

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

Robin L. Albright v. The Upjohn Company

54 U.S.L.W. 2562 (6th Cir. 1986) · No. 85-5256 · Decided April 24, 1986

SUMMARY

The Sixth Circuit considered whether attorneys violated amended Federal Rule of Civil Procedure 11 by naming Upjohn as a defendant in a tetracycline products-liability action without conducting a reasonable prefiling factual investigation. The court held that the investigation was insufficient, concluded that the district court abused its discretion by denying sanctions, and remanded for imposition of sanctions. A dissent would have remanded for factual findings or addressed reimbursement under Rule 41(a)(2) instead.

CASE DETAILS

COURT	United States Court of Appeals for the Sixth Circuit
WRITING FOR THE COURT	John W. Peck, Senior Circuit Judge; Krupansky, Circuit Judge; Guy, Circuit Judge
JURISDICTION	Federal
DECIDED	April 24, 1986
DOCKET	85-5256
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The defendant appealed the district court's denial of its motion to amend the judgment to award sanctions and expenses under Federal Rule of Civil Procedure 11 after summary judgment was entered in its favor.
STANDARD OF REVIEW	The majority treated the district court's denial of sanctions, where the district court made no factual findings, as a legal conclusion subject to de novo review, while recognizing that the selection of the sanction is committed to the district court's sound discretion. Factual findings concerning a Rule 11 violation would be reviewed for clear error.
PRECEDENTIAL VALUE	Published federal appellate opinion
PARTIES	The Upjohn Company v. Robin L. Albright

TOPICS

sanctions

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether plaintiff's attorneys violated Federal Rule of Civil Procedure 11 by naming Upjohn as a defendant without conducting a reasonable prefiling factual investigation.
2. Whether the district court abused its discretion by denying Upjohn's motion for Rule 11 sanctions after finding that the complaint was not well grounded in fact.
3. Whether Rule 11 requires imposition of an appropriate sanction once a violation is found.

HOLDINGS

1. The attorneys violated Rule 11 because their prefiling investigation was insufficient to establish that the claim against Upjohn was well grounded in fact or that further reasonable inquiry was likely to identify additional medical records supporting the claim.
2. The district court abused its discretion by denying Upjohn's motion for sanctions after the complaint was signed in violation of Rule 11.
3. Rule 11 mandates imposition of an appropriate sanction once a violation is found, although the district court retains discretion to select the type of sanction.

KEY QUOTATIONS

"The standard is one of reasonableness under the circumstances." (788 F.2d at 1221)

"we nevertheless find that the prefiling investigation conducted by Albright's attorneys was insufficient because it failed to disclose that the claim against Upjohn was "well grounded in fact" within the meaning of Rule 11" (788 F.2d at 1221)

"Rule 11 expressly mandates the imposition of sanctions once a violation is found." (788 F.2d at 1222)

FACTUAL BACKGROUND

Albright brought a products-liability action alleging that tetracycline-based drugs had permanently stained and discolored her teeth, but initially did not identify which manufacturer produced the drugs she had ingested. Before filing, her attorneys had obtained medical records identifying tetracycline products prescribed by Dr. Kidd, including products manufactured by defendants other than Upjohn, and later discovery produced additional records identifying a Terramycin prescription. Upjohn was nevertheless named as a defendant, although the available information did not identify it as a manufacturer, distributor, or seller of any drug taken by Albright. After Upjohn moved for summary judgment, Albright amended her complaint to omit Upjohn.

PROCEDURAL HISTORY

Albright filed a products-liability action against nine pharmaceutical manufacturers, including Upjohn. After Upjohn and four other defendants moved for summary judgment, Albright filed an amended complaint naming only three manufacturers, and the district court granted summary judgment for Upjohn and the other moving defendants. The district court denied Upjohn's subsequent motion to amend the judgment to include Rule 11 expenses, and Upjohn appealed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the district court for imposition of Rule 11 sanctions, with the type and amount of sanction left to the district court's sound discretion.

CASES CITED

- Kinee v. Abraham Lincoln Fed. Sav. & Loan Ass'n, 365 F. Supp. 975 (E.D. Pa. 1973)
- Westmoreland v. CBS, Inc., 770 F.2d 1168, 1173-75 (D.C. Cir. 1985)
- Taylor and Gaskin, Inc. v. Chris Craft Industries, 732 F.2d 1273 (6th Cir. 1984)
- Sindell v. Abbott Laboratories, 26 Cal. 3d 588, 163 Cal. Rptr. 132, 607 P.2d 924 (1980)
- Hall v. E.I. Dupont de Nemours & Co., 345 F. Supp. 353 (E.D.N.Y. 1972)

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