Rel: May 24, 2019

SUPREME COURT OF ALABAMA

OCTOBER TERM, 2018-2019

1170820

Ex parte Tyson Chicken, Inc., and Charles Gregory Craig

PETITION FOR WRIT OF MANDAMUS

(In re: Lisa Burke Huffstutler

v.

Tyson Chicken, Inc., and Charles Gregory Craig)

(Marshall Circuit Court, CV-18-900113)

On Application for Rehearing

PER CURIAM.

This Court's opinion of November 30, 2018, is withdrawn, and the following is substituted therefor.

Tyson Chicken, Inc. ("Tyson"), and Charles Gregory Craig, defendants in a personal-injury action below, petition this Court for a writ of mandamus directing the Marshall Circuit Court to vacate its order denying Tyson and Craig's motion for a change of venue and to enter an order transferring the underlying action to the Cullman Circuit Court. We deny the petition.

Facts and Procedural History

In November 2017, Craig, while working for his employer, Tyson, was driving westbound on County Road 1609 in Cullman County in a tractor-trailer rig. As Craig reached the intersection of County Road 1609 and County Road 747, he attempted to turn left into the southbound lane of County Road 747. As Craig was turning, a vehicle driven by Lisa Burke Huffstutler, who was traveling northbound on County Road 747, collided with Craig's tractor-trailer. As a result of the collision, Huffstutler was injured; she was taken to Cullman Regional Medical Center for treatment.

Subsequently, Huffstutler sued Craig and Tyson in the Marshall Circuit Court. She asserted the following claims: (1) negligence and wantonness against Craig; (2) negligent and/or

wanton supervision or training of Craig by Tyson; and (3) negligent and/or wanton hiring, retention, and/or entrustment by Tyson in relation to Craig's operation of a tractor-trailer rig on its behalf.

Tyson and Craig filed a joint motion to transfer the case from Marshall County to Cullman County under the doctrine of forum non conveniens. Huffstutler responded and argued that the case should not be transferred. Following a hearing, the trial court denied Craig and Tyson's motion. Thereafter, Craig and Tyson timely filed a petition for a writ of mandamus with this Court, and we ordered answers and briefs.

Standard of Review

> "A petition for a writ of mandamus is the proper method for challenging a ruling denying a motion to transfer for forum non conveniens reasons. Ex parte Integon Corp., 672 So. 2d 497, 499 (Ala. 1995). 'A writ of mandamus ... is appropriate when the petitioner can show (1) a clear legal right to the order sought; (2) an imperative duty upon the respondent to perform, accompanied by a refusal to do so; (3) the lack of another adequate remedy; and (4) the properly invoked jurisdiction of the court.' Ex parte BOC Group, Inc., 823 So. 2d 1270, 1272 (Ala. 2001). This Court reviews mandamus petitions seeking review of a ruling on a motion to transfer based on forum non conveniens by asking whether the trial court exceeded its discretion in granting or denying the motion. Malsch v. Bell Helicopter Textron, Inc., 916 So. 2d 600, 603 (Ala. 2005); see

> also Ex parte Kia Motors America, Inc., 881 So. 2d 396 (Ala. 2003)."

Ex parte DaimlerChrysler Corp., 952 So. 2d 1082, 1086-87 (Ala. 2006).

Analysis

In their petition, Craig and Tyson contend that the doctrine of forum non conveniens requires that the underlying action be transferred from Marshall County to Cullman County. Initially, we note that neither Craig and Tyson, on the one hand, nor Huffstutler, on the other, disputes that both Marshall County and Cullman County are appropriate venues for the underlying action. Alabama's forum non conveniens statute provides that,

> "[w]ith respect to civil actions filed in an appropriate venue, any court of general jurisdiction shall, for the convenience of parties and witnesses, or in the interest of justice, transfer any civil action or any claim in any civil action to any court of general jurisdiction in which the action might have been properly filed and the case shall proceed as though originally filed therein."

