No. _____

In the Supreme Court of the United States

PORTFOLIO RECOVERY ASSOCIATES, LLC,
Petitioner,

v.

IRIS POUNDS; CARLTON MILLER; VILAYUAN SAYAPHET-TYLER; RHONDA HALL,
Respondents.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

Under the *Rooker–Feldman* doctrine, federal district courts lack jurisdiction over appeals from state-court judgments. However, many, if not all, states allow their trial courts to entertain independent actions that attack the validity of prior state-court judgments on various grounds, such as for lack of personal or subject-matter jurisdiction by the court that rendered the original judgments. These independent actions are original actions authorized by state law to be heard by state trial courts exercising original jurisdiction.

Some pre- and post-*Rooker* decisions from this Court (and *Rooker* itself) suggest that a federal district court has jurisdiction to hear an independent action that attacks a prior state-court judgment. The federal courts of appeals, however, cannot agree on the propriety of a federal district court's exercise of jurisdiction over independent actions. Some circuits have held that the *Rooker–Feldman* doctrine always bars these actions. Others have held that *Rooker–Feldman* does not apply when the state-court judgment was allegedly procured by fraud, or where the state court rendering the judgment lacked jurisdiction. Others have allowed federal district courts to entertain independent actions if a state trial court in the rendering forum could do so. The rules across the circuits are in conflict. *See* Sup. Ct. R. 10(a).

Therefore, the question presented is:

Does the *Rooker–Feldman* doctrine prohibit a federal district court from exercising jurisdiction over an independent action challenging the validity of a prior state-court judgment for lack of jurisdiction, when a state trial court could do so?

CORPORATE DISCLOSURE STATEMENT

Petitioner-Defendant Portfolio Recovery Associates, LLC is a Delaware limited liability company that has one member, PRA Group, Inc., which is a publicly held corporation. As the sole member, PRA Group, Inc. holds more than 10% of Portfolio Recovery Associates, LLC's stock.

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PETITION FOR WRIT OF CERTIORARI

This petition asks the Court to resolve when, if ever, a federal district court has subject-matter jurisdiction over an independent action to vacate or enjoin an allegedly invalid state-court judgment.

In two cases from the twentieth century, this Court explained that the lower federal courts generally lack jurisdiction to hear appeals from state courts. *See D.C. Court of Appeals v. Feldman*, 460 U.S. 462 (1983); *Rooker v. Fid. Tr. Co.*, 263 U.S. 413 (1923). Under this doctrine, known as *Rooker–Feldman*, this Court has explained that its congressionally granted appellate jurisdiction over state-court judgments is exclusive. *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 283 (2005); *see* 28 U.S.C. § 1257. By contrast, the jurisdiction of the federal district courts is original and not appellate. *Exxon Mobil Corp.*, 544 U.S. at 283; *see, e.g.*, 28 U.S.C. §§ 1331, 1332(a).

The issue in this case is whether a federal district court can entertain an independent action challenging a state-court judgment for lack of jurisdiction when a state trial court would be able to do so. The district court, following guidance from the Fourth Circuit, held that it could never declare a state-court judgment void. App. 2a. Yet this Court has allowed federal district courts to invalidate state-court judgments when the judgments were procured by fraud or entered without jurisdiction. In fact, the plaintiff in *Rooker* failed because he attacked the correctness of a state-court judgment rather than the state court's jurisdiction over the action. *Exxon Mobil Corp.*, 544 U.S. at 284; *Rooker*, 263 U.S. at 415.

This case is an appropriate vehicle to make express what *Rooker* and *Exxon Mobil* implied: A federal district court has subject-matter jurisdiction to entertain an independent action that seeks to upset a prior state-court judgment for lack of jurisdiction.

Therefore, Petitioner Portfolio Recovery Associates, LLC, respectfully petitions for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit.

