

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Hamilton v. Mark IV Industries, Inc.

321 F.3d 292 · Decided September 14, 2015

SUMMARY

The Second Circuit affirmed summary judgment for the defendants in Gertrude Coretta Fennell Hamilton’s action concerning her prior employment with Dayco Incorporated and Dayco’s New York bankruptcy proceedings. The court also upheld a filing injunction barring Hamilton from bringing further related lawsuits in the Southern District of New York, concluding that she received notice and an opportunity to be heard and that the injunction was not an abuse of discretion.

CASE DETAILS

COURT	United States Court of Appeals for the Second Circuit
WRITING FOR THE COURT	Hall; Katzmman; Livingston
JURISDICTION	Federal
DECIDED	September 14, 2015
DISPOSITION	affirmed
PROCEDURAL POSTURE	Hamilton appealed from a district court judgment granting the defendants summary judgment and imposing a filing injunction barring her from bringing new actions in the Southern District of New York concerning her former employment with Dayco Incorporated or Dayco's New York bankruptcy proceeding.
STANDARD OF REVIEW	Summary judgment and the district court's application of res judicata and collateral estoppel are reviewed de novo. A filing injunction is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Gertrude Coretta Fennell Hamilton v. Mark IV Industries, Inc., Skadden, Arps, Slate, Meagher & Flom LLP, Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

TOPICS

summary judgment

injunctions

res judicata

appellate procedure

civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court properly granted summary judgment to the defendants based on the record and applicable res judicata and collateral estoppel principles.
2. Whether the district court abused its discretion by enjoining Hamilton from filing further lawsuits concerning her employment with Dayco or Dayco's bankruptcy proceedings.

HOLDINGS

1. The district court properly granted summary judgment to the defendants.
2. The district court did not abuse its discretion by enjoining Hamilton from filing further lawsuits relating to her employment with Dayco or to Dayco's bankruptcy proceedings.

KEY QUOTATIONS

“nothing “short of a filing injunction will protect the courts and other parties given that several judges have detailed precisely why [Hamilton’s] claims are barred, meritless, or otherwise unavailing.”” (712)

FACTUAL BACKGROUND

Hamilton repeatedly asserted claims arising from her employment with Dayco Incorporated and from Dayco's New York bankruptcy proceedings in multiple actions and venues. The district court determined that her claims were barred, meritless, or otherwise unavailing and entered a filing injunction after providing notice and an opportunity to be heard.

PROCEDURAL HISTORY

The Southern District of New York granted summary judgment for the defendants and enjoined Hamilton from filing further related lawsuits. The district court issued its order on October 31, 2014. The Second Circuit affirmed, concluding that summary judgment was proper and that the filing injunction was not an abuse of discretion.

DISPOSITION

affirmed

CASES CITED

- Miller v. Wolpoff & Abramson, L.L.P., 321 F.3d 292, 300 (2d Cir. 2003)
- Nationwide Life Ins. Co. v. Bankers Leasing Assoc., Inc., 182 F.3d 157, 160 (2d Cir. 1999)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986)
- Comp. Assocs. Int'l, Inc. v. Altai Inc., 126 F.3d 365, 368 (2d Cir. 1997)
- In re Hamilton, No. 14-cv-1400-AJN (S.D.N.Y. Oct. 31, 2014)

- *Gollomp v. Spitzer*, 568 F.3d 355, 368 (2d Cir. 2009)
- *Moates v. Barkley*, 147 F.3d 207, 208 (2d Cir. 1998)

OPINION

Hamilton v. Mark IV Industries, Inc. 615 F. App'x 710

PER CURIAM.

SUMMARY ORDER

Plaintiff-appellant Gertrude Coretta Fennell Hamilton, proceeding pro se, appeals from a judgment of the district court granting summary judgment in favor of the defendants and enjoining Hamilton from filing new actions in the Southern District of New York concerning her previous employment with Dayco Incorporated, or concerning Dayco's New York bankruptcy action. We assume the parties' familiarity with the underlying facts, the procedural history of the case, and the issues on appeal. I. Summary Judgment We review de novo a district court's grant of summary judgment. . *Miller v. Wolpoff & Abramson, L.L.P.*, 321 F.3d 292, 300 (2d Cir.2003). "Summary judgment is appropriate only if the moving party shows that there are no genuine issues of material fact and that the moving party is entitled to judgment as a matter of law." *Id.* We resolve all ambiguities and draw all inferences in favor of the non-movant. *Nationwide Life Ins. Co. v. Bankers Leasing Assoc., Inc.*, 182 F.3d 157, 160 (2d Cir.1999). Summary judgment is appropriate "[w]here the record taken as a whole could not lead a rational trier of fact to find for the non-moving party." *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587, 106 S.Ct. 1348, 89 L.Ed.2d 538 (1986). We also review de novo a district court's application of res judicata and collateral estoppel principles. *Comp. Assocs. Int'l, Inc. v. Altai Inc.*, 126 F.3d 365, 368 (2d Cir.1997). Upon review, we conclude that the district court properly granted summary judgment to the defendants. We affirm for substantially the reasons stated by the district court in its well-reasoned and thorough October 31, 2014 Order. See *In re Hamilton*, No. 14-cv-1400-AJN (S.D.N.Y. Oct. 31, 2014). II. Filing Injunction We review a district court's filing injunction for abuse of discretion. *Gollomp v. Spitzer*, 568 F.3d 355, 368 (2d Cir.2009). A district court must provide a litigant with notice and an opportunity to be heard before imposing a filing injunction. *Moates v. Barkley*, 147 F.3d 207, 208 (2d Cir.1998) . (per curiaip). The district court did not abuse its discretion in enjoining Hamilton from filing further lawsuits relating to her employment with Dayco or to Dayco's bankruptcy proceedings. Hamilton has raised the same claims in multiple other actions and venues. Moreover, the district court gave Hamilton notice and an opportunity to be heard prior to imposing the filing injunction, and Hamilton opposed the filing injunction in her opposition to the defendants' motions for summary judgment. The district court considered her arguments and properly determined that nothing "short of a filing injunction will protect *712the courts and other parties given that several judges have detailed precisely why [Hamilton's] claims are barred, meritless, or otherwise unavailing." *Hamilton*, slip op. at 15. ' We have considered all of

Hamilton's arguments and find them to be without merit. Accordingly, we AFFIRM the judgment of the district court.

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