

# SUPREME COURT OF ALABAMA

## The New York Times Company v. Kai Spears

The New York Times Co. v. Spears, SC-2025-0370 (Ala. Apr. 10, 2026) · No. SC-2025-0370 · Decided April 10, 2026

### SUMMARY

The Supreme Court of Alabama addresses two certified questions concerning Alabama's reporter's shield statute, Ala. Code § 12-21-142, in discovery arising from a defamation action by Kai Spears against The New York Times Company. The court declines to answer the first question because Spears waived the issue and its resolution would not affect the underlying case. Rephrasing and answering the second question in the negative, the court holds that the privilege protects information that would inevitably reveal a confidential source's identity, but not all information that could reasonably lead to that identification.

### CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Alabama                                                                                                                                                                                                                                                                                                                                                             |
| WRITING FOR THE COURT | McCool, Justice; Stewart, C.J.; Wise, J.; Bryan, J.; Cook, J.; Parker, J.; Shaw, J.; Mendheim, J.                                                                                                                                                                                                                                                                                    |
| JURISDICTION          | Supreme Court of Alabama                                                                                                                                                                                                                                                                                                                                                             |
| DECIDED               | April 10, 2026                                                                                                                                                                                                                                                                                                                                                                       |
| DOCKET                | SC-2025-0370                                                                                                                                                                                                                                                                                                                                                                         |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | The United States District Court for the Northern District of Alabama certified two questions concerning the scope of Alabama's reporter's shield statute, Ala. Code § 12-21-142, in connection with Spears's discovery requests in a defamation action. The Alabama Supreme Court declined to answer the first question and answered the rephrased second question in the negative. |
| STANDARD OF REVIEW    | Questions of statutory interpretation are reviewed de novo. The scope and application of a privilege in discovery may involve fact-driven determinations for the trial court.                                                                                                                                                                                                        |
| PRECEDENTIAL VALUE    | Published Alabama Supreme Court opinion; precedential subject to formal revision.                                                                                                                                                                                                                                                                                                    |
|                       |                                                                                                                                                                                                                                                                                                                                                                                      |

## PARTIES

The New York Times Company v. Kai Spears

## TOPICS

appellate procedure

statutory interpretation

plain meaning rule

evidence

civil procedure

## PRACTICE AREAS

appellate procedure

evidence

statutory interpretation

defamation

civil procedure

## QUESTIONS PRESENTED

1. Whether the Alabama Supreme Court should answer whether § 12-21-142 protects the identity of a source whose information is published online by a corporation that also publishes a newspaper.
2. Whether § 12-21-142 protects any and all information that could reasonably lead to identification of a source whose identity is protected from compelled disclosure.

## HOLDINGS

1. The Court declined to answer the first certified question because Spears waived the legal issue's relevance to the particular case and an answer would not affect the proceedings pending in the district court.
2. Section 12-21-142 protects a source's identity and information that would inevitably reveal the identity of a confidential source, but it does not protect any and all information that could reasonably lead to discovery of the source's identity.
3. The party asserting the reporter's privilege bears the burden of showing that disclosure of particular information would inevitably reveal the identity of a confidential source, and the trial court must resolve disputed applications through fact-driven determinations.

## KEY QUOTATIONS

*“Construed strictly and narrowly, that language protects only information that would inevitably reveal the identity of a confidential source, not “any and all information” that “could reasonably lead” to the discovery of the identity of the source.” (17-19)*

*“Rather, the plain language of § 12-21-142 provides that the reporter's privilege protects only “the sources of any information ... published in the newspaper,” and we therefore hold that this privilege applies only to information that would inevitably reveal the identity of a confidential source.” (23-24)*

## FACTUAL BACKGROUND

Jamea Harris was killed during an exchange of gunfire in Tuscaloosa, and media reports focused on alleged involvement by University of Alabama basketball players. A confidential source told New York Times reporter Billy Witz that Spears was the unidentified passenger in Darius Miller's car at the time of the shooting, while another source provided partial or corroborating information. The Times published the allegation online and then

in its print newspaper; after the second source indicated he was likely wrong, The Times stood by its reporting. Spears sued and sought discovery of source-related information.

## PROCEDURAL HISTORY

Spears sued The New York Times Company in federal district court alleging that the newspaper negligently published false statements identifying him as the unidentified passenger in a car present during a murder. During discovery, Spears sought information concerning confidential sources, and The Times asserted the privilege in § 12-21-142. The district court certified two questions to the Alabama Supreme Court under Rule 18, Ala. R. App. P. The Alabama Supreme Court declined to answer the first question because Spears had waived the issue's bearing on the case and because the answer would not be determinative of the underlying cause; it rephrased and answered the second question.

## DISPOSITION

other

## REMAND INSTRUCTIONS

No remand was ordered. The first certified question was declined, and the second certified question, as rephrased, was answered in the negative.