OPINIONS BELOW

The Fourth Circuit's order denying permission to appeal is reprinted in the Appendix (App.) at 1a. The district court's remand order and opinion is reported at 2018 WL 1583670 and reprinted at App. 2a.

JURISDICTION

This Court has appellate jurisdiction over an order by the court of appeals denying a leave-to-appeal application. 28 U.S.C. § 1254; *Dart Cherokee Basin Operating Co. v. Owens*, 135 S. Ct. 547, 555 (2014). The Fourth Circuit entered its order denying PRA's leave to appeal on May 17, 2018. App. 1a.

RELEVANT STATUTORY PROVISION

The United States Code, 28 U.S.C. § 1257(a), provides:

> Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn

> in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

STATEMENT OF THE CASE

Petitioner Portfolio Recovery Associates (PRA) sued Respondents in individual debt-collection proceedings in North Carolina state court. When Respondents failed to appear, PRA secured separate default judgments against each of them.

Respondents subsequently filed a separate putative class action against PRA in North Carolina state court. App. 23a. According to Respondents, "the default judgments are void and may be attacked by independent action." App. 40a ¶ 55. Respondents' first claim for relief sought a declaration that the default judgments are void because the state courts that entered them lacked subject-matter jurisdiction. App. 39a–40a ¶¶ 53, 55. Their first claim for relief also sought an injunction against PRA's efforts to collect on the debts and an order that PRA file notices of vacatur in each state-court file. App. 40a–41a ¶¶ 56–57. Respondents' other claims for relief sought statutory and actual damages for PRA's conduct in securing the default judgments, allegedly in violation of North Carolina law. App. 41a–42a.

PRA removed the case to the United States District Court for the Middle District of North Carolina under the Class Action Fairness Act of 2005 (CAFA), Pub. L. No. 109-2, 119 Stat. 4 (codified in scattered sections of 28 U.S.C.). App. 46a. Respondents then moved to remand under the *Rooker–Feldman* doctrine. App. 2a, 6a.

In opposition to the motion to remand, PRA argued that *Rooker–Feldman* does not apply to an independent action that seeks to upset allegedly void judgments. App. 8a. The district court disagreed, and on March 28, 2018, granted Respondents' motion to remand.[1] App. 21a–22a. The court reasoned that "courts applying *Rooker–Feldman* may not 'challenge the state decision,' including but not limited to entertaining a plaintiff's request to 'declare void a state court judgment.'" App. 9a (first quoting *Davani v. Va. Dep't of Transp.*, 434 F.3d 712, 719 (4th Cir. 2006); then quoting *Horowitz v. Cont'l Cas. Co.*, 681 F. App'x 198, 200 (4th Cir. 2017) (per curiam)).

PRA also argued that the federal district court had the same authority as a state trial court to hear an independent action attacking a prior judgment. App. 10a–11a. The district court deemed this argument irrelevant under the holding in *Exxon Mobil Corp.*, 544 U.S. 280. App. 11a.

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[1] The district court remanded the entire case to state court, except for the claims of plaintiff Pia Townes, who had already vacated her default judgment in state court under Rule 60 of the North Carolina Rules of Civil Procedure. Ms. Townes voluntarily dismissed her claims after the remand order was issued and is not a party to this appeal.

PRA sought review in the Fourth Circuit. Although remand orders based on subject-matter jurisdiction are ordinarily unreviewable on appeal, 28 U.S.C. § 1447(d), PRA was able to request discretionary review from the Fourth Circuit due to the district court's CAFA jurisdiction, *id.* § 1453(c). On May 17, 2018, the Fourth Circuit denied PRA's petition for permission to appeal. App. 1a. As in other CAFA cases in which this Court has granted certiorari, the denial of a leave-to-appeal petition creates appellate jurisdiction in this Court. *See, e.g.*, *Dart Cherokee*, 135 S. Ct. at 555; *Standard Fire Ins. Co. v. Knowles*, 568 U.S. 588, 591 (2013).

