

SUPREME COURT OF MISSISSIPPI

City of Jackson, Mississippi v. Jackson Oaks Limited Partnership

City of Jackson · No. Nos. 2002-CA-00254-SCT and 1999-CA-00714-SCT · Decided January 23, 2002

SUMMARY

The Mississippi Supreme Court affirmed the denial of the City of Jackson's Mississippi Rule of Civil Procedure 60(b) motion for clarification and relief from a \$1.1 million judgment in favor of Jackson Oaks Limited Partnership. The court held that the settlement-credit issue was moot and that the City could not use Rule 60(b) to relitigate issues previously addressed after renewal of its summary judgment motion.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Carlson, Justice, for the Court; McRae, P.J.; Diaz, J.; Carlson, J.; Pittman, C.J.; Smith, P.J.; Cobb, J.; Easley, J.; Graves, J.
JURISDICTION	Mississippi
DECIDED	January 23, 2002
DOCKET	Nos. 2002-CA-00254-SCT and 1999-CA-00714-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	The City of Jackson appealed the Hinds County Chancery Court's denial of its Mississippi Rule of Civil Procedure 60(b) motion for clarification and relief from a \$1.1 million judgment entered for Jackson Oaks.
STANDARD OF REVIEW	A chancellor's grant or denial of a Rule 60(b) motion is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published opinion
PARTIES	City of Jackson, Mississippi v. Jackson Oaks Limited Partnership

TOPICS

- civil procedure
- motion for reconsideration
- summary judgment
- mootness
- appellate procedure

PRACTICE AREAS

- civil procedure
- appellate procedure
- municipal law
- real property
- remedies

QUESTIONS PRESENTED

1. Whether the chancellor abused his discretion by finding that the John Hancock settlement-credit issue was moot after Jackson Oaks tendered the entire settlement amount to the City.
2. Whether the chancellor abused his discretion by denying Rule 60(b) relief based on the City's contention that the court failed to address its motion to dismiss or, alternatively, motion for summary judgment.
3. Whether the City's renewed Rule 60(b) motion could properly raise additional issues beyond those contained in the original motion addressed by the prior appellate remand.

HOLDINGS

1. The chancery court correctly limited its consideration on remand to the issues raised in the City's original December 1998 motion for clarification and relief; additional issues in the City's renewed motion were beyond the scope of the prior remand.
2. The settlement-credit issue was moot because Jackson Oaks tendered to the City the entire amount it received in settlement from John Hancock.
3. The chancellor did not abuse his discretion in denying Rule 60(b) relief even though he incorrectly stated that the City had failed to renew its motion for summary judgment, because the chancellor had heard argument on and denied the renewed motion on its merits.

KEY QUOTATIONS

"Relief under Rule 60(b)(6) is reserved for "extraordinary and compelling circumstances."" (at 3)

"Rule 60(b) is not an escape hatch for litigants who had procedural opportunities afforded under other rules and who without cause failed to pursue those procedural remedies." (at 5)

"Rule 60(b) is designed for the extraordinary, not the common place." (at 5)

FACTUAL BACKGROUND

Jackson Oaks alleged ongoing erosion and flood-control problems along Hanging Moss Creek near Ridgewood Road, which caused loss of land, damage to parking facilities and drainage pipes, and damage to or threatened loss of its only ingress and egress. Jackson Oaks also sued John Hancock Mutual Life Insurance Company, but that claim was settled and dismissed before trial. After trial, the chancery court entered a \$1.1 million judgment for Jackson Oaks, and the City later sought relief based partly on the John Hancock settlement and partly on issues raised in an earlier dispositive motion.

PROCEDURAL HISTORY

Jackson Oaks sued the City over erosion and flood-control problems, seeking injunctive relief and damages. Following a 1998 trial, the chancery court entered a \$1.1 million judgment for Jackson Oaks. Rather than directly appeal, the City filed a motion for clarification and relief from judgment; the Mississippi Supreme Court previously remanded for consideration of that motion on its merits. On remand, the chancery court denied relief, and the Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- City of Jackson v. Jackson Oaks Ltd. P'ship, 792 So. 2d 983, 986 (Miss. 2001)
- Briney v. U.S. Fid. & Guar. Co., 714 So. 2d 962, 966 (Miss. 1998)
- Stringfellow v. Stringfellow, 451 So. 2d 219, 221 (Miss. 1984)
- Pointer v. Huffman, 509 So. 2d 870, 876 (Miss. 1987)
- Guaranty Nat. Ins. Co. v. Pittman, 501 So. 2d 377, 388 (Miss. 1987)
- Mastini v. Am. Tel. & Tel. Co., 369 F.2d 378 (2d Cir. 1966)
- Sartain v. White, 588 So. 2d 204, 212 (Miss. 1991)
- State ex rel. Miss. Bureau of Narcotics v. One (1) Chevrolet Nova Auto., 573 So. 2d 787, 790 (Miss. 1990)
- Burkett v. Burkett, 537 So. 2d 443, 445 (Miss. 1989)
- Bryant, Inc. v. Walters, 493 So. 2d 933, 939 (Miss. 1986)
- Lose v. Ill. Cent. Gulf R.R., 584 So. 2d 1284, 1286 (Miss. 1991)
- Pickering v. Industria Masina I Traktora (IMT), 740 So. 2d 836, 840 (Miss. 1999)
- Whittley v. City of Meridian, 530 So. 2d 1341, 1346 (Miss. 1988)
- King v. King, 556 So. 2d 716, 722 (Miss. 1990) (Robertson, J., concurring)