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The Exceptions to the Anti-Injunction Act: A Federal Injunction May Be the Shortest Route to Success in a State-Court Suit

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Introduction

When a party is named as a defendant in a state-court lawsuit, it is entirely natural—and generally correct—for that litigant to conclude that, barring a basis for removal to federal court, its fate will remain in the hands of the state's courts, perhaps for years to come. However, if either of the parties to the state proceeding is or has been a party to a federal action involving the same or similar claims or issues, or if the state proceeding implicates a uniquely federal right or remedy, that state-court defendant may have at its disposal a means to bring the state suit to a relatively quick and successful end in federal court. Specifically, the federal Anti-Injunction Act (AIA), 28 U.S.C. § 2283, includes three exceptions that empower a federal court to enjoin a state proceeding when necessary to give full effect to a federal right or remedy, or to protect or preserve the federal court's exercise of its jurisdiction or a prior federal judgment. What is more, because these exceptions are intended to preserve the effectiveness of federal law and the authority of the federal courts—not to protect the purely private interests of the party that seeks the injunction—the AIA and the cases applying it impose few requirements for seeking an injunction, other than that it must fall clearly within one of the statutory exceptions. This article seeks to shed some light on the scope of the AIA exceptions and how state-court defendants might go about taking advantage of this perhaps overlooked path to bringing a state suit to a favorable conclusion.

The Origins of the Anti-Injunction Act and the Scope of its Exceptions

The constitutional right of each state to maintain its own independent judicial system for the resolution of legal disputes is a fundamental tenet of our nation's federal system of government.[1] Equally fundamental was Congress's recognition that the existence of two "essentially separate legal systems"—state and federal—"was bound to lead to conflicts and frictions," as litigants "predictably hasten[ed] to invoke the powers of whichever court it was believed would present the best chance of success," raising the specter of state and federal courts "fight[ing] each other for control of a particular case."[2] To forestall this danger, Congress implemented "a general policy

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under which state proceedings 'should normally be allowed to continue unimpaired by intervention of the lower federal courts, with relief from error, if any, through the state appellate courts and ultimately [the U.S. Supreme] Court.'"[3]

The current embodiment of this policy is the AIA, which imposes a nearly absolute ban on the issuance of federal injunctions against state-court proceedings. That ban is *nearly* absolute, because the AIA expressly establishes three exceptions. Specifically, the AIA provides:

> A court of the United States may not grant an injunction to stay proceedings in a State court *except* as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments.[4]

If one of these statutory exceptions applies, a federal court is affirmatively authorized to enjoin a state proceeding pursuant to the All-Writs Act (AWA), 28 U.S.C. § 1651(a), which provides that the federal courts "may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."[5]

The Supreme Court has explained that the exceptions to the AIA "are designed to ensure the effectiveness and supremacy of federal law."[6] They do so in three distinct ways.

First, a federal injunction against a state proceeding is appropriate when "expressly authorized by Act of Congress" (the Expressly Authorized Exception).[7] This language is somewhat misleading because the Supreme Court has held that "a federal law need *not* expressly authorize an injunction of a state court proceeding in order to qualify as an exception."[8] Indeed, "'no prescribed formula is required,'" and "'an authorization need not expressly refer to § 2283.'"[9] Rather, "[t]he test . . . is whether an Act of Congress, clearly creating a federal right or remedy enforceable in a federal court of equity, could be given its intended scope only by the stay of a state court proceeding."[10] Statutes that have been held to expressly authorize federal injunctions against state suits include the Bankruptcy Code (11 U.S.C. § 105(a)), the Civil Rights Acts (42 U.S.C. § 1983), Section 205 of the Emergency Price Control Act of 1942 (EPCA), the Private Securities Litigation Reform Act (PSLRA) (15 U.S.C. § 77z-1(a)(3)(B)), and the National Environmental Policy Act (NEPA) (42 U.S.C. § 4332).[11]

