

SUPREME COURT OF ALASKA

Cora Hebert v. Honest Bingo, Fairbanks Drama Association, John Doe I, John Doe II, and John Doe III

Hebert v. Honest Bingo, 18 P.3d 43 (Alaska 2001) · No. No. S-9028 · Decided February 23, 2001

SUMMARY

The Alaska Supreme Court reviews the superior court’s grant of judgment on the pleadings to the Fairbanks Drama Association based on the statute of limitations. The court holds that disputed factual issues concerning notice and mistake under Alaska Civil Rule 15(c) prevented resolution of relation back on a Rule 12(c) motion, and it reverses and remands.

CASE DETAILS

COURT	Supreme Court of Alaska
WRITING FOR THE COURT	Carpeneti, Justice; Matthews, Chief Justice; Eastaugh, Justice; Fabe, Justice; Bryner, Justice
JURISDICTION	Alaska
DECIDED	February 23, 2001
DOCKET	No. S-9028
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the superior court's grant of Fairbanks Drama Association's Alaska Civil Rule 12(c) motion for judgment on the pleadings based on the statute of limitations.
STANDARD OF REVIEW	De novo review of a Civil Rule 12(c) motion for judgment on the pleadings. Judgment is proper only when no triable issue of fact exists and the moving party is entitled to judgment as a matter of law; the pleadings and reasonable inferences are viewed in the light most favorable to the nonmoving party.
PRECEDENTIAL VALUE	Published Alaska Supreme Court opinion; precedential.
PARTIES	Cora Hebert v. Honest Bingo, Fairbanks Drama Association, John Doe I, John Doe II, John Doe III

TOPICS

motion for judgment on the pleadings

statute of limitations

motion to amend

civil procedure

appellate procedure

PRACTICE AREAS

civil procedure

torts

appellate procedure

QUESTIONS PRESENTED

1. Whether the superior court properly granted a defendant's Rule 12(c) motion for judgment on the pleadings based on a statute of limitations defense when the applicability of relation back under Rule 15(c) depended on disputed facts.
2. Whether Hebert's second amended complaint naming FDA could relate back to her timely original complaint because FDA may have received notice of the action and known that it would have been named but for a mistake concerning its identity.
3. Whether the pleadings established as a matter of law that FDA was not entitled to relation back and judgment on the pleadings.

HOLDINGS

1. A Rule 12(c) motion based on a statute of limitations defense is improper when the pleadings raise disputed factual issues concerning whether an amended complaint relates back under Rule 15(c). FDA was not entitled to judgment on the pleadings because the pleadings did not conclusively establish that Hebert's amendment could not relate back.
2. When relation back depends on disputed facts, the court must deny judgment on the pleadings and allow the factual issues to be resolved through an appropriate preliminary hearing or at trial.

KEY QUOTATIONS

“In this case of first impression, we hold that Hebert's pleadings did raise a triable issue of fact as to whether the requirements for relation back in Civil Rule 15(c) are satisfied.” (18 P.3d at 44)

“Thus, when material issues of fact are raised by the answer and defendant seeks judgment on the pleadings on the basis of this matter, his motion cannot be granted.” (18 P.3d at 47)

“Given the fact-intensive nature of the Rule 15(c) “relation back” test, FDA can prevail on its Rule 12(c) motion only if the undisputed facts on the face of the pleadings clearly show that Hebert's second amended complaint cannot possibly relate back to her earlier timely complaint against Honest Bingo.” (18 P.3d at 48)

“The pleadings on their face cannot reveal whether Hebert's second amended complaint relates back to the initial timely complaint filed against Honest Bingo.” (18 P.3d at 49)

FACTUAL BACKGROUND

On November 29, 1993, Cora Hebert was struck by a falling bingo box at a Fairbanks bingo hall operated by Honest Bingo and suffered neck and head injuries, headaches, dizziness, and lack of coordination. One day

before the two-year limitations period expired, she sued Honest Bingo, the Monroe Foundation, and several John Doe defendants representing unidentified owners, lessees, operators, and permittees. She later learned that Fairbanks Drama Association was another permittee and eventually amended her complaint to name FDA, which disputed allegations that it jointly operated Honest Bingo or benefited from the bingo operation.

PROCEDURAL HISTORY

Hebert filed a timely personal injury complaint against Honest Bingo and the Monroe Foundation and included John Doe defendants because she did not know the exact structure of the bingo operation. After learning that Fairbanks Drama Association was another permittee, she obtained leave to file a second amended complaint naming FDA on February 20, 1998. FDA asserted the statute of limitations as an affirmative defense and moved for judgment on the pleadings; the superior court granted the motion, denied reconsideration, entered final judgment for FDA, and awarded costs and attorney fees. The Alaska Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for proceedings consistent with the opinion. The superior court may consider the Rule 12(c) motion at a preliminary hearing or postpone determination until trial, as appropriate, to resolve the disputed relation-back facts.

CASES CITED

- Noey v. Bledsoe, 978 P.2d 1264, 1271 n. 19 (Alaska 1999)
- Jennings v. State, 566 P.2d 1304, 1310 n. 23 (Alaska 1977)
- Siemion v. Rumfelt, 825 P.2d 896, 898-99 (Alaska 1992)
- West v. Buchanan, 981 P.2d 1065, 1068-71 (Alaska 1999)
- Craig v. United States, 413 F.2d 854 (9th Cir. 1969)
- Coleman v. Lofgren, 593 P.2d 632, 634 (Alaska 1979)
- Pedersen v. Zielski, 822 P.2d 903, 907 n. 4 (Alaska 1991)