## CASES CITED

- Stewart Title Guar. Co. v. Shelby Realty Holdings, LLC, 83 So. 3d 469 (Ala. 2011)
- Greene v. Massey, 384 So. 2d 24, 27-28 (Fla. 1980)
- Smith v. Alabama Dry Dock & Shipbuilding Co., 293 Ala. 644, 651, 309 So. 2d 424, 429 (1975)
- Palmore v. First Unum, 841 So. 2d 233, 235 (Ala. 2002)
- Holcim (US), Inc. v. Ohio Cas. Ins. Co., 38 So. 3d 722, 726 (Ala. 2009)
- Allen v. Dameron, 187 Wash. 2d 692, 702, 389 P.3d 487, 491 (2017)
- Potter v. City of Lacey, 3 Wash. 3d 328, 331 n.1, 550 P.3d 1037, 1039 n.1 (2024)
- Hampton v. City of Chicago, 248 N.E.3d 553, 557, 478 Ill. Dec. 928, 932 (2024)
- Heatherwood Holdings, LLC v. First Com. Bank, 61 So. 3d 1012, 1026 (Ala. 2010)
- Gholston v. State, 620 So. 2d 719 (Ala. 1993)
- Ex parte State Dep't of Revenue, 683 So. 2d 980, 983 (Ala. 1996)
- Ex parte Morris, 999 So. 2d 932, 938 (Ala. 2008)
- Gray v. Gray, 947 So. 2d 1045, 1050 (Ala. 2006)
- Ex parte Presse, 554 So. 2d 406, 411 (Ala. 1989)
- Ex parte Pfizer, Inc., 746 So. 2d 960, 964 (Ala. 1999)
- Slagle v. Ross, 125 So. 3d 117, 123 (Ala. 2012)
- Swindle v. Remington, 291 So. 3d 439, 457 (Ala. 2019)
- Price v. Time, Inc., 416 F.3d 1327, 1342 (11th Cir. 2005)

- *Branzburg v. Hayes*, 408 U.S. 665, 685 (1972)
- *State v. Grant*, 378 So. 3d 576, 580-81 (Ala. 2022)
- *Ex parte Mardis*, 628 So. 2d 605, 607 (Ala. 1993)
- *United States v. Nixon*, 418 U.S. 683, 710 (1974)
- *Ex parte Tucker*, 66 So. 3d 750, 753 (Ala. 2011)
- *Lynch v. Hamrick*, 968 So. 2d 11, 14 (Ala. 2007)
- *Ex parte Jackson*, 614 So. 2d 405, 407 (Ala. 1993)
- *State v. Blane*, 985 So. 2d 384, 387 (Ala. 2007)
- *Oklahoma v. Castro-Huerta*, 597 U.S. 629, 642 (2022)
- *Scott v. Alabama Dep't of Revenue*, Ms. SC-2025-0013, June 13, 2025
- *Tolar Constr., LLC v. Kean Elec. Co.*, 944 So. 2d 138, 152 (Ala. 2006)
- *Castellani v. Scranton Times, L.P.*, 598 Pa. 283, 310, 956 A.2d 937, 954 (2008)
- *Rosato v. Superior Ct. of Fresno Cnty.*, 51 Cal. App. 3d 190, 218, 124 Cal. Rptr. 427, 445 (1975)
- *In re April 7, 1999 Grand Jury Proceedings*, 140 Ohio App. 3d 755, 763, 749 N.E.2d 325, 332 (2000)
- *Tavoulareas v. Piro*, 93 F.R.D. 35, 39-40 (D.D.C. 1981)
- *In re Taylor*, 412 Pa. 32, 40, 193 A.2d 181, 185 (1963)
- *Boles v. Parris*, 952 So. 2d 364, 367 (Ala. 2006)
- *Ex parte Pugh*, 493 So. 2d 393, 394 (Ala. 1986)
- *DeKalb Cnty. LP Gas Co. v. Suburban Gas, Inc.*, 729 So. 2d 270, 275 (Ala. 1998)
- *Deutsche Bank Nat'l Tr. Co. v. Walker Cnty.*, 292 So. 3d 317, 326 (Ala. 2019)
- *Ex parte Ankrom*, 152 So. 3d 397, 431 (Ala. 2013)
- *IMED Corp. v. Systems Eng'g Assocs. Corp.*, 602 So. 2d 344, 346 (Ala. 1992)
- *McCall v. Automatic Voting Mach. Corp.*, 236 Ala. 10, 13, 180 So. 695, 697 (1938)
- *Ex parte Affinity Hosp., LLC*, 414 So. 3d 95, 98-99 (Ala. 2024)
- *Herbert v. Lando*, 441 U.S. 153, 175-77 (1979)
- *United States v. Capers*, 708 F.3d 1286, 1303 (11th Cir. 2013)