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Fernando v. City of Chickasaw

Supreme Court of Alabama - March 17, 2023 - So.3d - 2023 WL 2543794

Administrator of estate of arrestee who died in city jail after being arrested on suspicion of driving under the influence (DUI) brought action in which he asserted wrongful-death claims under state law and various claims under federal law against city, city's public-safety director, first jailer, and numerous fictitiously named defendants.

Following removal, the United States District Court for the Southern District of Alabama entered summary judgment for defendants on the federal claims and dismissed the wrongful-death claim. Estate administrator then commenced a second action in which he asserted wrongful-death claims and named a police officer and a second jailer as additional defendants, whom he later sought to substitute for the fictitiously named defendants.

After granting administrator's motion to reinstate the first action and consolidate the two actions, the Circuit Court entered a summary judgment in both actions in favor of all defendants. Estate administrator filed a notice of appeal in each action, and the appeals were consolidated.

The Supreme Court held that:

- After federal court's judgment, trial court lacked jurisdiction to consider motion to reinstate the initial action as well as to consider any other subsequent pleadings or motions purportedly filed in that action;
- Federal removal statute's tolling provision did not apply to the state-law-based wrongful-death claims that administrator asserted against the additional defendants;
- Administrator's naming of the additional defendants in the second action did not substitute those individuals for the fictitiously named defendants in the initial action;
- Consolidation of the actions did not mean that the additional defendants were substituted for the fictitiously named defendants in the initial action;
- Administrator did not present the required substantial evidence to show that failure of city's public-safety director to provide any medical training to police officers and jailers was conduct that was beyond his authority so as to deprive him of State-agent immunity;
- Administrator failed to present the required substantial evidence to show that first jailer acted beyond her authority when she failed to contact emergency medical services;
- Administrator failed to show that first jailer acted beyond her authority when she failed to check on arrestee every 30 minutes; and
- Administrator failed to show that first jailer acted beyond her authority when she allegedly violated the jail's operations policy for booking, housing, and releasing inmates.

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