

24-808 CONEY ISLAND AUTO PARTS, INC. V. BURTON

DECISION BELOW: 109 F.4th 438

LOWER COURT CASE NUMBER: 23-5881

QUESTION PRESENTED:

Well-settled legal principles dictate that a judgment entered in the absence of personal jurisdiction is void. Federal Rule of Civil Procedure 60(b)(4) authorizes federal courts to vacate a judgment when it is void. A motion seeking vacatur, however, "must be made within a reasonable time." Fed. R. Civ. P. 60(c)(1).

Each of the United States Courts of Appeals other than the Sixth Circuit holds that there is effectively no time limit for moving to vacate a judgment, notwithstanding Rule 60(c)(1)'s "reasonable time" requirement, when the judgment is obtained in the absence of personal jurisdiction. The common thinking among these circuits is that a judgment entered without personal jurisdiction is void ab initio.

The United States Court of Appeals for the Sixth Circuit is the sole outlier. In this case, it held that Rule 60(c)(1) governs the timing of a motion seeking vacatur of a void judgment pursuant to Rule 60(b)(4).

The question presented is:

Whether Federal Rule of Civil Procedure 60(c)(1) imposes any time limit to set aside a void default judgment for lack of personal jurisdiction.

CERT. GRANTED 6/6/2025