

SUPREME COURT OF ALABAMA

Ex parte Organized Community Action Program, Inc.

852 So. 2d 92 (Ala. 2002) · No. 1010316 · Decided August 30, 2002

SUMMARY

The Alabama Supreme Court granted a petition for a writ of mandamus arising from an age-discrimination employment action. The court held that the trial court improperly relied on evidence submitted after summary judgment to grant a Rule 59(e) motion, absent a showing that the evidence was newly discovered or that the delay was otherwise justified. The court directed the trial court to vacate its order and reinstate summary judgment for Organized Community Action Program.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Houston; Lyons; Brown; Harwood; Woodall; Stuart; Moore, C.J.; Johnstone
JURISDICTION	Alabama
DECIDED	August 30, 2002
DOCKET	1010316
DISPOSITION	writ_granted
PROCEDURAL POSTURE	OCAP petitioned for a writ of mandamus directing the trial court to vacate its order granting White's Rule 59(e) motion and to reinstate summary judgment in OCAP's favor.
STANDARD OF REVIEW	Mandamus is appropriate to correct a trial court's clear error where the petitioner has a clear legal right to the requested relief and no adequate remedy by appeal. The Supreme Court reviewed whether the trial court could consider evidence submitted after entry of summary judgment in ruling on the Rule 59(e) motion.
PRECEDENTIAL VALUE	published opinion
PARTIES	Organized Community Action Program, Inc. v. Elizabeth White

TOPICS

- summary judgment
- motion for new trial
- motion for reconsideration
- age discrimination
- civil procedure

PRACTICE AREAS

civil procedure

employment law

civil rights

QUESTIONS PRESENTED

1. Whether a trial court may grant a Rule 59(e) motion to vacate summary judgment based solely on evidence submitted after summary judgment when the movant has not shown that the evidence was newly discovered or explained the delay in submitting it.
2. Whether the trial court had a clear legal duty to disregard the belatedly submitted EEOC letter and affidavit and reinstate summary judgment for OCAP.

HOLDINGS

1. A Rule 59(e) motion to reconsider a summary judgment is improper when it is used to submit evidence belatedly in opposition to the summary-judgment motion, absent a proper explanation for the failure to present the evidence earlier or a showing that the evidence was newly discovered.
2. OCAP was entitled to a writ of mandamus directing the trial court to vacate its order granting White's Rule 59(e) motion and to reinstate the summary judgment for OCAP.

KEY QUOTATIONS

“A motion for reconsideration made after the entry of an order granting a summary judgment is not proper where the motion is ... simply used by the plaintiff to submit evidence, belatedly, in opposition to the defendant's motion for summary judgment.” (94-95)

“Because the trial court stated that this belatedly submitted evidence was the sole basis for granting what it construed as a Rule 59(e) motion to vacate, alter, or amend the summary judgment, the grant of White's motion was based on evidence that the trial court should not have considered.” (95)

FACTUAL BACKGROUND

OCAP declined to rehire Elizabeth White as a Head Start teacher, stating that she had failed to meet career-development requirements. White alleged that the decision constituted age discrimination and claimed that she had sent a letter to the EEOC within 180 days of the alleged unlawful employment practice, although she did not initially produce the letter. After summary judgment was entered for OCAP, White filed the letter and an EEOC employee's affidavit more than two months later, and the trial court relied on that evidence to vacate the judgment.

PROCEDURAL HISTORY

White sued OCAP in the Monroe Circuit Court, alleging age discrimination under the ADEA. The trial court initially entered summary judgment for OCAP after striking portions of White's affidavit concerning an allegedly timely EEOC filing. White moved for a new trial or rehearing under Rule 59(e) and later submitted her EEOC letter and an EEOC employee's affidavit; the trial court granted relief based on that evidence. The Supreme Court of Alabama granted mandamus and directed reinstatement of the summary judgment.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The trial court was directed to vacate its order granting White's Rule 59(e) motion and to reinstate the summary judgment in favor of OCAP.

CASES CITED

- Moore v. Glover, 501 So. 2d 1187, 1189 (Ala. 1986)
- Bean v. State Farm Fire & Casualty Co., 591 So. 2d 17, 20 (Ala. 1991)
- Sheetz, Aiken & Aiken, Inc. v. Spann, Hall, Ritchie, Inc., 512 So. 2d 99, 101 (Ala. 1987)
- Gonzalez v. Hoechst Celanese, No. C.A. C-9-125 (S.D. Tex. Dec. 1, 1997)
- Danley v. Book-of-the-Month Club, Inc., 921 F. Supp. 1352 (M.D. Pa. 1996)
- Middaugh v. City of Montgomery, 621 So. 2d 275, 279 (Ala. 1993)
- Speer v. Pin Palace Bowling Alley, 599 So. 2d 1140, 1142 (Ala. 1992)