Brief and Memorandum In Support of Parallel State and Federal Litigation

It is likely true that the lower courts, in applying the abstention doctrine (*Railroad Comm'n v. Pullman Co*., 312 U.S. 496, a.k.a. the "*Pullman Abstention Doctrine*") have abused discretion to a high degree, an abuse that is sustained to a high degree by the circuit courts. An example of perversion of the abstention doctrine is the doctrine's cousin, the *Rooker/Feldman Doctrine*. **The Rooker/Feldman Doctrine HAS BEEN ABOLISHED!, almost.** See *Lance v. Dennis*, 126 S. Ct. 1198, 163 L.Ed.2d 1059 (U.S. 02/21/2006).

From *Lance*, we hold that the *Rooker-Feldman Doctrine* does not bar plaintiffs from proceeding [9]; under what has come to be known as the *Rooker-Feldman Doctrine*, lower federal courts are precluded from exercising **appellate** jurisdiction over final state court judgments [18]; Neither *Rooker* nor *Feldman* elaborated a rationale for a wide-reaching bar on the jurisdiction of lower federal courts, and our cases since Feldman have tended to emphasize the narrowness of the *Rooker-Feldman rule; Rooker-Feldman* does not apply to parallel state and federal litigation. This Court has never applied *Rooker-Feldman* to dismiss an action for want of jurisdiction [20]; in *Exxon Mobil,* decided last term, we warned that the lower courts have at times extended *Rooker-Feldman* "far beyond the contours of the *Rooker* and *Feldman* cases, overriding Congress' conferral of federal-court jurisdiction concurrent with jurisdiction exercised by state courts, and superseding the ordinary application of preclusion law"; *Rooker-Feldman,* we explained, is a narrow doctrine, confined to "cases brought by state-court losers complaining of

injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments" [21]; The District Court erroneously conflated preclusion law with *Rooker-Feldman; Rooker-Feldman* is not simply [reclusion by another name; **The doctrine applies only in "limited circumstances," *Exxon Mobil*, supra, at 291, where a party in effect seeks to take an [{appeal}] of an unfavorable state-court decision to a lower federal court** [25]. *Rooker* and *Feldman* are strange bedfellows; *Rooker*, a unanimous three-page opinion written by Justice Van Devanter in 1923, correctly applied the simple legal proposition that **only this court may exercise appellate jurisdiction** over state-court judgments. *Feldman*, a non-unanimous twenty-five page opinion written by Justice Brennan in 1983, ***was incorrectly decided and generated a plethora of confusion and debate among scholars and judges;*** Last term, in Justice Ginsburg's lucid opinion in *Exxon Mobil Corp. v. Saudi Basic Industries Corp*., 544 U.S. 280 (2005), **the court finally interred the so-called "*Rooker-Feldman Doctrine*." And today, the Court quite properly disapproves of the District Court's resuscitation of a doctrine that has produced nothing but mischief for 23 years** [33].