§ 6-3-21.1(a), Ala. Code 1975. "The purpose of the doctrine of forum non conveniens is to 'prevent the waste of time, energy, and money and also to protect witnesses, litigants, and the public against unnecessary expense and inconvenience.'" Ex

parte Perfection Siding, Inc., 882 So. 2d 307, 312 (Ala. 2003) (quoting Ex parte New England Mut. Life Ins. Co., 663 So. 2d 952, 956 (Ala. 1995)). "'A defendant moving for a transfer under § 6-3-21.1 has the initial burden of showing that the transfer is justified, based on the convenience of the parties and witnesses or based on the interest of justice.'" Ex parte Southeast Alabama Timber Harvesting, LLC, 94 So. 3d 371, 373 (Ala. 2012)(quoting Ex parte National Sec. Ins. Co., 727 So. 2d 788, 789 (Ala. 1998)).

In the present case, Craig and Tyson argued both that Marshall County was an inconvenient forum and that the transfer was required "based on the interest of justice." As the parties moving for the transfer, Craig and Tyson had the burden of demonstrating "either that [Cullman] County is a more convenient forum than [Marshall] County or that having the case heard in [Cullman] County would more serve the interest of justice ...." Ex parte Fuller, 955 So. 2d 414, 416 (Ala. 2006).

With regard to the "convenience-of-the-parties" prong of § 6-3-21.1, this Court has recognized that

> "'[a] defendant seeking a transfer based on § 6-3-21.1 has the burden of proving to the

> satisfaction of the trial court that the defendant's inconvenience and expense in defending the action in the venue selected by the plaintiff are so great that the plaintiff's right to choose the forum is overcome. Ex parte New England Mut. Life, 663 So. 2d [952,] 956 [(Ala. 1995)]; Ex parte Townsend, 589 So. 2d [711,] 715 [(Ala. 1991)]. For a transfer to be justified, the transferee forum must be "significantly more convenient" than the forum chosen by the plaintiff. Ex parte Townsend, 589 So. 2d at 715. See also[] Ex parte Johnson, 638 So. 2d 772, 774 (Ala. 1994).'"

Ex parte Blair Logistics, LLC, 157 So. 3d 951, 955 (Ala. Civ. App. 2014) (quoting Ex parte Integon Corp., 672 So. 2d 497, 500 (Ala. 1995) (emphasis added)). Thus, a trial court should not grant a motion for a change of venue under the convenience-of-the-parties prong unless the new forum is shown to be "significantly more convenient" than the forum in which the action was filed. See Ex parte First Tennessee Bank Nat'l Ass'n, 994 So. 2d 906, 909 (Ala. 2008).

In cases in which this Court has found that the "convenience of the parties and witnesses" warrants a transfer of the action, evidence was provided demonstrating that the proposed transferee forum was "significantly more convenient" than the transferor forum. Such evidence included affidavits from parties and witnesses stating that the incident underlying the action occurred in the transferee forum,

affidavits from the parties stating that they lived in the transferee forum, and evidence indicating that requiring the parties and/or the witnesses to travel to the transferor forum would be a significant burden. See, e.g., Ex parte Kane, 989 So. 2d 509, 511, 512-13 (Ala. 2008) (noting affidavits submitted by the movant in support of the motion for a change of venue in holding that the transferee forum would be a "substantially more convenient" forum than the transferor forum). In contrast, in cases in which the party moving for the transfer has failed to present evidence demonstrating that the transferee forum is "significantly more convenient" than the transferor forum, this Court has declined to order a transfer. See, e.g., Ex parte Gentile Co., 221 So. 3d 1066, 1069 (Ala. 2016) (noting that the petitioner failed to present any evidence in support of its motion for a change of venue under the doctrine of forum non conveniens in declining to order a transfer of the case).

In the present case, Craig and Tyson have not presented evidence or affidavits demonstrating that Cullman County is a "significantly more convenient" forum than Marshall County. Although they argue that the "overwhelming majority" of

documentary evidence related to the accident is located in Cullman County, this Court has stated that a party who makes this argument "'"must make a showing on the factors such as volume, necessity, and inconvenience that would support such a claim."'" Ex parte Yocum, 963 So. 2d 600, 602 (Ala. 2007) (quoting Ex parte Nichols, 757 So. 2d 374, 378 (Ala. 1999), quoting in turn Ex parte Wiginton, 743 So. 2d 1071, 1076 (Ala. 1999)); see also Ex parte General Nutrition Corp., 855 So. 2d 475, 480 (Ala. 2003), and Ex parte Nichols, 757 So. 2d at 379. This means that the moving party must identify those documents and provide information demonstrating how burdensome it would be for it to move those documents to the transferor forum. Nichols, 757 So. 2d at 379. Here, Craig and Tyson have not presented information regarding the nature of the documentary evidence, and, thus, we cannot consider the location of the documents in determining whether the trial court exceeded its discretion in denying the transfer.

