

SUPREME COURT OF ALABAMA

Ex parte Wal-Mart, Inc.

809 So. 2d 818 (Ala. 2001) · No. 1992381 · Decided July 13, 2001

SUMMARY

The Supreme Court of Alabama considers Wal-Mart's petition for a writ of mandamus challenging a discovery order in a personal-injury action. The court holds that discovery of falling-merchandise incidents at Alabama Wal-Mart stores during the preceding five years was permissible and not unduly burdensome, but that the trial court abused its discretion by ordering discovery of all customer incidents and employee accident forms. The writ is granted in part, directing the trial court to limit discovery to falling-merchandise incidents.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Johnstone, Justice; Moore, C.J.; Houston, J.; See, J.; Lyons, J.; Brown, J.; Harwood, J.; Woodall, J.; Stuart, J.
JURISDICTION	Alabama
DECIDED	July 13, 2001
DOCKET	1992381
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Wal-Mart petitioned the Supreme Court of Alabama for a writ of mandamus directing the Elmore County Circuit Court judge to vacate or limit an order compelling production of incident reports and employee accident review forms.
STANDARD OF REVIEW	Mandamus is an extraordinary remedy requiring a clear legal right, an imperative duty accompanied by refusal to perform, no other adequate remedy, and properly invoked jurisdiction. Discovery orders are reviewed by mandamus, but relief is restricted because discovery rulings are discretionary; a discovery ruling will not be reversed absent a clear abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Wal-Mart, Inc. v. Kenneth Pierce

TOPICS

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QUESTIONS PRESENTED

1. Whether mandamus was an appropriate vehicle to review the trial court's discovery order.
2. Whether discovery of falling-merchandise incidents at Alabama Wal-Mart stores during the five years before Pierce's injury was relevant and reasonably calculated to lead to admissible evidence.
3. Whether the trial court abused its discretion by ordering production of all customer incident reports and employee accident review forms, rather than limiting discovery to falling-merchandise incidents.

HOLDINGS

1. Mandamus is an appropriate method for reviewing discovery orders, although relief is restricted because discovery matters are committed largely to the trial court's discretion.
2. Discovery of falling-merchandise incidents at Alabama Wal-Mart stores during the five-year period preceding Pierce's injury was permissible because it could lead to admissible evidence of Wal-Mart's knowledge of the danger posed by falling merchandise.
3. The trial court abused its discretion by ordering production of all customer incident reports and employee accident review forms, because the order extended beyond falling-merchandise incidents; the order had to be limited to falling-merchandise incidents.

KEY QUOTATIONS

"A writ of mandamus is an extraordinary remedy that requires the showing of: (1) a clear legal right in the petitioner to the order sought; (2) an imperative duty on the respondent to perform, accompanied by a refusal to do so; (3) the lack of another adequate remedy; and (4) the properly invoked jurisdiction of the court." (821)

"Mandamus relief is not due to prevent discovery of falling-merchandise incidents; to that extent the petition is denied. We will, however, grant the petition in part and issue a writ of mandamus directing the trial judge to limit his discovery order to falling-merchandise incidents." (823)

FACTUAL BACKGROUND

Pierce was injured on December 28, 1997, when a boxed 19-inch television fell from an overhead shelf at a Wal-Mart store in Wetumpka, Alabama. He sued Wal-Mart for negligence and wantonness and sought information concerning prior incidents involving falling merchandise at Wal-Mart stores. Wal-Mart's wholly owned subsidiary, CMI, maintained a database of customer incident reports from all Wal-Mart stores and could generate reports concerning prior falling-merchandise injuries.

PROCEDURAL HISTORY

Kenneth Pierce sued Wal-Mart in the Elmore County Circuit Court for negligence and wantonness after a boxed television fell from an overhead shelf and injured him. The trial court ordered Wal-Mart to produce all customer incident reports and employee accident review forms for all Alabama Wal-Mart stores for the five years preceding the injury and denied Wal-Mart's motion for a protective order. Wal-Mart sought mandamus relief. The Supreme Court of Alabama denied relief as to falling-merchandise incidents but granted relief to require the trial court to limit discovery to those incidents.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Issue a writ of mandamus directing the trial judge to limit the discovery order to falling-merchandise incidents. Mandamus relief was denied insofar as it sought to prevent discovery of those incidents.

CASES CITED

- Ex parte State Farm Mut. Auto. Ins. Co., 761 So. 2d 1000, 1002 (Ala. 2000)
- Ex parte McNaughton, 728 So. 2d 592, 594 (Ala. 1998)
- Ex parte Bean, 703 So. 2d 329 (Ala. 1997)
- Ex parte Clarke, 582 So. 2d 1064 (Ala. 1991)
- Ex parte Heilig-Meyers Furniture Co., 684 So. 2d 1292, 1294 (Ala. 1996)
- Ex parte Thomas, 628 So. 2d 483, 485 (Ala. 1993)
- Ex parte Wal-Mart Stores, Inc., 682 So. 2d 65, 67 (Ala. 1996)
- Plitt v. Griggs, 585 So. 2d 1317 (Ala. 1991)
- Lewis v. Zell, 279 Ala. 33, 36, 181 So. 2d 101 (1965)
- Griffin Lumber Co. v. Harper, 247 Ala. 616, 620, 25 So. 2d 505, 508 (1946)

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