

SUPREME COURT OF ALABAMA

Johnson ex rel. Thompson v. Reddoch

198 So. 3d 497 (Ala. 2015) · Decided December 18, 2015

SUMMARY

The Alabama Supreme Court reviewed the dismissal of claims brought by Jeffrey Johnson against officials of the Alabama Department of Mental Health and fictitiously named mental-health workers following an assault at Searcy Hospital. The court held that claims for prospective injunctive relief against the officials in their official capacities were properly dismissed, but that dismissal of the individual-capacity claims was premature because State-agent immunity ordinarily requires factual development. The court also remanded for reconsideration of a subpoena seeking information about the fictitiously named defendants.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Alabama                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| WRITING FOR THE COURT | Murdock, Justice; Murdock; Bolin; Bryan; Main; Moore                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| JURISDICTION          | Alabama                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| DECIDED               | December 18, 2015                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Johnson appealed the Mobile Circuit Court's dismissal of his claims against Reddoch and McLean and its order quashing a nonparty subpoena served on the Alabama Department of Mental Health seeking information concerning fictitiously named defendants.                                                                                                                                                                                                                             |
| STANDARD OF REVIEW    | A Rule 12(b)(6) dismissal is reviewed de novo, without a presumption of correctness. The allegations of the complaint are accepted as true and viewed most strongly in the pleader's favor; dismissal is proper only when the plaintiff could prove no set of facts entitling the plaintiff to relief. Because the trial court treated the matter as a motion to dismiss rather than summary judgment, the complaint was the only potential factual source for the immunity defenses. |
| PRECEDENTIAL VALUE    | published opinion                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| PARTIES               | Jeffrey Johnson, by and through his aunt and next friend, Sue Thompson v. Jim Reddoch, in his official capacity as commissioner of the Alabama Department of Mental Health, Beatrice J. McLean, in her                                                                                                                                                                                                                                                                                |

official capacity as director of Searcy Hospital, Beatrice J. McLean, individually, Fictitiously named defendants 1 through 8

## TOPICS

motions to dismiss

discovery dispute

final judgment rule

appellate procedure

civil procedure

## PRACTICE AREAS

civil procedure

appellate procedure

constitutional law

health law

torts

administrative law

## QUESTIONS PRESENTED

1. Whether the circuit court's June 28, 2013, order was a final, appealable judgment despite the presence of fictitiously named defendants.
2. Whether State immunity barred Johnson's claims for prospective injunctive relief against Reddoch and McLean in their official capacities.
3. Whether State-agent immunity required dismissal under Rule 12(b)(6) of Johnson's individual-capacity claims against McLean and the fictitiously named defendants.
4. Whether the circuit court properly quashed Johnson's nonparty subpoena to ADMH seeking information concerning the fictitiously named defendants.

## HOLDINGS

1. An order dismissing the only named defendants and disposing of the case also disposes of claims against fictitiously named defendants; therefore, the June 28, 2013, order was a final, appealable judgment.
2. State immunity barred Johnson's official-capacity claims against Reddoch and McLean because the complaint did not allege that either official was currently acting beyond the scope of authority or illegally.
3. McLean was not entitled to dismissal of Johnson's individual-capacity claims based on State-agent immunity because the complaint did not establish the defense and immunity ordinarily should be determined after discovery at the summary-judgment stage.
4. The circuit court erred in dismissing Johnson's claims against the fictitiously named defendants because they had filed no motion and the complaint did not establish their entitlement to State-agent immunity.
5. The subpoena ruling had to be reconsidered because the action against the fictitiously named defendants should have remained active; the Supreme Court remanded without deciding whether the requested discovery was otherwise burdensome or privileged.

## KEY QUOTATIONS

*“We have said that a ‘ ‘ ‘ ‘ ‘motion to dismiss is typically not the appropriate vehicle by which to assert ... qualified immunity or State-agent immunity and ... normally the determination as to the existence of such a defense should be reserved until the summary-judgment stage, following appropriate discovery.’ ’ ’ ’ ’” (at 507)*

*“The circuit court correctly dismissed Johnson’s claims against Reddoch and McLean in their official capacities. The circuit court erred in dismissing Johnson’s claims against McLean and the fictitiously named defendants in their individual capacities.” (at 508)*

## FACTUAL BACKGROUND

Johnson was a patient with paranoid schizophrenia at Searcy Hospital, a state-operated Alabama facility, and allegedly required constant one-to-one supervision. He was severely beaten in his ward on June 22, 2012, sustaining life-threatening injuries. He alleged that Searcy employees failed to provide the required supervision and failed to report his injuries, and that McLean negligently failed to supervise and train employees. Searcy later closed, and Johnson was transferred to Bryce Hospital.