REASONS FOR GRANTING THE PETITION

This case presents the question anticipated by *Rooker*, but left unresolved: Does a federal district court have jurisdiction to entertain an independent action that attacks a prior state-court judgment on jurisdictional grounds?

In *Rooker*, this Court suggested that a federal district court could do just that. *Rooker*, 263 U.S. at 416. But ever since *Rooker* was decided in 1923, the federal courts of appeals have disagreed on whether a district court can *ever* exercise jurisdiction over an independent action that attacks a state-court judgment. Certiorari should issue to resolve the inter- and intra-circuit conflicts that have festered since *Rooker*.

I. The Fourth Circuit and the District Court Refused to Follow *Rooker* and Other Precedents from this Court.

In 2005, this Court began to clean up the misguided and expansive application of *Rooker*–

Feldman by the lower federal courts. *See Exxon Mobil Corp.*, 544 U.S. at 283. In doing so, the Court identified *Rooker* and *Feldman* as the paradigm cases for applying the doctrine. *Id.* at 287, 293. These paradigm cases "exhibit the limited circumstances in which this Court's appellate jurisdiction over state-court judgments, 28 U.S.C. § 1257, preclude[] a United States district court from exercising subject-matter jurisdiction in an action it would otherwise be empowered to adjudicate under a congressional grant of authority." *Id.* at 291.

Exxon "confined [the *Rooker–Feldman* doctrine] to cases of the kind from which the doctrine acquired its name: cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments." *Id.* at 284. *Exxon* also noted that whether the federal litigation involves issues already decided in state court is irrelevant to the jurisdictional decision, as long as the federal plaintiff "present[s] some independent claim." *Id.* at 293 (alteration in original) (quoting *GASH Assocs. v. Vill. of Rosemont*, 995 F.2d 726, 728 (7th Cir. 1993)). *Exxon*, however, did not address whether state-court judgments can ever be collaterally attacked in federal court through independent actions.

A. Proper Independent Actions Are Not Problematic Under *Rooker* and Other Opinions from this Court.

Rooker is consistent with a federal district court's authority to entertain an attack on a state-court judgment entered without jurisdiction. Other cases

from this Court, both before and after *Rooker*, confirm this point.

The *Rooker* Court suggested that a federal district court could entertain an attack on a state-court judgment if the judgment was entered without jurisdiction. The plaintiff in *Rooker* brought a claim in federal district court that purported to be an independent action, seeking to declare "null and void" a judgment of the Indiana state court. *Rooker*, 263 U.S. at 414.[2] The plaintiff alleged that the state-court judgment was void because it violated various provisions of the federal Constitution. *Id.* at 414–15.

This Court concluded that the federal district court lacked jurisdiction because the independent action was not truly an attempt to show that the judgment was "without jurisdiction and absolutely void." *Id.* at 416. Federal district courts cannot engage in "an exercise of appellate jurisdiction" over state-court judgments, since district courts possess "strictly original" jurisdiction. *Id.* The independent action in *Rooker* was properly characterized as an exercise of appellate jurisdiction because the plaintiff was complaining of "alleged errors of law" committed by the state court in issuing its judgment. *Id.* By contrast, the Court suggested that the independent action would have been cognizable in federal court if the errors complained of showed that the state-court judgment was "without jurisdiction and absolutely void." *Id.* In fact, eighty years later

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[2] The claim at issue in *Rooker* was "a bill in equity" seeking relief from a judgment, which today would be called an independent action. *Rooker*, 263 U.S. at 414; *see United States v. Beggerly*, 524 U.S. 38, 45–46 (1998). An independent action is also known as an "original action." *Beggerly*, 524 U.S. at 45 n.2.

in *Exxon Mobil*, this Court stressed that *Rooker* was premised on the fact "that the state court had acted within its jurisdiction." *Exxon Mobil Corp.*, 544 U.S. at 284; *accord* Jack M. Beermann, *Comments on* Rooker–Feldman *or Let State Law Be Our Guide*, 74 Notre Dame L. Rev. 1209, 1212 (1999).

