Volume 74 | Issue 4 Article 15

September 1972

Courts--Declaratory Judgment--Abstention Doctrine in Federal Equitable Relief

facts, though undisputed, are such that reasonable men may draw different conclusions from them. The summary judgment procedure provided by Rule 56 is not a substitute for a trial by jury or a trial by the court, but is a determination that as a matter of law there is no genuine issue of material fact to be tried. The burden of showing that there are no such factual issues rests upon the movant. *See* Korn and Poley, *Survey of Summary Judgment, Judgment on the Pleadings and Related Pre-trial Procedures,* 42 CORNELL L. REV. 483 (1957).

The plaintiffs contended that the trial court improperly considered their answers to the interrogatories upon defendant's motion for summary judgment because Rule 56(c) does not expressly include answers to interrogatories among the bases for awarding a summary judgment. The court concluded, however, that the trial court *was warranted* in considering the answers in the instant case particularly inasmuch as the answers embodied statements of the parties to the action. *See* Annot., 74 A.L.R.2d 984 (1960). However, in light of the fact that the jury could still have returned a verdict for the plaintiffs under the last clear chance doctrine, the question of negligence should have been tried.

Courts—Declaratory Judgment—Abstention Doctrine in Federal Equitable Relief

Plaintiffs, students of Marshall University, brought a class action seeking a declaratory judgment of unconstitutionality of certain provisions of the Student Code promulgated and adopted by the West Virginia Board of Regents for state colleges and universities, and an injunction against its enforcement. The defendants (the Board of Regents and certain officials at Marshall University) moved—before a three-judge federal district court to dismiss the action because the challenged provisions of the Code had not been enforced against any of the plaintiffs. *Held,* complaint dismissed. There was no allegation of harassment or threat of bad-faith enforcement of the Student Code constituting irreparable harm to plaintiffs; consequently, there was no basis for federal equitable relief or justiciable controversy presented for declatory judgment. *Woodruff v. West Virginia Board of Regents,* 328 F. Supp. 1023 (1971).

The court's denial of relief was based primarily on *Younger v. Harris,* 401 U.S. 37 (1971), and *Younger's* interpretation of *Dombrowski v. Pfister,* 380 U.S. 479 (1965). The broad language of *Dombrowski* indicated that a federal court could consider the constitutionality of a state statute or regulation and issue an injunction against its enforcement if the statute was so overbroad that it had a chilling effect on first amendment rights. *Younger* limited *Dombrowski* to cases in which irreparable injury could be shown, holding that "the possible unconstitutionality of a statute 'on its face' does not in itself justify an injunction against good-faith attempts to enforce it, and that appellee [must show] bad faith, harassment, or any other unusual circumstances that would call for equitable relief." 401 U.S. at 54. In *Woodruff,* no allegations of good or bad-faith enforcement or circumstances constituting irreparable harm were made and the court dismissed the case. The court acknowledged that the *Younger* abstention standard is usually applied in the context of attack on state criminal statutes, but held *Woodruff* indistinguishable for this reason, noting that state interest in forestalling reasonably anticipated campus violence created a stronger case for federal abstention. The court also noted that the plaintiffs in *Woodruff* apparently had searched the Student Code for provisions that could be used in the future to inhibit first amendment rights. The court cited *Boyle v. Landry,* 401 U.S. 77 (1971), which held that this type of conduct amounts to "nothing more than speculation about the future." 401 U.S. at 81.

Therefore, the court in *Woodruff* did not decide the constitutionality of the Student Code, but merely affirmed the *Younger* criteria for invoking federal equitable jurisdiction.

Employer and Employee—Employer's Action for Loss of Services of Employee

Plaintiff corporation alleged negligence on the part of defendants resulting in permanent injury to one of its employees, Claire Lauria. Lauria, an executive employee, received severe injuries when the auto in which she was a passenger collided with a tractor trailer owned by defendants. Plaintiff contended such negligence deprived it of services of the employee, and demanded a one million dollar judgment for monetary losses. Defendants filed motions for judg-