrectly refused to accord *res judicata* effect to a prior federal court judgment between the same parties. The Court of Appeals majority held that it could, relying on the "relitigation exception" to the Anti-Injunction Act, 28 U. S. C. § 2283. The dissenting judge thought that it could not, concluding that the relitigation exception had no application after the state court judgment became final, and that the injunction violated the Full Faith and Credit Act, 28 U. S. C. § 1738. I dissent from the Court's refusal to decide this question involving two important and related federal statutes of great significance to the harmonious working of our dual court system.

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Justice
Rehnquist
cert. is granted

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

June 14, 1985

Re: 84-1616 Parsons Steel, Inc., et al. v. First
Alabama Bk of Montgomery & Herbert

Dear Bill,

Please join me in your dissent from denial
of certiorari.

Sincerely,



Justice Rehnquist

Copies to the Conference