

SUPREME COURT OF ALABAMA

Frank Thomas Shumate, Jr. v. Berry Contracting, L.P., d/b/a Bay, Ltd.

SC-2025-0424 · No. SC-2025-0424 · Decided December 12, 2025

SUMMARY

The Supreme Court of Alabama affirmed the Baldwin Circuit Court’s denial of Frank Thomas Shumate, Jr.’s Rule 60(b)(5) motion seeking relief from a Texas judgment domesticated in Alabama. The court held that Shumate had not shown that Rule 60(b)(5) provided the proper basis for vacating the domesticated judgment after the Texas Supreme Court reversed and remanded the Texas case. Separate dissents argued that the reversed Texas judgment should no longer be enforceable in Alabama.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Sellers, Justice; Wise, Justice; Mendheim, Justice; Shaw, Justice; McCool, Justice; Bryan, Justice; Cook, Justice; Stewart, Chief Justice
JURISDICTION	Supreme Court of Alabama
DECIDED	December 12, 2025
DOCKET	SC-2025-0424
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Baldwin Circuit Court's denial of Shumate's Rule 60(b)(5) motion seeking relief from a Texas judgment that Bay Ltd. had domesticated in Alabama.
STANDARD OF REVIEW	Whether to grant or deny relief under Rule 60(b)(5) is reviewed for abuse of discretion; the appellate inquiry is whether the circuit court exceeded its discretion.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Frank Thomas Shumate, Jr. v. Berry Contracting, L.P., d/b/a Bay, Ltd.

TOPICS

- civil procedure
- interstate disputes
- appellate procedure
- remedies
- standard of review

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Shumate was entitled to relief under Rule 60(b)(5) from the Alabama domestication of the Texas judgment after the Supreme Court of Texas reversed the Texas appellate judgment and remanded for entry of a new judgment.
2. Whether the domesticated judgment could be challenged under Rule 60(b)(4) or Rule 60(b)(6) on appeal despite Shumate's reliance below primarily on Rule 60(b)(5).
3. Whether the Full Faith and Credit Clause required relief from the domesticated judgment.

HOLDINGS

1. Shumate did not demonstrate that the Baldwin Circuit Court exceeded its discretion in denying his Rule 60(b)(5) motion. The majority affirmed without deciding whether Rule 60(b)(5) is generally the proper procedural mechanism for addressing a domesticated judgment after reversal in the rendering state.
2. Once domesticated under the Uniform Enforcement of Foreign Judgments Act, a foreign judgment has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating, or staying as a judgment of an Alabama circuit court.
3. Shumate was not entitled to reversal under Rule 60(b)(4) or Rule 60(b)(6) because those grounds were not adequately developed in his motion or appellate argument, and the record did not establish that the domesticated judgment was void or that other grounds justified relief.

KEY QUOTATIONS

"Whether to grant or deny relief under Rule 60(b)(5) ... is within the discretion of the trial judge, and the trial court's decision will not be reversed except for an abuse of that discretion." (5)

"the purpose of the UEFJA 'is to give the holder of a foreign judgment the same rights and remedies as the holders of domestic judgments.'" (5)

"Therefore, once the judgment is domesticated, [the party resisting enforcement of the domesticated judgment] must resort to procedures applicable to any other judgment originally entered by a circuit court in order to set it aside." (6)

"We cannot say that Shumate has demonstrated that the circuit court exceeded its discretion in denying Shumate's Rule 60(b)(5) motion for relief from judgment." (16)

FACTUAL BACKGROUND

Bay Ltd. obtained a Texas judgment against Shumate after a jury found him liable for alleged fraud, awarding actual damages, punitive damages, attorney fees, and interest. Bay Ltd. domesticated that judgment in Alabama while Shumate's Texas appeal was pending. The Texas Supreme Court later reversed the Texas intermediate appellate court's judgment and remanded for determination of a settlement credit and entry of a new judgment.

Shumate sought relief from the Alabama domesticated judgment, but the Baldwin Circuit Court denied his motion.

PROCEDURAL HISTORY

Bay Ltd. obtained a Texas judgment against Shumate, which was affirmed by a Texas intermediate appellate court and later reversed by the Supreme Court of Texas, which remanded for consideration of a settlement credit and entry of a new judgment. While the Texas appeal was pending, Bay Ltd. domesticated the Texas judgment in the Baldwin Circuit Court under Alabama's Uniform Enforcement of Foreign Judgments Act. Shumate later moved under Rule 60(b)(5) to obtain relief from the domesticated judgment. The circuit court denied the motion without holding the scheduled hearing, and the Alabama Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Shumate v. Berry Contracting, L.P., 693 S.W.3d 23 (Tex. App. 2021)
- Shumate v. Berry Contracting, L.P., 688 S.W.3d 872, 873 (Tex. 2024)
- Pollard v. Etowah Cnty. Comm'n, 539 So. 2d 225, 227 (Ala. 1989)
- Pope v. Gordon, 922 So. 2d 893, 897 (Ala. 2005)
- Greene v. Connelly, 628 So. 2d 346, 350-51 (Ala. 1993)
- Ex parte Full Circle Distrib., L.L.C., 883 So. 2d 638 (Ala. 2003)
- Ex parte Lyon Fin. Servs., Inc., 775 So. 2d 181, 183 (Ala. 2000)
- Afassco, Inc. v. Sanders, 142 So. 3d 1119, 1122 (Ala. 2013)
- Ex parte Trinity Auto. Servs., Ltd., 974 So. 2d 1005, 1009 (Ala. Civ. App. 2006)
- NHS Mgmt., LLC v. Wright, 24 So. 3d 1153, 1156 (Ala. Civ. App. 2009)
- Marshall v. Board of Educ. of Bergenfield, N.J., 575 F.2d 417, 424 (3d Cir. 1978)
- Wright v. Trust Co. Bank, 219 Ga. App. 551, 552, 466 S.E.2d 74, 75 (1995)
- Dykes v. Lane Trucking, Inc., 652 So. 2d 248, 251 (Ala. 1994)
- Ex parte Keith, 771 So. 2d 1018, 1022 (Ala. 1998)
- Ex parte Caterpillar Fin. Servs. Corp., 344 So. 3d 326, 329 (Ala. 2021)
- Everson v. Everson, 494 Pa. 348, 431 A.2d 889 (1981)
- Mansfield State Bank v. Cohn, 58 N.Y.2d 179, 446 N.E.2d 768, 460 N.Y.S.2d 12 (1983)
- Person v. Person, 236 So. 3d 90, 100 (Ala. Civ. App. 2017)
- Ex parte Space Race, LLC, 357 So. 3d 1, 4 (Ala. 2021)
- Orix Fin. Servs., Inc. v. Murphy, 9 So. 3d 1241, 1244 (Ala. 2008)
- Morse v. Morse, 394 So. 2d 950, 951 (Ala. 1981)
- Phillips v. Bramlett, 407 S.W.3d 229, 240 (Tex. 2013)

- Min v. H & S Crane Sales, Inc., 472 S.W.3d 773, 777 (Tex. App. 2015)
- Birmingham Elec. Co. v. Alabama Pub. Serv. Comm'n, 254 Ala. 119, 127, 47 So. 2d 449, 454 (1950)
- Dupuy v. Roebuck, 7 Ala. 484, 486 (1845)
- Barringer v. Burke, 21 Ala. 765, 771 (1852)
- Ex parte Huntingdon Coll., 386 So. 3d 28, 35-36 (Ala. 2023)
- Satterfield v. Winston Indus., Inc., 553 So. 2d 61, 63 (Ala. 1989)

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