SUPREME COURT WARNS LITIGATORS: EVEN VOID JUDGMENTS MUST BE CHALLENGED PROMPTLY

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On January 20, 2026, the United States Supreme Court, in an unanimous decision with a concurrence penned by Judge Sonia Sotomayor, affirmed the Sixth Circuit Court of Appeals' less-favored interpretation of Federal Rule of Civil Procedure 60(b), requiring that motions to vacate void judgments "must be made within a reasonable time." Notwithstanding that "the passage of time cannot cure voidness," the Supreme Court's ruling resolved a split of authority on whether Rule 60's "reasonable time" limit applies to motions seeking relief from void judgments; historically, courts have allowed litigants to seek relief from void judgments at any time, reasonable or not.

Here, Vista-Pro Automotive, LLC ("Vista-Pro") entered bankruptcy in 2014. As part of its bankruptcy litigation, Vista-Pro initiated adversarial proceedings against Coney Island Auto Parts Unlimited, Inc. ("Coney Island") to collect $50,000 in allegedly unpaid invoices. In light of Vista-Pro's alleged faulty service of process under the Federal Rules of Bankruptcy Procedure, Coney Island did not file an answer in the adversarial proceedings. The Bankruptcy Court subsequently entered a default judgment against Coney Island in 2015. As part of its collection efforts, Vista-Pro's bankruptcy trustee sent a demand letter to the Coney Island's CEO in April 2016, giving the company notice of the judgment and the trustee's enforcement efforts. In 2021, a marshal seized funds from Coney Island's bank account in satisfaction of the judgment. In response, Coney Island filed a motion to vacate the judgment under Federal Rule of Civil Procedure 60, asserting that Vista-Pro's failure to properly serve it rendered the judgment void. The Bankruptcy Court denied relief, holding that Coney Island failed to abide by Rule 60's requirement that parties make motions for relief within a "reasonable time." The Sixth Circuit affirmed.

The question presented to the U.S. Supreme Court on certiorari was whether Federal Rule of Civil Procedure 60(c)(1)'s requirement that parties make Rule 60(b) motions within a "reasonable time" applied to a motion seeking relief from an allegedly void judgment under Rule 60(b)(4).

Federal Rule of Civil Procedure 60 permits a court to "relieve a party . . . from a final judgment, order, or proceeding," and subdivision (b)(4) specifically authorizes a court to grant relief from a "void" judgment. Rule 60(c)(1) also imposes a time limit for such motions: a "motion under Rule 60(b) must be made within a reasonable time."

As the Supreme Court aptly summarized:

The structure of Rule 60 confirms what the plain text of subdivision (c)(1) provides. When Rule 60 modifies the default reasonable-time limit, it does so expressly. For example, Rule 60(c)(1) imposes a 1-year limit on Rule 60(b) motions alleging mistakes, new evidence, or fraud. Thus, one would expect Rule 60 to include an analogous provision if a special, unlimited-time principle applied to motions alleging voidness. But the Rule does not.

(internal citation omitted).

In resolving the decisional split among the Circuits, the Supreme Court rejected Coney Island's arguments that (1) that because a void judgment is a legal nullity no time limit should apply, and (2) courts have historically

allowed litigants to seek relief from void judgments at any time. The Supreme Court also rejected Coney Island's invocation of policy concerns and explained that "[e]ven if the passage of time cannot cure voidness, the same principle holds true for most legal errors, yet statutes and rules routinely limit the time during which a party can seek relief from a judgment infected by error." The Supreme Court also elaborated that "[n]o such historical consensus exists [to seek relief from void judgments at any time], and in any event, for Rule 60(b) motions, the Rule's text and structure take priority over historical practice."

In sum, as held by the Supreme Court, "[l]litigants seeking relief under Rule 60(b)(4) must comply with Rule 60(c)(1) and file a motion within a reasonable time." The Court did soften the blow by explaining that what is "reasonable" will depend on the circumstances. However, litigants must still exercise diligence in challenging void judgments, even though such judgments are otherwise considered to be a nullity. And practitioners must counsel their clients to act quickly when a void judgment is discovered.

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