Just one year after *Rooker*, this Court made clear that federal district courts can entertain independent actions that attack state-court judgments as void. *See Atchison, T. & S. F. Ry. Co. v. Wells*, 265 U.S. 101, 103 (1924). In *Atchison*, the plaintiff secured a default judgment over a railroad in Texas state court. *Id.* at 102. Once the railroad received notice of the action and judgment, it sued in federal court to enjoin enforcement of the state-court judgment. *Id.* The railroad argued that the state court lacked personal jurisdiction when it entered judgment. *Id.* at 102–03. The *Atchison* Court agreed and held that "[r]elief against the void judgments entered was properly sought by the [railroad] in the federal court," and "[t]he [railroad] was not obliged to assert its rights in the courts of Texas." *Id.* at 103.

Rooker and *Atchison* are not outliers. For many decades before *Rooker*, this Court allowed federal courts to entertain attacks on prior state-court judgments. In *Simon v. Southern Railway Co.*, the plaintiff secured a default judgment against a railroad in Louisiana state court. 236 U.S. 115, 116 (1915). Like in *Atchison*, the railroad sued in federal court to enjoin enforcement of the state-court judgment, arguing that the judgment was procured through fraud and without notice. *Id.* This Court noted that a Louisiana law would have allowed the railroad to commence an independent action in

Louisiana court to enjoin the plaintiff from enforcing the void judgment. *Id.* at 122. Thus, this Court held that a federal district court had the same jurisdiction as a Louisiana state court to consider the independent action in this diversity case: "[I]f a new and independent suit could have been brought in a state court to enjoin [the plaintiff] from enforcing this judgment, a like new and independent suit could have been brought for a like purpose in a Federal court, which was then bound to act within its jurisdiction and afford redress." *Id.* at 123. Federal district courts can exercise "their general equity jurisdiction" to "enjoin a party from enforcing a void judgment." *Id.*; *accord Wells Fargo & Co. v. Taylor*, 254 U.S. 175, 189 (1920) (allowing a federal district court to enjoin a judgment creditor from collecting on a state-court judgment).

Pre-*Rooker* cases had already confirmed the power of federal district courts to set aside or enjoin state-court judgments procured by fraud. In *Barrow v. Hunton*, this Court explained that federal district courts can entertain actions to "set aside" prior state-court judgments procured through fraud, since the federal action would "constitute an original and independent proceeding." 99 U.S. 80, 83 (1878). And in *Marshall v. Holmes*, this Court allowed a plaintiff to seek to enjoin enforcement of a state-court judgment because the judgment was allegedly procured through forgery and fraud. 141 U.S. 589, 601 (1891).

B. The Decision in this Case Conflicts with this Court's Precedents.

Under these pre- and post-*Rooker* authorities, this Court has expressly allowed federal district

courts to entertain independent actions that attack the validity of prior state-court judgments. The Court allowed those actions when the plaintiffs alleged that the state-court judgment was procured through fraud, as in *Barrow* and *Marshall*, or without jurisdiction, as in *Atchison* and *Simon*.

Rather than apply the reasoning of these authorities, the district court and Fourth Circuit adopted a categorical prohibition on independent actions: lower federal courts cannot "declare void a state court judgment." App. 9a (first quoting *Horowitz*, 681 F. App'x at 200; then citing *Chien v. Grogan*, 710 F. App'x 600, 600–01 (4th Cir. 2018) (per curiam)).

The cases from this Court do not sanction the Fourth Circuit's categorical rule. The district court in this case, and the Fourth Circuit in *Horowitz* and *Chien*, all refused to consider an independent action challenging the validity or enforceability of a state-court judgment, regardless of the reason. If the state court lacked personal or subject-matter jurisdiction, the judgment debtor cannot seek relief in federal court. If the state court was fooled by fraud, the doors of the federal courthouse are closed.