Second, a federal court may enjoin a state proceeding "where necessary in aid of its jurisdiction" (the Necessary In Aid Exception).[12] To fall within this exception, "the state action must not simply threaten to reach judgment first, it must interfere with the federal court's own path to judgment."[13] This exception has been applied principally to enjoin parallel state *in rem* proceedings,[14] because "the exercise by the state court of jurisdiction over the same *res* necessarily impairs, and may defeat, the jurisdiction of the federal court already attached" to the *res*.[15] By contrast, parallel state and federal *in personam* actions traditionally have been allowed to proceed concurrently, with the action that reaches judgment first potentially creating a *res judicata* or collateral estoppel effect in the other.[16]

However, some courts have applied the Necessary In Aid Exception in the context of consolidated multidistrict litigation or complex class actions, when a parallel state proceeding threatened to disrupt the orderly resolution of the federal action.[17] The rationale for this application of the exception is that the jurisdiction of a federal court presiding over multidistrict or class-action litigation is "analogous to that of a court in an *in rem* action or in a school desegregation case, where it is intolerable to have conflicting orders from different courts."[18]

The third and final exception empowers a federal court to enjoin a state proceeding in order "to protect or effectuate its judgments."[19] Commonly referred to as the "Relitigation Exception," it "was designed to permit a federal court to prevent state litigation of an issue that previously was presented to and decided by the federal court."[20] This exception "is founded in the well-recognized concepts of *res judicata* and collateral estoppel"[21] and "rests on the idea that federal courts should not be forced to rely on state court application of *res judicata* or estoppel principles to protect federal court judgments and decrees."[22]

However, unlike the doctrines of *res judicata* and collateral estoppel, which generally preclude the relitigation of issues that were raised or *could have been raised* in a prior suit,[23] the Relitigation Exception permits an injunction only against a state proceeding that raises issues that were *actually litigated before and decided by* a federal court.[24] Consistent with that requirement, the exception authorizes an injunction both when the plaintiff "can only win [the] state suit by convincing the state court that the [prior] federal judgment was in error,"[25] and when a particular issue that is raised in the state proceeding previously was submitted to and decided in the federal suit.[26]

As the foregoing summary should make clear, the overarching purpose of the statutory exceptions to the AIA is to protect the interests *of the federal courts* in preserving and effectuating their jurisdiction and judgments. However, the principal mechanism for alerting a federal court to a state proceeding that threatens these interests is for a *private party* to request that the federal court enjoin the state action. Accordingly, as the sections that follow explain, the AIA and cases applying it impose few barriers to bringing these matters before a federal court. This, in turn, may provide a unique alternative for a defendant in a state-court proceeding to efficiently and successfully terminate that state suit.

Getting into Federal Court under an Exception to the Anti-Injunction Act

The precise method by which a party should request injunctive relief from a federal court pursuant to an AIA exception will depend upon the procedural posture of the federal suit that is claimed to be threatened by the state proceeding. If a final judgment has been entered in the federal action and it has been closed on the court's docket, the proper course is to file a complaint in the same federal court requesting injunctive relief under the AWA and the pertinent exceptions to the AIA.[27] However, the first hurdle that most prospective plaintiffs need to jump in a federal suit—establishing the court's subject-matter jurisdiction—is not an issue when an injunction is sought under an AIA exception. That is because the federal court's jurisdiction over the injunction suit "is based on the original [federal] case," and it is

thus "not necessary for the district court to have jurisdiction over the second suit as an original action."[28] And because, in almost all cases, the resolution of the claim for injunctive relief will be based on the pleadings, transcripts, and other documents made part of the record in the original federal action and in the state proceeding, the party seeking the injunction should be able to move promptly for summary judgment on its claim.[29]

Alternatively, if the federal action is ongoing, as may be the case when the state proceeding is claimed to interfere with the resolution of federal multidistrict litigation or a complex federal class action, the proper course is for a party to file a motion in the federal district court requesting that an injunction be entered.[30] Once again, resolution of the motion should be expedited by the fact that the evidence necessary for the court to rule will, in most cases, be documentary and already of record in the pertinent suits.

