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Relief From Judgment Under Rule 60(b)'s Catchall Provision Requires "Extraordinary Circumstances," Even When the Moving Party Seeks to Amend Its Complaint

BLOM Bank SAL v. Honickman, 145 S. Ct. 1612 (June 5, 2025)

Under Federal Rule of Civil Procedure 60(b), a district court can grant relief from a final judgment in limited circumstances, but Rule 60(b) contains a catchall provision allowing relief to a party from a final judgment for "any other reason that justifies relief." In *BLOM Bank*, the U.S. Supreme Court confronted whether this catchall provision is governed by an "extraordinary circumstances" standard when a moving party seeks to reopen a case by filing an amended complaint under the provision at the post-judgment stage. In a unanimous opinion, the Supreme Court held that the rigorous standard does apply.

The plaintiffs were survivors of Hamas terrorist attacks who brought anti-terrorist legal claims against an international bank they asserted had aided in those attacks by providing financial assistance to pro-terrorist Hamas affiliates. Under the applicable statute, the plaintiffs were required to allege—even at the pleading stage—that the international bank had "general awareness" of the activities for aiding/abetting liability. In response to a motion to dismiss the complaint, the plaintiffs declined to amend after an invitation to do so by the district judge, resulting in a dismissal of the complaint.

The Second Circuit Court of Appeals initially affirmed the dismissal, expressing wariness about pleading general awareness at an early stage in the case, prompting the plaintiffs to file the Rule 60(b)(6) motion to reopen the judgment so they could allege additional facts in their complaint. However, the district court denied the motion to

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reopen, finding the plaintiffs failed to demonstrate "extraordinary circumstances" to justify relief from the final judgment under Rule 60(b)(6).

On the appeal of that decision, the Second Circuit reversed and ruled that the "extraordinary circumstances" standard needed to be balanced with the liberal policy allowing amendment to pleadings under Federal Rule of Civil Procedure 15(a), and that the district judge's failure to consider this liberal pleading standard required reversal.

The Supreme Court granted certiorari and, in a unanimous opinion authored by Justice Thomas, decided that Rule 60(b)(6) must be satisfied on its own terms, rejecting the "balancing approach" adopted by the Second Circuit. The Supreme Court reinforced Rule 60(b)(6)'s catchall provision as a "strict standard," noting the "extraordinary circumstances" requirement applies to Rule 60(b)(6) and is no less demanding when a moving party requests relief under the catchall provision and requests to amend that party's complaint. Creating a balancing test between the disparate standards of Rule 60(b)(6) and Rule 15 would "weaken the former," which is inconsistent with the "long line of precedents" requiring "extraordinary circumstances" to apply Rule 60(b)(6).

Justice Jackson filed a concurring opinion, joining the majority in all but one part of its opinion. Justice Jackson acknowledged a litigant's dilemma in deciding whether to appeal a dismissal or to amend their complaint, opining that a litigant challenging a dismissal on appeal—even if eventually losing—should not necessarily be barred from moving for relief under Rule 60(b)(6) simply because the litigant chose to appeal first.

Key Takeaways

- The standard to reopen a final judgment under Rule 60(b)(6) will be difficult. Finality of judgment is the touchstone of this opinion, with the liberal-pleading standard not diluting the more rigorous "extraordinary circumstances" standard in Rule 60(b)(6).

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- Justice Jackson's concurrence gives some hope for plaintiffs seeking to appeal rather than looking to Rule 60(b)(6) relief, but it is a concurring opinion with no other justices joining.

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