

SUPREME COURT OF THE UNITED STATES

Will v. Hallock

546 U.S. 345 (2006) · No. No. 04-1332 · Decided January 18, 2006

SUMMARY

The Supreme Court held that an order refusing to apply the Federal Tort Claims Act's judgment bar is not immediately appealable under the collateral order doctrine. The Court distinguished the judgment bar from immunities such as qualified immunity and characterized it as more analogous to claim preclusion, which ordinarily may be reviewed after final judgment. The Court vacated the Court of Appeals' judgment and remanded with instructions to dismiss for lack of appellate jurisdiction.

CASE DETAILS

COURT	Supreme Court of the United States
WRITING FOR THE COURT	Justice Souter
JURISDICTION	Federal
DECIDED	January 18, 2006
DOCKET	No. 04-1332
DISPOSITION	vacated
PROCEDURAL POSTURE	The United States Supreme Court granted certiorari to review whether an order refusing to apply the Federal Tort Claims Act judgment bar was immediately appealable under the collateral order doctrine. The Court did not reach the merits and vacated the Court of Appeals' judgment for lack of appellate jurisdiction.
STANDARD OF REVIEW	The Supreme Court reviewed de novo whether the Court of Appeals had appellate jurisdiction under the collateral order doctrine.
PRECEDENTIAL VALUE	published
PARTIES	Will et al. v. Hallock et al.

TOPICS

- appellate jurisdiction
- final judgment rule
- appellate procedure
- civil procedure
- sovereign immunity

PRACTICE AREAS

federal appellate jurisdiction

civil procedure

Federal Tort Claims Act

constitutional torts

sovereign immunity

QUESTIONS PRESENTED

1. Whether an order refusing to apply the Federal Tort Claims Act judgment bar is immediately appealable under the collateral order doctrine.
2. Whether the FTCA judgment bar is sufficiently analogous to an immunity or otherwise protects an interest of such importance that denial of the defense is effectively unreviewable after final judgment.

HOLDINGS

1. An order rejecting the Federal Tort Claims Act judgment bar under 28 U.S.C. § 2676 is not immediately appealable as a collateral order.
2. The FTCA judgment bar is not entitled to collateral-order treatment as an immunity.

KEY QUOTATIONS

“The authority of the Courts of Appeals to review “all final decisions of the district courts,” 28 U.S.C. § 1291, includes appellate jurisdiction over “a narrow class of decisions that do not terminate the litigation,” but are sufficiently important and collateral to the merits that they should “nonetheless be treated as final,”” (546 U.S. 346)

“The requirements for collateral order appeal have been distilled down to three conditions: that an order “[1] conclusively determine the disputed question, [2] resolve an important issue completely separate from the merits of the action, and [3] be effectively unreviewable on appeal from a final judgment.”” (546 U.S. 349)

“The judgment bar at issue in this case has no claim to greater importance than the typical defense of claim preclusion; and we hold true to form in deciding what Digital Equipment implied, that an order rejecting the defense of judgment bar under 28 U.S.C. § 2676 cries for no immediate appeal of right as a collateral order.” (546 U.S. 355)

FACTUAL BACKGROUND

United States Customs Service agents investigated the use of Richard Hallock's stolen credit-card information to pay for a child pornography website and obtained a warrant to search the Hallocks' residence. The agents seized computer equipment, software, and disk drives; when the equipment was returned, the drives were damaged and the stored business data was lost, forcing the Hallocks out of business. The Hallocks sued the United States under the Federal Tort Claims Act, and Susan Hallock separately sued the individual agents under Bivens.

PROCEDURAL HISTORY

Susan Hallock and her company sued the United States under the Federal Tort Claims Act. The District Court dismissed that action under an exception to the Act's waiver of sovereign immunity. Hallock then sued the individual customs agents under Bivens. The District Court denied the agents' motion invoking the FTCA

judgment bar, and the Second Circuit affirmed after finding collateral-order jurisdiction. The Supreme Court vacated and remanded with instructions to dismiss the appeal for lack of jurisdiction.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The Court of Appeals was instructed to dismiss the appeal for lack of appellate jurisdiction.

CASES CITED

- Digital Equipment Corp. v. Desktop Direct, Inc., 511 U.S. 863 (1994)
- Cohen v. Beneficial Industrial Loan Corp., 337 U.S. 541 (1949)
- Behrens v. Pelletier, 516 U.S. 299 (1996)
- Puerto Rico Aqueduct and Sewer Authority v. Metcalf & Eddy, Inc., 506 U.S. 139 (1993)
- Coopers & Lybrand v. Livesay, 437 U.S. 463 (1978)
- Midland Asphalt Corp. v. United States, 489 U.S. 794 (1989)
- Firestone Tire & Rubber Co. v. Risjord, 449 U.S. 368 (1981)
- Cobbledick v. United States, 309 U.S. 323 (1940)
- Nixon v. Fitzgerald, 457 U.S. 731 (1982)
- Mitchell v. Forsyth, 472 U.S. 511 (1985)
- Abney v. United States, 431 U.S. 651 (1977)
- Van Cauwenberghe v. Biard, 486 U.S. 517 (1988)
- Lauro Lines s.r.l. v. Chasser, 490 U.S. 495 (1989)
- Harlow v. Fitzgerald, 457 U.S. 800 (1982)
- Saucier v. Katz, 533 U.S. 194 (2001)
- Ex parte Young, 209 U.S. 123 (1908)
- Monge v. California, 524 U.S. 721 (1998)