Who Can Invoke the Exceptions to the Anti-Injunction Act

If a party is involved in an ongoing federal suit that is threatened by a parallel state proceeding, that party already is properly before the federal court and can simply move for an injunction in that forum. If, by contrast, the federal action has been closed, requiring that a complaint seeking injunctive relief be filed in the federal court that presided over the prior suit, then the party seeking the injunction must establish its standing, i.e., that it "has alleged such a personal stake in the outcome of the controversy as to warrant [its] invocation of federal-court jurisdiction."[31]

Naturally, if the party requesting the injunction also was a party to the prior federal judgment that is threatened by the state proceeding, there should be no doubts as to that party's interest in having the federal court enjoin the state action.[32] However, the conventional approach to standing is somewhat out of place in the context of a claim for relief under an exception to the AIA because, as previously noted, the three AIA exceptions are focused on protecting the interests of the *federal courts*, not those of the party seeking an injunction. Consistent with that principle, federal courts also have held that litigants who were *not* parties to a prior federal action nonetheless may properly request an injunction under an AIA exception when, for example, the non-party played a role in the federal litigation that was so inherently intertwined with the federal court's final judgment that state proceedings against the non-party draw into question and threaten the integrity of the federal judgment.

One particularly notable group of non-parties that has been held to be entitled to relief under an AIA exception is professionals who somehow participated in or contributed to the federal court's disposition of the prior federal suit. In one case, for example, a former debtor filed a state suit claiming that certain professionals who had participated in the administration of the bankruptcy estate — including the attorneys for the bondholders' committee and for the bankruptcy trustee—had perpetrated a fraud on the bankruptcy court.[33] The Seventh Circuit held that these non-party professionals were entitled to seek injunctive relief under the Relitigation Exception for the purpose of protecting the integrity of the bankruptcy process and the orders of the bankruptcy court.[34] The court explained that "[a]ll the same allegations of fraud [in the state suit] were made many years earlier in the

bankruptcy proceeding" and "were ruled upon adversely to [the state plaintiff]."[35] Accordingly, "[i]f [the state plaintiff] were successful in its state court action, the bankruptcy court's order of distribution would be nullified"[36] because the bankruptcy court's rulings "all rest[ed] on the rejection of [the state plaintiff's] allegations."[37] The Seventh Circuit held that there were "especially compelling reasons" for issuing the injunction in favor of the non-parties, because each "participated in that [bankruptcy] proceeding in some way necessary to the administration of the estate" and therefore "should be protected, for the same reason parties should be protected, from the burden and expense of relitigation in a state court."[38] The court emphasized that "allowing an unsuccessful litigant to harass other participants in the federal case flouts and may be said to 'seriously impair the federal court's . . . authority to decide that case.'"[39]

Likewise, the U.S. Bankruptcy Court for the Western District of Pennsylvania cited *Samuel C. Ennis & Co.* in ruling that the non-party accountants for the debtors in a prior bankruptcy case had standing to seek an injunction against a state malpractice and fraud action that "amount[ed] to a collateral attack" on the bankruptcy court's prior confirmation and fee orders.[40] The bankruptcy court explained that "[a]n injunction [was] necessary in order to protect and effectuate the prior decisions of this Court," because the state plaintiffs—who were "the losing party" in the bankruptcy proceeding—"simply refuse[d] to be bound by the outcome"[41] and instead sought to relitigate in the state court the bankruptcy court's prior determinations that the debtors were insolvent and that the accountants were entitled to their fees for their work for the debtors.[42]

And lest one think that federal courts' openness to injunction suits by non-parties is unique to bankruptcy proceedings, the District of Columbia Circuit affirmed a permanent injunction against a state proceeding that "complain[ed] about the performance of [the state plaintiffs'] attorneys in a [prior federal] class action."[43] Specifically, the plaintiffs in the state suit alleged that their former counsel had breached various duties in negotiating and agreeing to a settlement of the federal class action.[44] The court of appeals held that the injunction against the state action was proper under the Relitigation Exception because these issues had been decided by the federal courts when (1) the district court determined that the class settlement was "fair, adequate, and reasonable and . . . not the product of collusion between the parties" and that "class counsel fairly and adequately protected the interests of the class,"[45] and when (2) the D.C. Circuit held in a prior appeal that the class action was properly certified under Rule 23(b)(2) of the Federal Rules of Civil Procedure.[46] The court expressly rejected the argument that the Relitigation Exception can apply only if the parties to both the state and federal suits are identical, explaining that "[t]he doctrine of collateral estoppel, or as it is now commonly called 'issue preclusion,' . . . provides that once an issue is actually and necessarily determined by a court of competent jurisdiction, that determination is conclusive in subsequent suits based on a different cause of action involving a party to the prior litigation."[47]

When Must an Injunction Be Sought under the Exceptions to the Anti-Injunction Act?

