

SUPREME COURT OF ALABAMA

General Motors Corp. v. Kilgore

853 So. 2d 171 (Ala. 2002) · No. 1002149 · Decided December 20, 2002

SUMMARY

The Supreme Court of Alabama held that the Federal Locomotive Inspection Act occupies the field of locomotive equipment and safety regulation and preempts the Kilgores' Alabama wrongful-death claims against General Motors Corporation based on alleged asbestos exposure from locomotive components. The court reversed the denial of summary judgment and rendered judgment for General Motors. Two justices dissented, concluding that the Federal Railroad Safety Act preserved state tort claims because no federal regulation specifically covered asbestos in locomotives.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Brown, Justice; Houston, Justice; See, Justice; Lyons, Justice; Harwood, Justice; Woodall, Justice; Stuart, Justice; Moore, Chief Justice; Johnstone, Justice
JURISDICTION	Alabama
DECIDED	December 20, 2002
DOCKET	1002149
DISPOSITION	reversed
PROCEDURAL POSTURE	General Motors Corporation brought a permissive appeal under Rule 5, Alabama Rules of Appellate Procedure, from the Colbert Circuit Court's denial of its motion for summary judgment in a wrongful-death action.
STANDARD OF REVIEW	De novo review applies to the denial of summary judgment. Once the movant establishes that no genuine issue of material fact exists, the burden shifts to the nonmovant to present substantial evidence creating such an issue; the evidence and reasonable inferences are viewed in the light most favorable to the nonmovant.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Alabama.
PARTIES	General Motors Corporation v. Charles W. Kilgore, Sandra Kilgore Holmes, Kathyrine E. Kilgore, Estate of William Austin Kilgore

TOPICS

products liability

wrongful death

federalism

statutory interpretation

appellate procedure

PRACTICE AREAS

products liability

wrongful death

federal preemption

railroad safety

appellate procedure

QUESTIONS PRESENTED

1. Whether the Federal Locomotive Inspection Act preempts Alabama state-law products-liability and failure-to-warn claims against a locomotive manufacturer based on asbestos-containing locomotive components.
2. Whether FLIA field preemption applies in the absence of a specific federal regulation concerning asbestos.
3. Whether the Federal Railroad Safety Act altered or narrowed the FLIA's field-preemptive effect.
4. Whether FLIA preemption reaches common-law tort remedies as well as state legislation or regulations.

HOLDINGS

1. The Federal Locomotive Inspection Act occupies the entire field of locomotive equipment and safety regulation and preempts state-law products-liability and failure-to-warn claims against a locomotive manufacturer concerning the design, construction, or materials of locomotives.
2. A specific federal regulation addressing asbestos is not required for FLIA preemption because the Act occupies the entire field of locomotive equipment and safety regulation.
3. The enactment of the Federal Railroad Safety Act did not repeal, modify, or eliminate the FLIA's total occupation of the locomotive-equipment field.
4. FLIA preemption reaches state common-law tort claims because an award of damages can regulate conduct just as effectively as preventive relief.

KEY QUOTATIONS

"Therefore, in dealing with the FLIA, narrowness is not an issue; the FLIA preempts the entire field." (178)

"Because the United States Supreme Court has determined that the FLIA occupies the entire field, there is no area within which the states may regulate." (179)

"The Kilgores' assertion that Napier is limited only to preemption of state legislation regulating locomotives, not common-law tort remedies, is also without merit." (180)

FACTUAL BACKGROUND

William Austin Kilgore worked for Norfolk Southern Railroad Company from 1941 through 1983 and allegedly encountered asbestos-containing components of locomotives manufactured by General Motors. He died of mesothelioma on June 12, 1997. His estate and surviving widow alleged that General Motors breached duties

under Alabama products-liability law to provide reasonably safe locomotive products and to warn of asbestos hazards.

PROCEDURAL HISTORY

The Kilgores filed a wrongful-death action alleging that William Austin Kilgore developed mesothelioma after workplace exposure to asbestos-containing locomotive components manufactured by General Motors. They asserted claims under the Alabama Extended Manufacturer's Liability Doctrine and for failure to warn. General Motors moved for summary judgment, arguing that the Federal Locomotive Inspection Act preempted the claims; the Colbert Circuit Court denied the motion. The Alabama Supreme Court accepted the permissive appeal, reversed, and rendered judgment for General Motors.

DISPOSITION

reversed

REMAND INSTRUCTIONS

None; the court rendered judgment for General Motors Corporation.

CASES CITED

- American Liberty Ins. Co. v. AmSouth Bank, 825 So. 2d 786 (Ala. 2002)
- Nationwide Prop. & Cas. Ins. Co. v. DPF Architects, P.C., 792 So. 2d 369 (Ala. 2000)
- United Transportation Union v. Foster, 205 F.3d 851 (5th Cir. 2000)
- Rice v. Santa Fe Elevator Corp., 331 U.S. 218 (1947)
- Louisiana Public Service Commission v. FCC, 476 U.S. 355 (1986)
- Norfolk Southern Ry. v. Benson, 774 So. 2d 549 (Ala. 2000)
- Law v. General Motors Corp., 114 F.3d 908 (9th Cir. 1997)
- Napier v. Atlantic Coast Line R.R., 272 U.S. 605 (1926)
- Southern Ry. v. Lunsford, 297 U.S. 398 (1936)
- Oglesby v. Delaware & Hudson Ry., 180 F.3d 458 (2d Cir. 1999)
- Forrester v. American Dieselelectric, Inc., 255 F.3d 1205 (9th Cir. 2001)
- Springston v. Consolidated Rail Corp., 130 F.3d 241 (6th Cir. 1997)
- Scheiding v. General Motors Corp., 22 Cal. 4th 471, 993 P.2d 996, 93 Cal. Rptr. 2d 342 (2000)
- Cipollone v. Liggett Group, Inc., 505 U.S. 504 (1992)
- Medtronic, Inc. v. Lohr, 518 U.S. 470 (1996)
- Silkwood v. Kerr-McGee Corp., 464 U.S. 238 (1984)
- United Transportation Union v. Long Island R.R., 455 U.S. 678 (1982)
- United States v. Locke, 529 U.S. 89 (2000)
- San Diego Building Trades Council v. Garmon, 359 U.S. 236 (1959)
- Pennsylvania Pub. Utility Comm'n v. Consolidated Rail Corp., 461 U.S. 912 (1983)

- *Mandel v. Bradley*, 432 U.S. 173 (1977)
- *Camp v. Atlantic Coast Line R.R.*, 251 Ala. 184, 36 So. 2d 331 (1948)
- *Townsend v. General Motors Corp.*, 642 So. 2d 411 (Ala. 1994)
- *Rodriguez de Quijas v. Shearson/American Express, Inc.*, 490 U.S. 477 (1989)
- *Carrillo v. ACF Indus., Inc.*, 20 Cal. 4th 1158, 980 P.2d 386, 86 Cal. Rptr. 2d 832 (1999)

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