"The following are methods of direct attack upon a federal district court judgement ~~pursuant~~ rendered in a civil action that is subject to the Federal Rules: by motion for a new trial under Rule 59 or . . . by motion for relief . . .in . . . clauses... (5) and (6), which motion invokes the discretion of the district court . . .I or, a;thougn valid, the enforcement of the judgement is enjoined because of some equitable principles ..."(Page 220-1)

"The judgement may also be set aside under 60(b)(4) within a 'reasonable time,' which as here applied means generally no time limit..." (223-4)

"...relief may be given from its prospective features when subsequent events make it no longer equitable that the judgement have prospective application."(262)

from Klapprott

Quoting Justice Black:"In simple English, the language of the 'other reasons' clause, for all reasons except the five particularly specified, vests powers in the courts adequately ~~xxx~~ the (sic enable them to vacate judgements whenever such action is appropriate to accomplish justice."(265)"clause (6) should be liberally applied" ~~to situations not covered by the preceding five clauses but~~ ..."in the further ance of justice"(266) Note exception of five five clasuses.

"... clause (6) is ~~clear~~ clearly a residual clause to cover unforseen contingencies. It is intended to be ameans ~~of~~ for accomplishing justice in exceptional situations..."274)

Where "the conduct of the attorney was such as to mislead the litigant into failure to take action, " clause (6) is appropriate (304)

"Where relief hinges upon a factual issue and credibikity is involved, the taking of oral testimony will ordinarily be desirable.#(325)

"The need for an independent action in equity as an instrument for obtaining relief ... in equity...since nomenclature is unimportant a proceeding for relief under 60(b) may be treated as an independent action..."(348)

from federal judgements had been reduced...

"Even thiugh this court has only appellate jurisdiction it has power to grant relief . . . where a trial of the facts is necessary, and in this latter situation it properly acts as trier of facts and judge of the law."(352-3)

Throckmorton envisions an "adversary trial" which I did not have and requested(372)

"Fraud is extrinsic where a party is prevented by trick, artifice or other fraudulent conduct from fairly presenting his claim or defense or introducing relevant and material evidence." (374-5)and, "where one party...has a duty to make a full and fair discl osure to the adverse party of relevant and material facts a failure to do so it actionable fraud."(375)

"'We believe that trush is more important than the trouble it takes to get it." (377, under the "doctrine of Marshall v holmes, Third Circuit in Publicker v Dhallcross)

"And at times is is a journey into futility to attempt a distinction between extrinsic and intrinsic matters. Since, at times little is to be gained by a rigid classification of fraud into intrinsic and xtrinsic categories, the more reasonable course to putsue is to weight the degree of fraud and the diligence with which it was unearthed and proceed on; (377-8)

Where Smith says "merelt cumulative" go to 382-3 and include what he omits and argue that it is not "merely cumulative because it is entirely different. "It must be evidence of such character that it proves conclusivley that a wrong judgement was had." (383)

"Where relief is sogght on the basis of no adversary trial it is ordinarily obtainable only where the successfull (sic) party was guilty of something mis-leading or deceptive./ Miller Rubber v. Massey."(384)