There is no specific time within which one must seek an injunction under an exception to the AIA. Indeed, courts have expressly held that when one of the

exceptions applies, a federal court "may enjoin state proceedings *at any point in time 'from the institution to the close of the final process*.'"[48]

This open-ended power of federal courts to enjoin state proceedings under the AIA exceptions derives from the fact that the AIA itself is devoid of any time restrictions and from the Supreme Court's interpretation of the statutory term "proceedings in a State court" in 28 U.S.C. § 2283 as being "comprehensive," encompassing "all steps taken or which may be taken in the state court or by its officers from the institution to the close of the final process," including appellate proceedings, the execution on a judgment, and "any proceeding supplemental or ancillary taken with a view to making the suit or judgment effective."[49] Thus, the stage at which the injunction is sought is not what controls the applicability of the AIA to a state proceeding. Rather, "in assessing the propriety of an injunction entered to stop a state court proceeding, *the sole relevant inquiry* is whether the injunction qualifies for one of the exceptions to the Anti-Injunction Act."[50]

Nor should the doctrines of waiver and laches generally act as a barrier to injunctions under an AIA exception. The passage of time cannot reasonably bar a federal court from acting to protect the federal judicial interests that lie at the heart of the AIA exceptions. Indeed, it is difficult to conceive of a situation in which a federal court would rule that a state court should be permitted to take actions or reach conclusions that could, for instance, destroy the effect of the federal court's prior judgment simply because the party requesting the injunction allegedly took too long to bring the matter to the federal court's attention. Regardless of how quickly the federal court learns of the threat to its interests, the threat itself remains the same, as does the federal court's authority to curtail it.

This is not to say that a party should not act promptly to request an injunction once it becomes aware that a state proceeding threatens federal interests in a manner that implicates an exception to the AIA. However, a delay in seeking that relief is not fatal to a successful outcome.[51] In fact, several courts have held that substantial delays in the commencement of a federal injunction suit were not a bar to the issuance of a permanent injunction against the state proceedings.

In *Amalgamated Sugar Co. v. NL Industries, Inc.*, 825 F.2d 634 (2d Cir. 1987), the Second Circuit affirmed an injunction against state court proceedings even after the party seeking injunctive relief had moved for summary judgment in the state court. Far from constituting laches or a waiver of the party's right to seek the federal injunction, the party's participation in the state court proceedings was viewed as an "attempt[] to avoid invoking the more intrusive remedy of injunctive relief."[52] Likewise, in *Samuel C. Ennis & Co.*, the Seventh Circuit held that the state-court defendants had not waived their right to a federal injunction and were not estopped from seeking that relief despite having delayed one year before doing so, during which time they had moved in the state court to dismiss the state action.[53] And in *Ernst & Young*, the bankruptcy court permanently enjoined the state plaintiffs from continuing to prosecute their suit even though the state proceedings spanned more than 10 years, during which time the state case had been tried to a judgment, vacated on appeal, and remanded for a retrial that was pending when the federal injunction suit was filed.[54] The bankruptcy court ruled that the passage of time was

no bar to the injunction because the state suit's "present status is back to square one, having been remanded by the State Appellate Court for a new trial."[55]

It should be noted that there is one federal doctrine that could create a timing problem with respect to a party's ability to seek an injunction against a state proceeding under an AIA exception. Specifically, the Supreme Court has held that if a defendant's *res judicata* defense has been presented to and rejected by a state court, the federal Full Faith and Credit Act, 28 U.S.C. § 1738, prohibits a federal court from enjoining the state action on those same grounds if state law bars the defendant from relitigating its *res judicata* defense in another court of the same state.[56] Accordingly, if a defendant in a state-court proceeding believes that it has a *res judicata* or collateral estoppel defense based on a prior judgment in a federal court, it must choose whether to seek a federal injunction on those grounds under an AIA exception or to present those defenses to the state court for decision. If the latter course is taken and the state court rejects the preclusion defense, that decision bars the party from seeking a federal court injunction on that basis under an AIA exception, at least until the state court's decision is reversed or vacated on appeal to a state appellate court.

