

SUPREME COURT OF ALABAMA

Alabama State Employees Ass'n v. Dickson

46 So. 3d 468 (Ala. 2010) · Decided March 26, 2010

SUMMARY

The Alabama Supreme Court denied a petition for a writ of mandamus filed by members of the State Personnel Board. The court held that the members had not established a clear legal right to immunity from claims seeking injunctive relief based on absolute legislative immunity, State immunity, or State-agent immunity. The court distinguished between legislative enactment and enforcement of the challenged amendment to Alabama’s deferred compensation plan.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                           |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Alabama                                                                                                                                                                                                                                  |
| WRITING FOR THE COURT | Woodall, Justice; Cobb, C.J.; Lyons, J.; Stuart, J.; Bolin, J.; Parker, J.; Shaw, J.; Murdock, J.; Smith, J.                                                                                                                                              |
| JURISDICTION          | Alabama                                                                                                                                                                                                                                                   |
| DECIDED               | March 26, 2010                                                                                                                                                                                                                                            |
| DISPOSITION           | writ_denied                                                                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | The members of the Alabama State Personnel Board petitioned for a writ of mandamus directing the Montgomery Circuit Court to dismiss claims for injunctive relief against them on legislative-immunity, State-immunity, and State-agent-immunity grounds. |
| STANDARD OF REVIEW    | Mandamus is available to review the denial of a motion to dismiss grounded on immunity. The petitioner must establish a clear legal right to the requested immunity and relief.                                                                           |
| PRECEDENTIAL VALUE    | Published opinion; precedential                                                                                                                                                                                                                           |
| PARTIES               | Alabama State Employees Association, PEBCO, Inc. v. Joe N. Dickson, John M. McMillan, Joyce P. O’Neal, Ellen G. McNair                                                                                                                                    |

TOPICS

- injunctions
- civil procedure
- administrative law
- constitutional law
- remedies

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the Board members established a clear legal right to dismissal of the claims for injunctive relief based on absolute legislative immunity.
2. Whether Alabama Constitution article I, § 14 barred the claims for injunctive relief against the Board members in their official capacities.
3. Whether State-agent immunity under *Ex parte Cranman* required dismissal of the remaining injunctive-relief claims.

## HOLDINGS

1. The Board members did not establish a clear legal right to absolute legislative immunity from claims seeking to enjoin enforcement of the amendment.
2. Section 14 did not bar the claims for injunctive relief because an action may be maintained against a state official acting beyond the scope of authority or illegally.
3. State-agent immunity did not require dismissal of the injunctive-relief claims.

## KEY QUOTATIONS

*“A writ of mandamus is a drastic and extraordinary writ that will issue to compel a summary judgment on immunity grounds only upon a showing of a clear legal right in the petitioner to the immunity sought.” (471-472)*

*“In summary, the members have failed to establish a clear legal right to immunity under any of their espoused theories. Thus, they have not demonstrated that they are entitled to a writ of mandamus.” (474)*

## FACTUAL BACKGROUND

The Alabama State Personnel Board adopted and administered a deferred-compensation plan under Ala. Code 1975, § 36-26-14. After participants filed a class action alleging that the ASEA and PEBCO received unauthorized payments connected with the plan, the Board adopted a retroactive amendment prohibiting interested persons from receiving plan-related compensation and imposing liability for prohibited transactions. The ASEA and PEBCO sued the Board members and sought injunctive relief against enforcement of the amendment and further interference with their contractual, property, and business rights.

## PROCEDURAL HISTORY

The Alabama State Employees Association and PEBCO sued members of the State Personnel Board in the Montgomery Circuit Court after the Board adopted an amendment affecting the administration of a state deferred-compensation plan. The circuit court dismissed all claims except those seeking injunctive relief. The members sought mandamus relief from the Supreme Court of Alabama, which denied the petition.

## DISPOSITION

#### CASES CITED

- Ex parte Simpson, 36 So. 3d 15, 22 (Ala. 2009)
- Ex parte Metropolitan Property & Casualty Insurance Co., 974 So. 2d 967, 972 (Ala. 2007)
- Supreme Court of Virginia v. Consumers Union of the United States, Inc., 446 U.S. 719, 721, 726, 732, 734-736 (1980)
- Ex parte Simpson, 86 So. 3d 23, 30 (Ala. 2011)
- Grider v. City of Auburn, 628 F. Supp. 2d 1322, 1336 (M.D. Ala. 2009)
- Corn v. City of Lauderdale Lakes, 997 F.2d 1369 (11th Cir. 1993)
- Crymes v. DeKalb County, 923 F.2d 1482, 1485-1486 (11th Cir. 1991)
- Front Royal & Warren County Industrial Park Corp. v. Town of Front Royal, 865 F.2d 77, 79 (4th Cir. 1989)
- St. Clair County v. Town of Riverside, 272 Ala. 294, 296, 128 So. 2d 333, 334 (1961)
- Alabama Department of Transportation v. Harbert International, Inc., 990 So. 2d 831, 839 (Ala. 2008)
- Wallace v. Board of Education of Montgomery County, 280 Ala. 635, 640, 197 So. 2d 428, 432 (1967)
- Ex parte Cranman, 792 So. 2d 392 (Ala. 2000)