

SUPREME COURT OF ALABAMA

Jones Bros., Inc. v. Alabama Department of Transportation

990 So. 2d 366 (Ala. 2008) · Decided March 7, 2008

SUMMARY

The Alabama Supreme Court granted the Alabama Department of Transportation’s petition for a writ of mandamus and directed the trial court to dismiss the plaintiffs’ action. The court held that ALDOT, as a state agency, was absolutely immune from suit under Article I, § 14 of the Alabama Constitution, and that the immunity deprived the trial court of subject-matter jurisdiction. The court further stated that the plaintiffs had not named a proper state official as a defendant.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Smith, Justice; Cobb, Chief Justice; Parker, Justice; See, Justice; Woodall, Justice
JURISDICTION	Alabama
DECIDED	March 7, 2008
DISPOSITION	writ_granted
PROCEDURAL POSTURE	The Alabama Department of Transportation petitioned for a writ of mandamus directing the Montgomery Circuit Court to dismiss an action against ALDOT on the ground of State immunity under Article I, § 14, of the Alabama Constitution. The Supreme Court of Alabama granted the petition and issued the writ.
STANDARD OF REVIEW	Mandamus is an extraordinary remedy requiring a clear legal right to the requested order, an imperative duty accompanied by refusal, lack of another adequate remedy, and properly invoked jurisdiction. Mandamus is an appropriate means to review an order denying an immunity claim.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Alabama Department of Transportation v. Jones Brothers, Inc., Louana Construction Corporation, Travelers Casualty and Surety Company of America

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QUESTIONS PRESENTED

1. Whether ALDOT, as a State agency, was absolutely immune from the plaintiffs' action under Article I, § 14, of the Alabama Constitution.
2. Whether the trial court lacked subject-matter jurisdiction over an action naming ALDOT as the defendant and therefore was required to dismiss the complaint.
3. Whether mandamus was an appropriate remedy to review the trial court's denial of ALDOT's immunity-based motions to dismiss.

HOLDINGS

1. ALDOT, as an agency of the State of Alabama, is absolutely immune from suit under Article I, § 14, of the Alabama Constitution when named as the defendant.
2. Because Article I, § 14, deprived the trial court of subject-matter jurisdiction over the action against ALDOT, the trial court was required to dismiss the complaint and could not proceed with the action or require an amendment.
3. Mandamus was an appropriate remedy for reviewing the trial court's order denying ALDOT's claim of State immunity, and ALDOT was entitled to the writ.

KEY QUOTATIONS

“Section 14, Ala. Const.1901, provides ‘[t]hat the State of Alabama shall never be made a defendant in any court of law or equity.’” (at 368)

“Because § 14 deprives the trial court of jurisdiction to entertain this action against ALDOT, the action is due to be dismissed.” (at 368)

“ALDOT is entitled to State immunity in the underlying action; therefore, we grant the petition for the writ of mandamus and direct the trial court to dismiss the plaintiffs’ complaint.” (at 369)

FACTUAL BACKGROUND

Jones Brothers, Inc. contracted with ALDOT to construct a flyover bridge and subcontracted electrical and lighting work to Louana Construction Corporation. ALDOT rejected some work and assessed liquidated damages against Jones Brothers; a contract claims committee later recommended that Jones Brothers recover some of those damages. After a federal action was settled and apparently dismissed, Jones Brothers, Louana, and Travelers sued ALDOT in the Montgomery Circuit Court for contribution, indemnity, and breach-of-contract damages.

PROCEDURAL HISTORY

Jones Brothers, Inc., Louana Construction Corporation, and Travelers filed an action in the Montgomery Circuit Court against ALDOT seeking contribution, indemnity, and breach-of-contract damages. ALDOT moved to dismiss on State-immunity and subject-matter-jurisdiction grounds. After the trial court denied the renewed motions and purported to order an amendment naming proper parties, ALDOT sought mandamus relief in the Supreme Court of Alabama.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The trial court was directed to dismiss the plaintiffs' complaint.

CASES CITED

- Ex parte BOC Group, Inc., 823 So. 2d 1270, 1272 (Ala. 2001)
- Ex parte Butts, 775 So. 2d 173, 176 (Ala. 2000)
- Ex parte Mobile County Department of Human Resources, 815 So. 2d 527, 530 (Ala. 2001)
- Ex parte Tuscaloosa County, 796 So. 2d 1100, 1103 (Ala. 2000)
- Alabama State Docks v. Saxon, 631 So. 2d 943, 946 (Ala. 1994)
- Patterson v. Gladwin Corp., 835 So. 2d 137, 142-43 (Ala. 2002)
- Hutchinson v. Board of Trustees of the University of Alabama, 288 Ala. 20, 23, 256 So. 2d 281, 283 (1971)
- Ex parte Alabama Department of Transportation, 978 So. 2d 718, 721 (Ala. 2007)
- Ex parte Alabama Department of Transportation, 978 So. 2d 17, 22 (Ala. 2007)
- Alabama Department of Transportation v. Harbert International, Inc., 990 So. 2d 831, 841 (Ala. 2008)
- Ex parte Blankenship, 893 So. 2d 303, 306-07 (Ala. 2004)

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