Additionally, Craig and Tyson mention that the paramedics who responded to the accident are located in Cullman County. The evidence before us, however, shows only that the paramedics' employer is located there, not that the paramedics

who responded to the accident live there or that it would otherwise be inconvenient for them to appear at trial in Marshall County. Craig and Tyson also note that Huffstutler's employer, which they say could testify as to the impact her injuries had on her ability to earn a living, is located in Cullman County. Although this may be true, there is no evidence before us, such as affidavits from potential witnesses, indicating that witnesses who might testify on behalf of Huffstutler's employer would be "seriously inconvenienced" by having to travel to Marshall County for trial. See, e.g., Ex parte General Nutrition, 855 So. 2d at 480 ("'[A] defendant cannot assert the inconvenience of its witnesses without making a detailed statement specifying the key witnesses and providing generally statements of the subject matter of their testimony.'" (quoting Ex parte Preston Hood Chevrolet, 638 So. 2d 842, 845 (Ala. 1994))). Finally, Craig and Tyson have not provided any evidence demonstrating how the "inconvenience and expense in defending the action" in Marshall County is "so great" that Huffstutler's ability, as the plaintiff, to choose the forum is overcome. See, e.g., Ex parte Perfection Siding, 882 So. 2d at 312 (holding that the

moving party failed to show how its inconvenience and expense in defending the action in a county that was 20 minutes away from the forum county justified a transfer under the doctrine of forum non conveniens). Thus, Craig and Tyson have not satisfied their burden of establishing that Cullman County is a "significantly more convenient" forum than Marshall County, and the trial court did not exceed its discretion in denying their motion under the convenience-of-the-parties prong.

Next, Craig and Tyson argue that the "interest of justice" requires that the underlying case be transferred to Cullman County. In addressing this prong, this Court has stated:

> "The 'interest of justice' prong of § 6-3-21.1 requires 'the transfer of the action from a county with little, if any, connection to the action, to the county with a strong connection to the action.' Ex parte National Sec. Ins. Co., 727 So. 2d [788,] 790 [(Ala. 1998)]. Therefore, 'in analyzing the interest-of-justice prong of § 6-3-21.1, this Court focuses on whether the "nexus" or "connection" between the plaintiff's action and the original forum is strong enough to warrant burdening the plaintiff's forum with the action.' Ex parte First Tennessee Bank Nat'l Ass'n, 994 So. 2d 906, 911 (Ala. 2008). ... Further, in examining whether it is in the interest of justice to transfer a case, we consider 'the burden of piling court services and resources upon the people of a county that is not affected by the case and ... the interest of the people of a county to have a case that arises in

> their county tried close to public view in their county.' Ex parte Smiths Water & Sewer Auth., 982 So. 2d 484, 490 (Ala. 2007)."

Ex parte Indiana Mills & Mfg., Inc., 10 So. 3d 536, 540 (Ala. 2008). Additionally, this Court has consistently upheld the principle that litigation should be handled in the forum where the injury occurred. See, e.g., Ex parte Indiana Mills & Mfg., Inc., 10 So. 3d at 540; Ex parte Fuller, 955 So. 2d at 416.

Here, the evidence before us shows that Huffstutler was injured in Cullman County. The evidence also shows that the company that provided emergency medical care and the hospital at which Huffstutler was treated for her injuries are located in Cullman County. Finally, there is also evidence before us indicating that Tyson operates a facility in Cullman County. Thus, the connection between the underlying action and Cullman County appears to be "strong."

