

SUPREME COURT OF TEXAS

In re **Pirelli Tire, L.L.C.**

247 S.W.3d 670 (Tex. 2007) · No. No. 04-1129 · Decided November 2, 2007

SUMMARY

The Supreme Court of Texas held that the trial court clearly abused its discretion by denying Pirelli's motion to dismiss a Mexican plaintiffs' products-liability action on forum non conveniens grounds. The court concluded that Mexico provided an adequate alternative forum and that the private and public interest factors strongly favored litigation there. The court conditionally granted mandamus relief and directed the trial court to dismiss the case.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	Justice O'Neill; Justice Hecht; Justice Brister; Justice Medina; Justice Willett; Justice Wainwright; Justice Johnson; Chief Justice Jefferson
JURISDICTION	Texas
DECIDED	November 2, 2007
DOCKET	No. 04-1129
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Pirelli petitioned for a writ of mandamus after the trial court denied its motion to dismiss on forum-non-conveniens grounds and motion to apply Mexican law. The court of appeals denied mandamus relief. The Supreme Court of Texas conditionally granted mandamus and directed the trial court to dismiss the case.
STANDARD OF REVIEW	A trial court's forum-non-conveniens ruling is reviewed for clear abuse of discretion. A trial court abuses its discretion when its decision is arbitrary, unreasonable, and without reference to guiding principles. Mandamus is appropriate because erroneous denial of a forum-non-conveniens motion cannot be adequately rectified by appeal.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Pirelli Tire, L.L.C. v. Maria Magdalena Meza Aran, Damian Hernandez Meza, Felipa Aran Limas

TOPICS

forum non conveniens

appellate procedure

standard of review

writ of certiorari

products liability

PRACTICE AREAS

civil procedure

torts

appellate procedure

QUESTIONS PRESENTED

1. Whether Pirelli's forum-non-conveniens motion was timely when the initial motion was filed with its answer and later supplemented after discovery.
2. Whether the former version of Texas Civil Practice and Remedies Code section 71.051(a) placed unbounded discretion in the trial court to deny a forum-non-conveniens motion involving nonresident plaintiffs.
3. Whether the Gulf Oil private- and public-interest factors guide application of section 71.051(a).
4. Whether Mexico was an available and adequate alternative forum despite differences in remedies, discovery, jury practice, damages, and limitations law.
5. Whether Pirelli lacked an adequate remedy by appeal from denial of its forum-non-conveniens motion.

HOLDINGS

1. Pirelli's forum-non-conveniens motion was timely because Pirelli apprised the trial court of its claim that Cameron County was an inappropriate forum within the statutory deadline; later supplementation did not make the motion untimely.
2. Although former section 71.051(a) used permissive language, a trial court's forum-non-conveniens ruling was not beyond appellate review. The court abused its discretion when its ruling was arbitrary, unreasonable, and without reference to guiding principles.
3. Mexico was an available and adequate alternative forum because Pirelli stipulated to submit to Mexican jurisdiction and waive limitations defenses based on the time elapsed since the Texas action was filed; differences in remedies and procedure did not deprive the plaintiffs of all remedies or treat them unfairly.
4. The private and public interests overwhelmingly favored Mexico, and the Texas trial court clearly abused its discretion by denying dismissal.
5. Pirelli had no adequate remedy by appeal from the denial of its forum-non-conveniens motion.

KEY QUOTATIONS

"As with other discretionary rulings, a trial court abuses its discretion if its forum-non-conveniens ruling is arbitrary, unreasonable, and without reference to guiding principles." (at 673)

"An alternative forum is adequate if "the parties will not be deprived of all remedies or treated unfairly, even though they may not enjoy the same benefits as they might receive in an American court."" (at 678)

"The happenstance that the truck was in Texas for eleven days before it was sold and imported to Mexico is simply insufficient to provide Texas with any interest in this case." (at 679)

FACTUAL BACKGROUND

Two Mexican citizens were transporting seafood on a Mexican highway when a fourteen-year-old GMC pickup rolled over after its right rear tire allegedly failed, killing Valentin Hernandez Aran. The truck had been purchased in Texas and sold to a Mexican citizen eleven days later, then imported, used, maintained, and serviced in Mexico until the accident. The tire was manufactured in Iowa by Pirelli, a Delaware corporation with its principal place of business in Georgia. The plaintiffs were Mexican citizens, the accident and damages occurred in Mexico, and most accident, maintenance, medical, and damages evidence and witnesses were located in Mexico.

PROCEDURAL HISTORY

The Arans sued Pirelli in Cameron County, Texas, alleging negligent design and manufacture and strict liability arising from a tire failure in Mexico. Pirelli filed a forum-non-conveniens motion with its answer and later supplemented it; the trial court denied the motions, and the court of appeals denied mandamus relief. The Texas Supreme Court granted oral argument, held that the trial court clearly abused its discretion, and conditionally granted mandamus.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The trial court was directed to dismiss the case in accordance with the opinion. The writ would issue only if the trial court failed to comply.

CASES CITED

- In re Smith Barney, Inc., 975 S.W.2d 593, 596, 598 (Tex. 1998)
- Gulf Oil Corp. v. Gilbert, 330 U.S. 501, 506-09 (1947)
- Piper Aircraft Co. v. Reyno, 454 U.S. 235, 246-56 (1981)
- Vasquez v. Bridgestone/Firestone, Inc., 325 F.3d 665, 671, 681 (5th Cir. 2003)
- Gonzalez v. Chrysler Corp., 301 F.3d 377, 379-82 (5th Cir. 2002)
- Flaiz v. Moore, 359 S.W.2d 872, 874 (Tex. 1962)
- In re Van Waters & Rogers, Inc., 145 S.W.3d 203, 206, 210-11 (Tex. 2004)
- In re Prudential Insurance Co. of America, 148 S.W.3d 124, 138 (Tex. 2004)
- Dow Chemical Co. v. Alfaro, 786 S.W.2d 674, 676-79 (Tex. 1990)
- Goode v. Shoukfeh, 943 S.W.2d 441, 446 (Tex. 1996)
- In re Ethyl Corp., 975 S.W.2d 606, 610 (Tex. 1998)
- Bocquet v. Herring, 972 S.W.2d 19, 20-21 (Tex. 1998)
- Downer v. Aquamarine Operators, Inc., 701 S.W.2d 238, 241 (Tex. 1985)