Other Factors to Consider When Seeking an Injunction under the Exceptions to the Anti-Injunction Act

The premise of this article is that the exceptions to the AIA, when satisfied, provide a defendant in a state action with an efficient and expedient way to successfully terminate the state proceeding. Nonetheless, it is important to note that the Supreme Court has instructed that "the fact that an injunction *may* issue under the Anti-Injunction Act does not mean that it *must* issue."[57] This caveat finds its expression in two principles.

First, the exceptions to the AIA do not "qualify in any way the principles of equity, comity, and federalism that must restrain a federal court when asked to enjoin a state court proceeding."[58] Accordingly, even if the requirements of an AIA exception are met, the federal court must weigh the threat to federal interests posed by the state proceeding against any possible unfairness to the state plaintiffs that arguably could result from the injunction and "the inevitable friction between the state and federal courts that ensues from the injunction of state judicial proceedings by a federal court."[59]

However, the chances that these considerations will tip the scales against an injunction generally seem slim. Indeed, because it is the plaintiff in the state suit that is almost always seeking to evade the federal court's jurisdiction or prior judgment, any claim of prejudice by that plaintiff stemming from a federal injunction against the state proceeding should ring hollow. And because "[t]he principles of federalism and comity that the Anti-Injunction Act is meant to protect include a strong and long-established policy against forum-shopping,"[60] not only should any claims of prejudice by the state plaintiff be rejected, but any comity or federalism concerns likewise should be minimized. As the Seventh Circuit has emphasized, "where such abuses exist, *failure to issue an injunction* may create the very

'needless friction between state and federal courts' which the Anti-Injunction Act was designed to prevent."[61]

Second, the Supreme Court has emphasized that "[a]ny doubts as to the propriety of a federal injunction against state court proceedings should be resolved in favor of permitting the state courts to proceed in an orderly fashion to finally determine the controversy."[62] In particular, "a federal court does not have inherent power to ignore the limitations of § 2283 and to enjoin state court proceedings merely because those proceedings interfere with a protected federal right or invade an area pre-empted by federal law, even when the interference is unmistakably clear."[63] "Rather, when a state proceeding presents a federal issue, even a pre-emption issue, the proper course is to seek resolution of that issue by the state court."[64] The challenge thus facing any litigant that seeks an injunction under an AIA exception is to define for the federal court as clearly as possible precisely how the state proceeding *directly attacks or threatens to nullify* one of the federal interests on which the AIA exceptions are premised.

Conclusion

The principle of noninterference embodied in the AIA applies to *both* the federal and state judiciaries. While the AIA's general prohibition against enjoining state proceedings preserves the constitutional authority of state courts to apply state and federal law to resolve legal disputes brought to them for decision, the exceptions to the AIA are intended to ensure that state courts are not used by litigants to evade federal law. A defendant in a state-court suit that believes that the plaintiff may be doing just that should consider whether the claims or issues in the state proceeding implicate any of the three AIA exceptions. If so, seeking an injunction from the federal court might prove to be the shortest route to a favorable outcome in the state suit.

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1 *See Atl. Coast Line R.R. v. Bhd. of Locomotive Eng'rs*, 398 U.S. 281, 285 (1970).

2 *Id.* at 286.

3 *Chick Kam Choo v. Exxon Corp.*, 486 U.S. 140, 146 (1988) (quoting *Atl. Coast Line R.R.*, 398 U.S. at 287).

4 28 U.S.C. § 2283 (emphasis added).

5 *See, e.g.*, *In re Gen. Motors Corp. Pick-Up Truck Fuel Tank Prods. Liab. Litig.*, 134 F.3d 133, 143 (3d Cir. 1998) ("If an injunction falls within one of these three exceptions, the All-Writs Act provides the positive authority for federal courts to issue injunctions of state court proceedings.").

6 *Chick Kam Choo*, 486 U.S. at 146; *see also Atl. Coast Line R.R.*, 398 U.S. at 295 (the exceptions to the AIA "imply that some federal injunctive relief may be necessary to prevent a state court from so interfering with a federal court's consideration or disposition of a case as to seriously impair the federal court's flexibility and authority to decide that case").