Our forum non conveniens analysis under the interest-of-justice prong, however, "has never involved a simple balancing test weighing each county's connection to an action." Ex parte J & W Enters., LLC, 150 So. 3d 190, 196 (Ala. 2014). Rather, to compel a change of venue under this prong, the underlying action must have both a "strong" connection to the county to

which the transfer is sought and a "weak" or "little" connection to the county in which the case is pending, which necessarily depends on the specific facts of each case. Id.; see also Ex parte Elliott, 254 So. 3d 882, 886 (Ala. 2017)("Even accepting Allstate's contention that Montgomery County has a 'strong' connection to this action, we note that Allstate must also demonstrate that Lowndes County has a 'weak' or 'little' connection to the action."). Thus, despite the above evidence demonstrating that Cullman County--where the accident occurred--has a strong connection to the present case, that evidence alone does not require a transfer. Craig and Tyson must still show that Marshall County's connection to the underlying action is "weak" or "little."[1]

Ex parte J & W Enterprises, supra, illustrates this point. In Ex parte J & W Enterprises, the plaintiff was injured in an accident involving a tractor-trailer rig that

[1]This does not mean that the forum where the injury occurred should not be considered as part of this analysis. What it does mean is that the "'location where the accident occurred ... is not, and should not be, the sole consideration for determining venue under the "interest-of-justice prong" of 6-3-21.1,'" Ex parte Elliott, 254 So. 3d at 887 (quoting Ex parte J & W Enters., 150 So. 3d at 196-97), and that "there will be circumstances ... where the interest of justice will not compel the case to be heard in the venue where the accident occurred." Ex parte Elliott, 254 So. 3d at 887.

occurred in Mobile County. The plaintiff sued the driver of the rig and the driver's employer in Clarke County. Both the driver and his employer moved to transfer the case from Clarke County to Mobile County. In support of their motion, they argued that the interest-of-justice prong in Alabama's forum non conveniens statute required that the case be transferred to the location where the accident occurred.

This Court held, however, that the interest-of-justice prong did not warrant a transfer despite the fact that the injury occurred in Mobile County. In doing so, this Court noted, among other things, both that the driver lived and that his employer was located in Clarke County where the action was filed. In denying the mandamus petition, this Court concluded that the connections to the plaintiff's chosen forum--Clarke County--were not "weak." Id.

In the present case, Marshall County's connection to the underlying action is not weak. All the parties in this case either live in or operate in Marshall County. Specifically, Huffstutler and Craig both reside there.[2] Additionally, it is

[2]We note briefly that Tyson and Craig contend that Huffstutler does not live in Marshall County. In the trial court, they produced the accident report and court records

undisputed that Tyson maintains a facility in Marshall County and, according to the accident report, Craig works at that facility. Although Tyson and Craig dispute this by alleging that all the documentary evidence relating to Craig's employment and training is located at its facility in Cullman County, that assertion, as noted above, is not supported by evidence. Thus, under these circumstances, although there is a strong connection between the present case and Cullman County, the connection to Marshall County is also strong. Because Craig and Tyson have not satisfied their burden of showing that Marshall County's connection to the underlying action is "weak" or "little," the trial court did not exceed its discretion in denying Craig and Tyson's motion for a change of venue under this prong. Thus, Craig and Tyson have failed to establish that the trial court exceeded its

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indicating that Huffstutler resided in Cullman County. In her response to their motion for a change of venue, however, Huffstutler attached a detailed affidavit in which she indicated that the evidence upon which Craig and Tyson had relied was outdated. Specifically, she explained that she and her husband owned a house in Cullman County and had lived there before moving to Tennessee. After her husband retired from the Army in 2016 and they moved back to Alabama, however, they moved in with her mother in Marshall County because her daughter was residing in the Cullman County house. They were still living in Marshall County when the accident occurred.

discretion or that they have a clear legal right to the relief sought.

Conclusion

For the foregoing reasons, the trial court did not exceed its discretion in denying Tyson and Craig's motion for a change of venue. Thus, Craig and Tyson have not shown a clear legal right to the writ of mandamus.

APPLICATION GRANTED; OPINION OF NOVEMBER 30, 2018, WITHDRAWN; OPINION SUBSTITUTED; PETITION DENIED.

