TO: Judge & Barbara

FROM: Brad

RE: Collateral Estoppel

DATE: February 3, 1984

Issue presented: Can Southern Pacific and Schneider be distinguished from Synanon on the applicability of collateral estoppel?

Answer: YES.

In So. Pacific Communications v. ATT, 567 F.Supp 326 (D.C. D.C. 1983) collateral estoppel did not apply because it was raised by way of a Rule 60(b)(6) motion to vacate a judgement and was thus untimely. The purpose of collateral estoppel is to prevent parties from re-litigating an issue and not to prevent the court from deciding an issue that has already been fully litigated. Id. at 329-30.

In Schneider v. Lockheed, 658 F.2d 835 (D.C. Cir. 1981) the court of appeals decided that collateral estoppel was improperly applied in the court below because defendant was precluded from litigating the issue of whether an accident caused injury to 150 different individuals. Each case of causation raised different factual issues, and the doctrine can be properly applied only when the issue sought to be precluded is substantially the same as the issue already decided. Id. at 658. This appeals court opinion was appealed to the Supreme Court and certiorari was denied. 455 U.S. 994 (1982).

Memo on collateral estoppel (cont.)

Both of these case are distinguishable from Synanon because:

1) in Synanon the doctrine was raised in a timely manner, that is, during trial.

2) the issue of destruction of documents in the present case is identical to the issue already decided by Judge Braman.

It thus appears that the holdings in So. Pacific and in Schneider on the applicability of collateral estoppel will create no impediment to your use of the doctrine in Synanon.

+ in So. Pac: consent jgmt., ∅ final order, so ∅ preclusion