7 28 U.S.C. § 2283.

[8] *Mitchum v. Foster*, 407 U.S. 225, 237 (1972) (emphasis added).

[9] *Id.* (quoting *Amalgamated Clothing Workers v. Richman Bros.*, 348 U.S. 511, 516 (1955)).

[10] *Id.* at 238.

[11] *See Mitchum*, 407 U.S. at 242–43 (42 U.S.C. § 1983); *Porter v. Dicken*, 328 U.S. 252, 254–55 (1946) (EPCA); *In re BankAmerica Corp. Sec. Litig.*, 263 F.3d 795, 799, 801–04 (8th Cir. 2001) (PSLRA); *In re James*, 940 F.2d 46, 51 (3d Cir. 1991) (Bankruptcy Code); *Stockslager v. Carroll Elec. Coop. Corp.*, 528 F.2d 949, 953 (8th Cir. 1976) (NEPA).

[12] 28 U.S.C. § 2283.

[13] *In re Diet Drugs*, 282 F.3d 220, 234 (3d Cir. 2002); *see also Winkler v. Eli Lilly & Co.*, 101 F.3d 1196, 1202 (7th Cir. 1996) (under this exception, an injunction may issue when the "state court action threatens to frustrate proceedings and disrupt the orderly resolution of the federal litigation").

[14] *See, e.g.*, *Vendo Co. v. Lektro Vend Corp.*, 433 U.S. 623, 641–42 (1977) (plurality op.); *Winkler*, 101 F.3d at 1202.

[15] *Kline v. Burke Constr. Co.*, 260 U.S. 226, 229 (1922).

[16] *See Vendo Co.*, 433 U.S. at 642.

[17] *See, e.g.*, *In re Diet Drugs*, 282 F.3d at 225–29, 233–39 (affirming a federal injunction against a state court's order that all members of a state class action were to be partially opted out of a parallel federal nationwide class action in which a settlement agreement had been approved by the court); *Winkler*, 101 F.3d at 1202 (holding that a federal injunction is proper "[w]here a litigant's success in a parallel state court action would make a nullity of the district court's [discovery] ruling, and render ineffective its efforts effectively to manage the complex litigation at hand"); *Carlough v. Amchem Prods.*, 10 F.3d 189, 203 (3d Cir. 1993) (affirming an injunction against a state-court class action where the "the stated purpose of the [state] suit [was] to challenge the propriety of the federal class action"); *In re Corrugated Container Antitrust Litig.*, 659 F.2d 1332, 1335 (5th Cir. 1981) (affirming an injunction against a South Carolina class action where the state court enjoined the defendants—which also were defendants in a federal multidistrict suit—from entering any settlement that contained any release of claims under South Carolina law, thereby "clearly interfer[ing] with the [federal] multidistrict court's ability to dispose of the broader action pending before it").

[18] 17A Charles A. Wright et al., *Federal Practice & Procedure* § 4225 n.10 (3d ed. through 2009 Update).

[19] 28 U.S.C. § 2283.

[20] *Chick Kam Choo*, 486 U.S. at 147.

[21] *Id.*

[22] *Thomas v. Powell*, 247 F.3d 260, 262 (D.C. Cir. 2001).

[23] *See, e.g.*, *San Remo Hotel, L.P. v. City and County of San Francisco*, 545 U.S. 323, 336 n.16 (2005).

[24] *See Chick Kam Choo*, 486 U.S. at 147.

[25] *New York Life Ins. Co. v. Gillispie*, 203 F.3d 384, 387 (5th Cir. 2000).

[26] *See St. Paul Mercury Ins. Co. v. Williamson*, 224 F.3d 425, 448 (5th Cir. 2000).

[27] *See, e.g.*, *St. Paul Mercury Ins. Co.*, 224 F.3d at 433–34; *New York Life Ins. Co.*, 203 F.3d at 386; *Regions Bank v. Rivet*, 224 F.3d 483, 487 (5th Cir. 2000); *Ernst & Young, LLP v. Reilly (In re Earned Capital Corp.)*, 393 B.R. 362, 364 (Bankr. W.D. Pa. 2008), *aff'd*, *Reilly v. Ernst & Young LLP*, No. 08-cv-01349, slip op. (W.D. Pa. May 26, 2009), *aff'd*, *Ernst & Young, LLP v. Reilly (In re Earned Capital Corp.)*, No. 09-2845, summary order (3d Cir. Nov. 17, 2009).