## PROCEDURAL HISTORY

Johnson sued seeking prospective injunctive relief against Reddoch and McLean in their official capacities and damages against McLean and fictitiously named mental-health workers in their individual capacities. The circuit court dismissed the claims against Reddoch and McLean, treated the action as disposed without prejudice, denied Johnson's Rule 59(e) motion, and quashed his subpoena to ADMH. The Alabama Supreme Court held that the dismissal was final as to the fictitious defendants, affirmed dismissal of the official-capacity claims, reversed dismissal of McLean's individual-capacity claims and the fictitious defendants, and remanded for reconsideration of the subpoena.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

The circuit court must conduct further proceedings consistent with the opinion, including reconsideration of Johnson's subpoena and discovery concerning the fictitiously named defendants. Dismissal of the official-capacity claims against Reddoch and McLean remains affirmed; dismissal of McLean's individual-capacity claims and the fictitiously named defendants is reversed.

## CASES CITED

- Ex parte Cranman, 792 So. 2d 392 (Ala. 2000)
- Ex parte Butts, 775 So. 2d 173, 178 (Ala. 2000)
- Ex parte Walker, 97 So. 3d 747, 749-50 (Ala. 2012)
- Ex parte Matthews, 447 So. 2d 154 (Ala. 1984)
- Toomey v. Foxboro Co., 528 So. 2d 302, 303 (Ala. 1988)
- Weaver v. Firestone, 155 So. 3d 952, 963 (Ala. 2013)
- First Commercial Bank of Huntsville v. Nowlin, 122 So. 3d 829, 831 (Ala. 2013)
- Ex parte Green, 58 So. 3d 135, 144 (Ala. 2010)
- Bean v. Craig, 557 So. 2d 1249, 1253 (Ala. 1990)

- Ex parte Dangerfield, 49 So. 3d 675, 681 (Ala. 2010)
- Haley v. Barbour County, 885 So. 2d 783, 788 (Ala. 2004)
- Lyons v. River Road Construction, Inc., 858 So. 2d 257, 261 (Ala. 2003)
- Mitchell v. Davis, 598 So. 2d 801, 806 (Ala. 1992)
- Phillips v. Thomas, 555 So. 2d 81, 83 (Ala. 1989)
- Barnes v. Dale, 530 So. 2d 770, 784 (Ala. 1988)
- Patterson v. Gladwin Corp., 835 So. 2d 137, 142 (Ala. 2002)
- Ex parte Alabama Department of Mental Health & Mental Retardation, 937 So. 2d 1018 (Ala. 2006)
- Vick v. Sawyer, 936 So. 2d 517 (Ala. 2006)
- Smith v. King, 615 So. 2d 69, 70 (Ala. 1993)
- Ex parte Alabama Department of Mental Health & Mental Retardation, 837 So. 2d 808, 813-14 (Ala. 2002)
- Ex parte Alabama Department of Youth Services, 880 So. 2d 393, 397-98 (Ala. 2003)
- Ex parte Butts, 775 So. 2d 173, 177 (Ala. 2000)
- Patton v. Black, 646 So. 2d 8, 10 (Ala. 1994)
- Creola Land Development, Inc. v. Bentbrooke Housing, L.L.C., 828 So. 2d 285, 288 (Ala. 2002)
- Mooneyham v. State Board of Chiropractic Examiners, 802 So. 2d 200 (Ala. 2001)
- Garris v. Federal Land Bank of Jackson, 584 So. 2d 791 (Ala. 1991)
- Hales v. First National Bank of Mobile, 380 So. 2d 797 (Ala. 1980)
- Jones v. Lee County Commission, 394 So. 2d 928, 930 (Ala. 1981)
- Nance v. Matthews, 622 So. 2d 297, 299 (Ala. 1993)
- Raley v. Citibanc of Alabama/Andalusia, 474 So. 2d 640, 641 (Ala. 1985)
- Hill v. Falletta, 589 So. 2d 746 (Ala. Civ. App. 1991)
- Fontenot v. Bramlett, 470 So. 2d 669, 671 (Ala. 1985)
- Rice v. United Insurance Co. of America, 465 So. 2d 1100, 1101 (Ala. 1984)
- Garrett v. Hadden, 495 So. 2d 616, 617 (Ala. 1986)
- Hill v. Kraft, Inc., 496 So. 2d 768, 769 (Ala. 1986)