

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Sakuma v. Association of Apartment Owners of the Tropics at Waikele

Sakuma v. Ass'n of Apartment Owners of the Tropics at Waikele, 311 F. App'x 9 (9th Cir. 2009) · No. Nos. 07-16396, 07-17189, 07-17298 · Decided January 14, 2009

SUMMARY

The Ninth Circuit addressed three consolidated appeals arising from post-judgment orders in litigation involving Patsy N. Sakuma. It dismissed the appeal from a civil contempt order as moot and affirmed orders designating Sakuma a vexatious litigant, imposing a pre-filing screening order, and denying relief from a judgment enforcing a settlement. The court held that Sakuma received adequate notice and an opportunity to be heard and that her Rule 60(b)(6) arguments were untimely and insufficient.

CASE DETAILS

COURT	United States Court of Appeals for the Ninth Circuit
WRITING FOR THE COURT	Rymer; Trott; Wallace
JURISDICTION	Federal
DECIDED	January 14, 2009
DOCKET	Nos. 07-16396, 07-17189, 07-17298
DISPOSITION	dismissed
PROCEDURAL POSTURE	Consolidated appeals from three post-judgment district court orders: a civil contempt order; an order designating Sakuma a vexatious litigant and imposing a pre-filing screening order; and an order denying relief from a judgment enforcing a settlement agreement.
STANDARD OF REVIEW	Abuse of discretion for the denial of Rule 60(b) relief and the vexatious-litigant order; appellate jurisdiction over the contempt appeal was also considered.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Patsy N. Sakuma v. Association of Apartment Owners of the Tropics at Waikele

TOPICS

mootness

writ of certiorari

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PRACTICE AREAS

civil procedure

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QUESTIONS PRESENTED

1. Whether the appeal from the civil contempt order was moot after Sakuma complied with the order and no sanctions were imposed.
2. Whether the district court violated Sakuma's due process rights by entering a pre-filing screening order without adequate notice and an opportunity to be heard.
3. Whether Sakuma was entitled to relief from the settlement judgment under Federal Rule of Civil Procedure 60(b)(6) based on alleged breaches of the settlement agreement.

HOLDINGS

1. The appeal was moot because Sakuma had complied with the contempt order and the district court had imposed no contempt sanctions; relief from the order would provide her no remedy.
2. The district court did not violate Sakuma's procedural rights because it gave her an opportunity to brief the issue, considered her arguments, and entered findings supporting the screening order.
3. Sakuma was not entitled to Rule 60(b)(6) relief because her breach arguments were untimely, and the alleged June 2006 breach did not constitute a complete frustration of the settlement agreement.

KEY QUOTATIONS

“Because relief from the contempt order would not afford Sakuma any remedy, the appeal is moot.” (311 F. App'x at 10-11)

“The single breach alleged to have occurred in June 2006 was not a “complete frustration” of the settlement agreement and, therefore, would not justify relief.” (311 F. App'x at 11)

FACTUAL BACKGROUND

Sakuma was subject to a district court civil contempt order, a vexatious-litigant designation with a pre-filing screening requirement, and a judgment enforcing a 2002 settlement agreement. She complied with the contempt order, and the district court imposed no contempt sanctions. She later sought relief from the settlement judgment under Rule 60(b)(6), alleging breaches of the settlement agreement, including one alleged breach in June 2006.

PROCEDURAL HISTORY

Sakuma appealed post-judgment orders entered by the district court in underlying litigation involving enforcement of a 2002 settlement agreement. The Ninth Circuit dismissed the contempt appeal as moot because Sakuma had complied with the order and no contempt sanctions had been imposed, and affirmed the orders concerning the vexatious-litigant screening order and denial of Rule 60(b)(6) relief.

DISPOSITION

dismissed

CASES CITED

- Latshaw v. Trainer Wortham & Co., 452 F.3d 1097, 1100 (9th Cir. 2006)
- De Long v. Hennessey, 912 F.2d 1144, 1146-1147 (9th Cir. 1990)
- Davies v. Grossmont Union High Sch. Dist., 930 F.2d 1390, 1394 (9th Cir. 1991)
- Keeling v. Sheet Metal Workers Int'l Ass'n, Local Union 162, 937 F.2d 408, 410 (9th Cir. 1991)

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