

SUPREME COURT OF MISSISSIPPI

Tupelo Auto Sales, Ltd. v. Gary P. Scott

Tupelo Auto Sales, Ltd. v. Gary P. Scott · No. No. 2001-CA-01979-SCT · Decided December 20, 2001

SUMMARY

The Mississippi Supreme Court considered whether Tupelo Auto Sales could compel arbitration of a customer's warranty claims arising from the purchase of a used vehicle. The court held that it had jurisdiction to review an order denying arbitration, but affirmed and remanded because the appellant failed to provide an adequate record demonstrating reversible error. The court relied on the absence of a hearing transcript and the trial court's summary order, applying the reasoning of Oakwood Homes Corp. v. Randall.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Pittman, Chief Justice; Pittman, C.J.; Waller, J.; Carlson, J.
JURISDICTION	Mississippi
DECIDED	December 20, 2001
DOCKET	No. 2001-CA-01979-SCT
DISPOSITION	affirmed_and_remanded
PROCEDURAL POSTURE	Tupelo Auto Sales appealed the Lee County Circuit Court's denial of its motion to compel arbitration and dismiss Scott's warranty complaint.
STANDARD OF REVIEW	The grant or denial of a motion to compel arbitration is reviewed de novo.
PRECEDENTIAL VALUE	Published opinion; precedential Mississippi Supreme Court decision.
PARTIES	Tupelo Auto Sales, Ltd. v. Gary P. Scott

TOPICS

- arbitration
- interlocutory appeal
- appellate jurisdiction
- standard of review
- contracts

PRACTICE AREAS

- Arbitration
- Civil procedure
- Appellate procedure
- Contracts
- Consumer protection

QUESTIONS PRESENTED

1. Whether the Supreme Court of Mississippi had jurisdiction to review an order denying a motion to compel arbitration when the order was not a final judgment, was not certified under Mississippi Rule of Civil Procedure 54(b), and had not been granted interlocutory review under Mississippi Rule of Appellate Procedure 5.
2. Whether the trial court reversibly erred by denying Tupelo Auto Sales's motion to compel arbitration and dismiss the warranty claims.

HOLDINGS

1. An appeal may be taken from an order denying a motion to compel arbitration, even absent a final judgment, a Rule 54(b) certification, or a Rule 5 interlocutory-appeal order.
2. The denial of the motion to compel arbitration was affirmed because Tupelo Auto Sales failed to demonstrate reversible error on a record containing no hearing transcript and an order that stated no grounds for the ruling.

KEY QUOTATIONS

“The lack of a final judgment or a grant of a petition for interlocutory appeal notwithstanding, we find that we have jurisdiction over this appeal. Adopting the procedure of the Federal Arbitration Act and following the lead of other jurisdictions, we find an appeal may be taken from an order denying a motion to compel arbitration.” (¶10)

“Having found that we have jurisdiction to hear this appeal, we conclude that Tupelo Auto Sales has wholly failed to demonstrate how the trial court erred in its arriving at its judgment.” (¶14)

FACTUAL BACKGROUND

On December 2, 1999, Tupelo Auto Sales sold Gary P. Scott a used 1997 Chrysler Sebring convertible. Scott later alleged defects including a failed headlight, power-steering noise, worn brakes, and a malfunctioning passenger-window switch, and sued for breach of implied and statutory warranties. Scott had signed a separate arbitration agreement at the time of purchase; he claimed that Tupelo Auto Sales failed to respond to his efforts to initiate arbitration and that he therefore elected to void the arbitration provisions.

PROCEDURAL HISTORY

Scott sued Tupelo Auto Sales for breach of implied and statutory warranties concerning a used vehicle. Tupelo Auto Sales moved to compel arbitration and dismiss the complaint, but the circuit court summarily denied the motion without stating grounds. The Supreme Court of Mississippi held that it had jurisdiction to review the denial and affirmed because the appellant failed to demonstrate reversible error on an inadequate record; the case was remanded.

DISPOSITION

affirmed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the trial court for further proceedings.

CASES CITED

- East Ford, Inc. v. Taylor, 826 So. 2d 709 (Miss. 2002)
- Webb v. Investacorp, Inc., 89 F.3d 252 (5th Cir. 1996)
- Walton v. Rose Mobile Homes, LLC, 298 F.3d 470 (5th Cir. 2002)
- A.G. Edwards & Sons, Inc. v. Clark, 558 So. 2d 358 (Ala. 1990)
- Walton v. Lewis, 987 S.W.2d 262 (Ark. 1999)
- Dakota Wesleyan Univ. v. HPG Intern., Inc., 560 N.W.2d 921 (S.D. 1997)
- Oakwood Homes Corp. v. Randall, 824 So. 2d 1292 (Miss. 2002)
- East Ford, Inc. v. Taylor, 826 So. 2d 709 (Miss. 2002)
- Banks v. City Fin. Co., 825 So. 2d 642 (Miss. 2002)
- Russell v. Performance Toyota, Inc., 826 So. 2d 719 (Miss. 2002)
- Cox v. Howard, Weil, Labouisse, Friedrichs, Inc., 619 So. 2d 908 (Miss. 1993)