

SUPREME COURT OF ALABAMA

Lane v. Main & Assocs., Inc.

270 So. 3d 270 (Ala. 2018) · Decided June 8, 2018

SUMMARY

The Alabama Supreme Court affirmed without opinion a summary judgment effectively holding that a wrongful-death action was untimely. In a special concurrence, Justice Shaw discussed whether service by certified mail was effective under Alabama Rule of Civil Procedure 4(i)(2)(C) when the letter was received by an employee of a separate, unaffiliated business rather than by an agent specifically authorized to receive mail for the defendant.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Parker, Justice; Parker; Bolin; Shaw; Mendheim; Stuart; Bryan; Sellers; Main; Wise
JURISDICTION	Alabama
DECIDED	June 8, 2018
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a summary judgment holding, in substance, that Lane’s wrongful-death action was untimely because Main and Associates was not timely served with process.
STANDARD OF REVIEW	On summary judgment, the nonmovant was required to present substantial evidence creating a genuine issue of material fact. Substantial evidence is evidence of such weight and quality that fair-minded persons exercising impartial judgment could reasonably infer the fact sought to be proved.
PRECEDENTIAL VALUE	Published opinion; the majority affirmed without an opinion. The service-of-process analysis appears in a specially concurring opinion and is therefore persuasive rather than a separately stated majority rationale.
PARTIES	Barbara Lane, as administrator of the estate of Ora Sullins, deceased v. Main & Assocs., Inc., d/b/a Southern Springs Healthcare Facility

TOPICS

service of process

summary judgment

wrongful death

appellate procedure

civil procedure

PRACTICE AREAS

civil procedure

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QUESTIONS PRESENTED

1. Whether receipt of certified mail by an employee of a separate, unaffiliated business constituted service on Main and Associates under Rule 4(i)(2)(C), Ala. R. Civ. P.
2. Whether Lane presented substantial evidence that Surles was specifically authorized by Main and Associates to receive and deliver its mail.
3. Whether the wrongful-death action was timely filed and served.

HOLDINGS

1. The Supreme Court of Alabama affirmed the summary judgment for Main and Associates, thereby upholding the determination that the action was untimely.
2. Under Rule 4(i)(2)(C), an agent for certified-mail service is a person or entity specifically authorized by the addressee to receive the addressee's mail and deliver it to the addressee. Surles's isolated, unauthorized receipt of Main and Associates' mail did not satisfy that requirement.

KEY QUOTATIONS

“Service by certified mail shall be deemed complete and the time for answering shall run from the date of delivery to the named addressee or the addressee's agent as evidenced by signature on the return receipt.”
(270 So. 3d 271)

““Substantial evidence” is “evidence of such weight and quality that fair-minded persons in the exercise of impartial judgment can reasonably infer the existence of the fact sought to be proved.”” (270 So. 3d 271)

FACTUAL BACKGROUND

Lane attempted to serve Main and Associates by certified mail addressed to its registered agent. Because the post office placed the letter in the post-office box of a separate business, Main Drug Store, the letter was received and signed for by Dorothy Surles, an employee of the drug store. Surles had not been authorized or tasked by Main and Associates to receive its mail, and Main and Associates apparently received the letter only after the 120-day period under Rule 15(c)(3), Ala. R. Civ. P., had expired.

PROCEDURAL HISTORY

Lane attempted to commence a wrongful-death action against Main and Associates. The trial court entered summary judgment for Main and Associates on the ground that service was untimely. The Supreme Court of Alabama affirmed without an opinion; Justice Shaw specially concurred, and Justices Sellers and others dissented.

DISPOSITION

affirmed

CASES CITED

- West v. Founders Life Assur. Co. of Florida, 547 So. 2d 870, 871 (Ala. 1989)

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