

SUPREME COURT OF TEXAS

In re Ford Motor Company and Ken Stoepel Ford, Inc.

427 S.W.3d 396 (Tex. 2014) · No. 12-1000 · Decided March 28, 2014

SUMMARY

The Supreme Court of Texas conditionally granted mandamus relief in a design-defect case involving a request to depose corporate representatives of two testifying experts' employers. The court held that the requested discovery into the experts' potential bias was impermissible under the Texas Rules of Civil Procedure because it sought broad financial and business information beyond the permitted methods of expert discovery. The court directed the trial court to vacate its discovery order.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Texas
DECIDED	March 28, 2014
DOCKET	12-1000
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Ford petitioned for a writ of mandamus challenging a trial-court order permitting corporate-representative depositions of the employers of Ford's testifying experts.
STANDARD OF REVIEW	Mandamus relief is appropriate to correct a discovery order when the order constitutes a clear abuse of discretion and there is no adequate remedy by appeal.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Ford Motor Company, Ken Stoepel Ford, Inc. v. Saul Morales

TOPICS

- discovery dispute
- appellate procedure
- civil procedure

PRACTICE AREAS

- Civil procedure
- Appellate procedure
- Torts

QUESTIONS PRESENTED

1. Whether the Texas Rules of Civil Procedure permitted Morales to obtain corporate-representative depositions of the employers of Ford's testifying experts after deposing the experts themselves.
2. Whether the circumstances justified discovery beyond the disclosures, expert reports, and oral depositions specified in Rule 195.

HOLDINGS

1. On the facts of this case, the Texas Rules of Civil Procedure did not permit Morales to depose corporate representatives of the experts' employers to investigate the experts' potential bias.
2. *Walker v. Packer* did not require the requested employer depositions because the facts did not show that either expert's credibility had been impugned by extrinsic evidence discovered after the expert's deposition.

KEY QUOTATIONS

“We hold that on the facts of this case, the Rules of Civil Procedure do not permit such discovery and we conditionally grant mandamus relief.” (427 S.W.3d at 396)

“Such a fishing expedition, seeking sensitive information covering twelve years, is just the type of overbroad discovery the rules are intended to prevent.” (427 S.W.3d at 398)

FACTUAL BACKGROUND

Saul Morales was injured when a 2004 Ford Crown Victoria Police Interceptor rolled backward and ran over him while a police officer attempted to handcuff him. Morales alleged that the vehicle had a design defect allowing the gear selector to be placed between park and reverse, causing the vehicle to move backward under idle power. After deposing Ford's experts, Morales sought corporate-representative depositions of their employers to investigate alleged bias based on the employers' work for Ford and other automobile manufacturers.

PROCEDURAL HISTORY

After deposing Ford's two testifying experts, Morales sought corporate-representative depositions of their employers concerning the experts' alleged bias and the employers' financial and business relationships with Ford and other automobile manufacturers. The trial court ordered the additional discovery. Ford sought mandamus relief in the Supreme Court of Texas, which conditionally granted the petition and directed the trial court to vacate its discovery order.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The trial court was directed to vacate its discovery order. The writ would issue only if the trial court failed to comply.

CASES CITED

- In re Alford Chevrolet-Geo, 997 S.W.2d 173, 180-81 (Tex. 1999) (orig. proceeding)
- Ex parte Shepperd, 513 S.W.2d 813, 816 (Tex. 1974) (orig. proceeding)
- Russell v. Young, 452 S.W.2d 434, 437 (Tex. 1970) (orig. proceeding)
- In re Weir, 166 S.W.3d 861, 865 (Tex. App.—Beaumont 2005, orig. proceeding) (per curiam)
- Olinger v. Curry, 926 S.W.2d 832, 834-35 (Tex. App.—Fort Worth 1996, orig. proceeding)
- Walker v. Packer, 827 S.W.2d 833, 837-39 (Tex. 1992) (orig. proceeding)

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