

SUPREME COURT OF ALABAMA

Jefferson County Board of Health v. Birmingham Hide & Tallow Co.

38 So. 3d 714 (Ala. 2009) · No. 1080847 · Decided September 11, 2009

SUMMARY

The Supreme Court of Alabama held that the trial court exceeded its discretion by granting Birmingham Hide & Tallow relief from a consent judgment without the company alleging or proving a valid ground under Rule 60(b), Ala. R. Civ. P. The court concluded that the judgment was not void and that extraordinary relief under Rule 60(b)(6) was unavailable because the company had agreed to the liquidated-damages provision and waited more than a year to challenge it. The judgment was reversed and the case remanded.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Woodall, Justice; Cobb, C.J.; Smith, J.; Parker, J.; Shaw, J.; Woodall, J.
JURISDICTION	Alabama
DECIDED	September 11, 2009
DOCKET	1080847
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Board appealed from the Jefferson Circuit Court's order granting BHT's postjudgment motion seeking relief from a liquidated-damages provision incorporated into a consent judgment.
STANDARD OF REVIEW	A Rule 60 postjudgment ruling is reviewed for an abuse of discretion, but granting relief where the movant neither alleges nor proves a proper Rule 60(b) ground exceeds the trial court's discretion.
PRECEDENTIAL VALUE	Published Alabama Supreme Court opinion
PARTIES	Jefferson County Board of Health v. Birmingham Hide & Tallow Company, Inc.

TOPICS

- motion for reconsideration
- civil procedure
- appellate procedure
- liquidated damages
- commercial litigation

PRACTICE AREAS

civil procedure

appellate procedure

contracts

remedies

commercial litigation

QUESTIONS PRESENTED

1. Whether BHT established a permissible ground under Rule 60(b), Ala. R. Civ. P., for relief from the final consent judgment.
2. Whether the judgment or its liquidated-damages provision was void under Rule 60(b)(4) because of lack of jurisdiction or denial of due process.
3. Whether extraordinary and compelling circumstances supported relief under Rule 60(b)(6) despite BHT's failure to challenge the provision before the judgment became final.

HOLDINGS

1. A party seeking relief from a final judgment under Rule 60(b) must allege and prove one of the rule's specified grounds; because BHT's motion cited no applicable subsection and offered no evidence establishing a Rule 60(b) ground, the trial court exceeded its discretion by granting relief.
2. A judgment is void under Rule 60(b)(4) only when the rendering court lacked subject-matter or personal jurisdiction or acted inconsistently with due process; the judgment here was not void because the trial court had jurisdiction and BHT received due process.
3. Rule 60(b)(6) relief is available only in extraordinary and compelling circumstances, and it is unavailable to a party that failed to do everything reasonably within its power to obtain a favorable result before the judgment became final.

KEY QUOTATIONS

"A party seeking relief must both allege and prove one of the grounds set forth in Rule 60 in order to be granted relief under that rule." (717)

"a judgment is 'void' within the scope of that subsection 'only if the court rendering it lacked jurisdiction of the subject matter or of the parties, or if it acted in a manner inconsistent with due process.'" (718)

"relief is granted only in those extraordinary and compelling circumstances when a party can show the court sufficient equitable grounds to entitle him to relief, but relief should not be granted to a party who has failed to do everything reasonably within his power to achieve a favorable result before the judgment becomes final." (718)

FACTUAL BACKGROUND

The Board received odor complaints concerning BHT's meat-rendering plant and sued BHT for violating applicable Board rules and regulations. The parties negotiated a settlement requiring BHT to install and operate emission-control systems, with a \$500-per-day liquidated-damages provision if the systems were not compliant by June 30, 2007. The agreement was incorporated into a final judgment, BHT missed the deadline and failed to pay the resulting liquidated damages, and it waited more than a year before seeking to invalidate the provision.

PROCEDURAL HISTORY

The Board sued BHT over odors from BHT's meat-rendering plant. The parties entered a settlement agreement requiring emission-control measures and providing for \$500 per day in liquidated damages for noncompliance; the trial court incorporated the agreement into a final judgment and retained jurisdiction for enforcement. After BHT failed to meet the deadline, the trial court ordered liquidated damages, but later granted BHT's Rule 60-type postjudgment motion and declared the liquidated-damages clause a penalty. The Supreme Court of Alabama reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Further proceedings consistent with the opinion.

CASES CITED

- Comalander v. Spottswood, 846 So. 2d 1086, 1090 (Ala. 2002)
- Ex parte American Res. Ins. Co., 663 So. 2d 932, 936 (Ala. 1995)
- Ex parte Alfa Mut. Gen. Ins. Co., 681 So. 2d 1047, 1050 (Ala. 1996)
- Smith v. Clark, 468 So. 2d 138, 141 (Ala. 1985)
- Williams v. Williams, 910 So. 2d 1284, 1286 (Ala. Civ. App. 2005)
- Patterson v. Hays, 623 So. 2d 1142, 1145 (Ala. 1993)
- Ashley v. State ex rel. Brooks, 668 So. 2d 7, 8 (Ala. Civ. App. 1994)

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