These rules overextend *Rooker–Feldman* and conflict with the precedents of this Court. This overextension should be trimmed back to the purposes served by the certiorari statute, 28 U.S.C. § 1257. *See* Sup. Ct. R. 10(c).

II. There Is a Circuit Split Among the Federal Courts of Appeals Over When, If Ever, Federal District Courts Can Exercise Jurisdiction Over Independent Actions Attacking State-Court Judgments.

There are conflicts both among the circuit courts, and within some circuits, over the application of *Rooker–Feldman* to attacks on allegedly void state-court judgments.

A. Some Circuits Allow Attacks on State-Court Judgments Entered Without Jurisdiction.

Some circuits expressly allow independent actions attacking prior state-court judgments entered by a state court that lacked subject-matter or personal jurisdiction. *See, e.g.*, *Twin City Fire Ins. Co. v. Adkins*, 400 F.3d 293, 299 (6th Cir. 2005); *United States v. Bigford*, 365 F.3d 859, 865 (10th Cir. 2004); *United States v. Kramer*, 225 F.3d 847, 857 (7th Cir. 2000); *Hudson Drydocks Inc. v. Wyatt Yachts Inc.*, 760 F.2d 1144, 1146 (11th Cir. 1985).

For instance, in the Eleventh Circuit, a judgment debtor "may defeat enforcement of [a prior state-court] judgment in a federal forum by demonstrating that the state court lacked personal jurisdiction over the defendant." *Hudson Drydocks Inc.*, 760 F.2d at 1146. The Tenth Circuit, too, subscribes to that principle based on "the longstanding proposition that judgments rendered by a court lacking jurisdiction are void." *Bigford*, 365 F.3d at 865 (collecting cases from this Court and the Seventh, Ninth, and Tenth Circuits).

The absence of subject-matter jurisdiction by the state court is also grounds for an attack on a judgment in federal court. The Sixth Circuit has explained that "[w]here a federal court finds that a state-court decision was rendered in the absence of subject matter jurisdiction or tainted by due process violations, it may declare the state court's judgment void *ab initio* and refuse to give the decision effect in the federal proceeding." *Twin City Fire Ins. Co.*, 400 F.3d at 299. The Sixth Circuit noted that it was following the guidance of this Court in doing so. *Id.*

Had PRA's case arisen in any of these circuits, rather than in the Fourth Circuit, remand would have been unwarranted.

B. Some Circuits Allow Attacks on State-Court Judgments Procured Through Fraud or Mistake.

Other circuits have identified fraud and mistake as bases for voiding state-court judgments.

Indeed, this was supposedly the rule in the Fourth Circuit, from which this case arises. *Resolute Ins. Co. v. North Carolina*, 397 F.2d 586, 589 (4th Cir. 1968) ("[A] federal court may entertain a collateral attack on a state court judgment which is alleged to have been procured through fraud, deception, accident, or mistake . . . ."). The Fourth Circuit bases this rule on the precedents discussed above from this Court. *Id.* at 589 n.2 (citing *Atchison*, *Simon*, and *Wells Fargo*).

Four other circuits have approved the same rule. The Sixth Circuit relied directly on the Fourth Circuit's decision in *Resolute Insurance*. *See, e.g.*, *In re Sun Valley Foods Co.*, 801 F.2d 186, 189 (6th Cir.

1986). Some circuits have reached the same result as *Resolute Insurance* in reliance on the pre-*Rooker* precedents from this Court discussed above. *See, e.g.*, *Sitton v. United States*, 413 F.2d 1386, 1389–90 & n.2 (5th Cir. 1969) (citing *Atchison*); *Griffith v. Bank of N.Y.*, 147 F.2d 899, 901 (2d Cir. 1945) (citing *Marshall*); *Kougasian v. TMSL, Inc.*, 359 F.3d 1136, 1141 (9th Cir. 2004) (citing *Barrow*).