[28] *Regions Bank*, 224 F.3d at 493.

[29] *See, e.g.*, *id.* at 488.

[30] *See, e.g.*, *In re Diet Drugs*, 282 F.3d at 227–29.

[31] *Summers v. Earth Island Inst.*, 129 S. Ct. 1142, 1149 (2009) (internal quotation omitted).

[32] *See, e.g.*, *St. Paul Mercury Ins. Co.*, 224 F.3d at 433–34, 448–49 (Relitigation Exception permitted an injunction against a state suit in which the plaintiffs sought to nullify a prior state judgment for the defendant insurer on the grounds of fraud, because a federal

court previously had decided the same fraud claims in favor of the same defendant); *New York Life Ins. Co.*, 203 F.3d at 387–88 (Relitigation Exception permitted an injunction against a state suit for breach of an insurance contract and bad faith denial of benefits where the federal court had previously granted summary judgment for the same defendant on the same claims).

[33] *See Samuel C. Ennis & Co. v. Woodmar Realty Co.*, 542 F.2d 45, 47–48 (7th Cir. 1976).

[34] *See id.* at 49.

[35] *Id.* at 48.

[36] *Id.*

[37] *Id.* at 49.

[38] *Id.*

[39] *Id.* at 50 (quoting *Atl. Coast Line R.R.*, 398 U.S. at 295).

[40] *See Ernst & Young*, 393 B.R. at 369, 371.

[41] *Id.* at 371.

[42] *Id.* at 370–71.

[43] *Thomas*, 247 F.3d at 261.

[44] *See id.* at 263.

[45] *Id.* at 264 (internal quotation omitted).

[46] *See id.* at 265.

[47] *Id.* at 262–63 (internal quotation omitted).

[48] *Atl. Coast Demolition & Recycling, Inc. v. Bd. of Chosen Freeholders*, 988 F. Supp. 486, 495 (D.N.J. 1997) (quoting *Hill v. Martin*, 296 U.S. 393, 403 (1935)) (emphasis added); *see also Ernst & Young*, 393 B.R. at 371 (quoting *Atl. Coast Demolition*, 988 F. Supp. at 495).

[49] *Hill*, 296 U.S. at 403; *see also* 17A *Federal Practice and Procedure* § 4222.

[50] *Burr & Forman v. Blair*, 470 F.3d 1019, 1028 (11th Cir. 2006) (emphasis added).

[51] *See* 17A Linda S. Mullenix, *Moore's Federal Practice* § 121.08[5] (2010) ("[A] mere delay in requesting a federal stay while participating in state court proceedings does not preclude the federal court from issuing a stay once it is finally requested. A federal court may issue a stay as long as there is no intent to relinquish the federal right.").

[52] *Id.* at 642.

[53] *See* 542 F.2d at 48.

[54] *See* 393 B.R. at 367–68, 371.

[55] *Id.* at 371.

[56] *Parsons Steel, Inc. v. First Alabama Bank*, 474 U.S. 518, 524–25 (1986).

[57] *Chick Kam Choo*, 486 U.S. at 151.

[58] *Mitchum*, 407 U.S. at 243; *see also Regions Bank*, 224 F.3d at 489 (even if the requirements of an AIA exception are satisfied, a reviewing court must also determine whether "the principles of equity, comity, and federalism supported [the] issuance of an injunction").

[59] *Chick Kam Choo*, 486 U.S. at 146 (internal quotation marks omitted).

[60] *Winkler*, 101 F.3d at 1202.

[61] *Id.* at 1203 (quoting *Okla. Packing Co. v. Okla. Gas & Elec. Co.*, 309 U.S. 4, 9 (1940)) (emphasis added).

[62] *Atl. Coast Line R.R.*, 398 U.S. at 297.

[63] *Id.* at 294.

[64] *Chick Kam Choo*, 486 U.S. at 149–50.