

SUPREME COURT OF ALABAMA

Hinton ex rel. Hinton v. Monsanto Co.

813 So. 2d 827 (Ala. 2001) · No. 1000599 · Decided September 14, 2001

SUMMARY

The Supreme Court of Alabama answered a certified question concerning whether a plaintiff exposed to hazardous contamination, but alleging no past or present physical injury, may pursue a medical-monitoring claim. The court held that Alabama law requires a manifest, present injury for tort recovery and does not recognize a standalone cause of action for medical monitoring in these circumstances.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Stuart, Justice; Houston, Justice; See, Justice; Johnstone, Justice; Moore, Chief Justice; Lyons, Justice; Brown, Justice; Harwood, Justice; Woodall, Justice
JURISDICTION	Alabama
DECIDED	September 14, 2001
DOCKET	1000599
DISPOSITION	other
PROCEDURAL POSTURE	The United States District Court for the Northern District of Alabama certified a question of Alabama law concerning whether a plaintiff exposed to hazardous contamination, but alleging no past or present personal injury, may state a cause of action for medical monitoring and study.
STANDARD OF REVIEW	De novo review of the certified question of Alabama law.
PRECEDENTIAL VALUE	Published Alabama Supreme Court opinion; binding precedent on Alabama law concerning medical-monitoring claims without present physical injury.

TOPICS

- environmental law
- torts
- products liability
- damages
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Alabama law recognizes a distinct cause of action for medical monitoring when a plaintiff alleges exposure to hazardous contamination but no past or present physical injury or illness.
2. Whether the alleged need for future medical monitoring constitutes a legally cognizable present injury or damage under Alabama tort law.

HOLDINGS

1. Alabama law does not recognize a cause of action for medical monitoring when the plaintiff alleges exposure to a hazardous substance but no past or present physical injury or illness.

KEY QUOTATIONS

“Alabama law does not recognize a cause of action for medical monitoring.” (at 832)

“Alabama law has long required a manifest, present injury before a plaintiff may recover in tort.” (at 829)

“That law provides no redress for a plaintiff who has no present injury or illness.” (at 832)

FACTUAL BACKGROUND

Travis Hinton alleged that he and members of a putative class had been exposed to polychlorinated biphenyls released into the Anniston area by Monsanto. He did not allege any present physical injury or illness caused by the exposure. He sought the costs of medical monitoring to detect illnesses or injuries that might develop in the future and asserted negligence, wantonness, and strict-products-liability theories.

PROCEDURAL HISTORY

Travis Hinton filed a putative class action in federal district court against Monsanto, alleging exposure to PCBs released into the Anniston environment. He asserted negligence, wantonness, and strict-products-liability theories and sought medical-monitoring costs despite alleging no present physical injury or illness. The federal district court certified the legal question to the Alabama Supreme Court, which answered it in the negative.

DISPOSITION

other

CASES CITED

- *DeArman v. Liberty Nat'l Life Ins. Co.*, 786 So. 2d 1090 (Ala. 2000)
- *Stringfellow v. State Farm Life Ins. Co.*, 743 So. 2d 439 (Ala. 1999)
- *Williamson v. Indianapolis Life Ins. Co.*, 741 So. 2d 1057 (Ala. 1999)
- *Ford Motor Co. v. Rice*, 726 So. 2d 626 (Ala. 1998)
- *Pfizer, Inc. v. Farsian*, 682 So. 2d 405 (Ala. 1996)

- Metro-North Commuter R.R. v. Buckley, 521 U.S. 424 (1997)
- Ex parte Russell Corp., 703 So. 2d 953 (Ala. 1997)
- Garrett v. Raytheon Co., 368 So. 2d 516 (Ala. 1979)
- Payton v. Monsanto Co., 801 So. 2d 829 (Ala. 2001)
- Ex parte Floyd, 796 So. 2d 303 (Ala. 2001)

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