By contrast, five circuits have criticized or rejected a fraud exception to *Rooker–Feldman*. *See, e.g.*, *Scott v. Frankel*, 606 F. App'x 529, 532 n.4 (11th Cir. 2015) ("It is true that some of our sister circuits have recognized an extrinsic-fraud exception to *Rooker–Feldman*. . . . But we have not, and we do not do so now."); *West v. Evergreen Highlands Ass'n*, 213 F. App'x 670, 674 n.3 (10th Cir. 2007); *Williams v. Liberty Mut. Ins. Co.*, No. 04-30768, 2005 WL 776170, at *1 (5th Cir. Apr. 7, 2005); *Kropelnicki v. Siegel*, 290 F.3d 118, 128 (2d Cir. 2002); *Fielder v. Credit Acceptance Corp.*, 188 F.3d 1031, 1036 (8th Cir. 1999) (describing the application of *Rooker–Feldman* in this area as "enigmatic"). Some scholars have also criticized the fraud exception. *See generally* Steven N. Baker, *The Fraud Exception to the* Rooker–Feldman *Doctrine: How It Almost Wasn't (and Probably Shouldn't Be)*, 5 Fed. Cts. L. Rev. 139 (2011).

The circuits disagree on when, if ever, federal district courts have jurisdiction over actions that seek to vacate or enjoin enforcement of allegedly void state-court judgments. This circuit split warrants review. *See* Sup. Ct. R. 10(a).

C. Some Circuits Allow Independent Actions Attacking State-Court Judgments Whenever the Rendering State Would Allow the Actions.

Some circuits have developed a more nuanced rule, one that would allow federal district courts to set aside state-court judgments when a state trial court would be authorized to do so.

This rule first arose in the Fifth Circuit. In *Davis v. Bayless*, the Fifth Circuit explained that it would not "allow[] the *Rooker–Feldman* doctrine to bar an action in federal court when that same action would be allowed in the state court of the rendering state." 70 F.3d 367, 376 (5th Cir. 1995).

A few years later, the Ninth Circuit followed *Davis*, holding that *Rooker–Feldman* would not bar claims presented in federal court when those claims were specifically authorized by state law. *Fontana Empire Ctr., LLC v. City of Fontana*, 307 F.3d 987, 993, 995 (9th Cir. 2002). Although the Seventh Circuit has not embraced the Fifth Circuit's rule, Judge Easterbrook advocated for it in dissent from an order denying en banc rehearing. *Kamilewicz v. Bank of Boston Corp.*, 100 F.3d 1348, 1350 (7th Cir. 1996) (Easterbrook, J., dissenting from a denial of en banc rehearing). Some scholars have praised this approach. *See, e.g.*, Beerman, *supra*, at 1213 ("If a state court would allow an independent action collaterally attacking a judgment, so should a federal court, assuming jurisdictional requirements are met.").

The rule applied in the Fifth and Ninth Circuits is consistent with the manner in which sister state courts treat each other's judgments. Under the

Restatement (Second) of Conflict of Laws, a state will not recognize or enforce a judgment of a sister state if the sister state lacked personal or subject-matter jurisdiction. Restatement (Second) of Conflict of Laws §§ 104–05 (Am. Law Inst. 1971). Such a judgment is invalid and void. *Id.* § 92 & cmt. c. And a void judgment "is subject to collateral attack both in the State in which it is rendered and in other States." Restatement (First) of Judgments § 11 (Am. Law Inst. 1942); *see also* Restatement (Second) of Judgments §§ 81–82 (Am. Law Inst. 1982) (allowing a state-court judgment to be attacked in another state if the judgment was procured through fraud or mistake, or entered without personal or subject-matter jurisdiction).

The practice in these circuits is also consistent with the nature of diversity jurisdiction. A federal district court sitting in diversity is "in effect, only another court of the State." *Guar. Tr. Co. of N.Y. v. York*, 326 U.S. 99, 108 (1945). Thus, if a state trial court can hear an attack on an allegedly void state-court judgment, then Congress has given federal district courts diversity jurisdiction to do the same. *See* 28 U.S.C. § 1332(a).[3]

The district court in this case refused to consider whether North Carolina law would have allowed the Respondents' independent action. It determined that this question itself was "outside the court's jurisdiction pursuant to *Rooker–Feldman*." App.

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[3] That is doubly true in cases like this one, in which diversity is based on CAFA. CAFA's removal provision was designed to ensure that federal courts exercise jurisdiction over class actions with minimal diversity. CAFA § 2(a)(2), (b)(2), 119 Stat. at 5; 28 U.S.C. §§ 1332(d)(2), 1453(b); *Standard Fire Ins. Co.*, 568 U.S. at 592.

14a. That holding conflicts with the rule in the Fifth and Ninth Circuits.

D. Some Circuits Purport Both to Allow and to Prohibit Attacks on State-Court Judgments.

There are also substantial conflicts within some of the circuits.

Among the inconsistent circuits is the Fourth Circuit. The district court in this case followed unpublished decisions from the Fourth Circuit and held that *Rooker–Feldman* prohibits a federal court from entertaining claims by plaintiffs that state-court judgments are void. App. 9a.

But that position conflicts with published decisions in the Fourth Circuit. As the Fourth Circuit noted in 1999, an "independent action may be brought in federal court to challenge [a] state court judgment." *Morrel v. Nationwide Mut. Fire Ins. Co.*, 188 F.3d 218, 223 (4th Cir. 1999) (citing *Aetna Cas. & Sur. Co. v. Abbott*, 130 F.2d 40, 42 (4th Cir. 1942)). Under this line of cases, a federal district court can consider whether a state-court judgment is void due to fraud. *Id.* An earlier opinion from the Fourth Circuit reached the same conclusion. *Resolute Ins. Co.*, 397 F.2d at 589 ("[A] federal court may entertain a collateral attack on a state court judgment which is alleged to have been procured through fraud, deception, accident, or mistake . . . ."). And yet another opinion from the Fourth Circuit seemed to follow the rule from the Fifth and Ninth Circuits, that a district court can entertain an attack on a judgment if the rendering state would have allowed the attack. *See Yale v. Nat'l Indem. Co.*, 602 F.2d 642, 644 (4th Cir. 1979).

The Fourth Circuit is not the only circuit with inconsistencies. Recently, a plaintiff challenged in federal district court the validity of a state foreclosure judgment, arguing that the judgment was procured by fraud. *Mains v. Citibank, N.A.*, 852 F.3d 669, 676 (7th Cir.), *cert. denied*, 138 S. Ct. 227 (2017). The court held that this "is precisely what *Rooker–Feldman* prohibits." *Id.* The court reasoned that if the fraud allegation were true, the district court would have to vacate the state-court judgment, and that would be an impermissible exercise of appellate jurisdiction. *Id.*

But the Seventh Circuit had reached the opposite conclusion a few years earlier. In *United States v. Kramer*, the court noted the "traditional rule" that a judgment debtor can attack a state-court judgment entered without personal jurisdiction. 225 F.3d at 857. The Seventh Circuit reversed the judgment of the district court because the district court had refused to give the plaintiff the opportunity to argue that the state-court judgment was a nullity. *Id.*

* * *

As these authorities show, the federal circuits disagree with this Court and among themselves over when, if ever, the *Rooker–Feldman* doctrine allows a federal district court to hear an independent action that attacks the validity of a state-court judgment. Certiorari should issue to clarify this important issue of federal jurisdiction left unresolved since *Rooker* itself.

CONCLUSION

For these reasons, PRA respectfully requests that its petition for certiorari be granted.

Respectfully submitted this 14th day of August, 2018.

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