Shaw, Wise, Bryan, Mendheim, and Stewart, JJ., concur.

Parker, C.J., and Bolin and Sellers, JJ., dissent.

Mitchell, J., recuses himself.

SELLERS, Justice (dissenting).

The main opinion concludes: "[A]lthough there is a strong connection between the present case and Cullman County, the connection to Marshall County is also strong. Because [Charles Gregory] Craig and Tyson [Chicken, Inc.,] have not satisfied their burden of showing that Marshall County's connection to the underlying action is 'weak' or 'little,' the trial court did not exceed its discretion in denying Craig and Tyson's motion for a change of venue under [the interest-of-justice] prong" of the forum non conveniens statute. __ So. 3d at __. Because I am unable to see the strength of the connection to Marshall County, I dissent.

My review of the materials reveals these undisputed facts: (1) the accident occurred in Cullman County; (2) the accident was investigated in Cullman County; (3) the plaintiff was treated at the accident scene by employees of Cullman Emergency Medical Services; (4) the plaintiff was transported from the accident scene to Cullman Regional Medical Center to receive additional medical care and treatment; (5) much of the documentary, testimonial, and physical evidence, including a cautionary road sign near the accident site, is located in

Cullman County;[3] (6) Tyson maintains the facility in Cullman County to which the tractor-trailer rig involved in the accident is registered; and (7) the plaintiff is employed in Cullman County and owns a house there. As far as Marshall County is concerned: (1) the lawsuit was filed in Marshall County; (2)the individual parties in this case each reside in Marshall County; and (3) Tyson maintains a facility in Marshall County out of which Craig works. As I examine these facts, I disagree with the main opinion's conclusion that the connection to Marshall County is strong.

In determining when a transfer is warranted under the interest-of-justice prong of the forum non conveniens statute, we have held that the "interest of justice" requires "the transfer of an action from a county with little, if any, connection to the action, to a county with a strong connection to the action." Ex parte National Sec. Ins. Co., 727 So. 2d 788, 790 (Ala. 1998) (emphasis added). I view the emphasized term "action" in this context to be the accident at the center of this case. Viewed in this light, I believe Cullman County

[3]Tyson and Craig allege that the collision occurred near the crest of a hill where a cautionary road sign is located to warn of the upcoming intersection.

has a strong connection to the accident and Marshall County a weak connection. Cf. Ex parte Midsouth Paving, Inc., 250 So. 3d 527, 534 (Ala. 2017)(holding that Hale County had a weak connection to four consolidated cases arising from an accident in Tuscaloosa County despite the fact that all four plaintiffs resided there and three of the corporate defendants conducted business there). In further analyzing the interest-of-justice prong, "this Court focuses on whether the 'nexus' or 'connection' between the plaintiff's action and the original forum is strong enough to warrant burdening the plaintiff's forum with the action." Ex parte First Tennessee Bank Nat'l Ass'n, 994 So. 2d 906, 911 (Ala. 2008). Given the limited connection of this case to Marshall County, hosting a trial there is much more of a burden than trying the case in Cullman County, where the accident actually occurred.

As our jurisprudence further develops in this area, I would suggest that the following factors be considered as part of an analysis of the application of the interest-of-justice prong. First and foremost, courts should look at the location where the injury occurred--or where the actions that may have led to the injury occurred. This Court has stated that

"litigation should be handled in the forum where the injury occurred." Ex parte Fuller, 955 So. 2d 414, 416 (Ala. 2006). And, "[a]lthough it is not a talisman, the fact that the injury occurred in the proposed transferee county is often assigned considerable weight in an interest-of-justice analysis." Ex parte Wachovia Bank, N.A., 77 So. 3d 570, 573–74 (Ala. 2011). This is because two key concerns in evaluating the interest-of-justice prong are "the burden of piling court services and resources upon the people of a county that is not affected by the case" and "the interest of the people of a county to have a case that arises in their county tried close to public view in their county." Ex parte Smiths Water & Sewer Auth., 982 So. 2d 484, 490 (Ala. 2007). Additionally, courts should also consider the residence of the parties and any interested nonparties, the location of relevant evidence, the time and resources the transferor trial court has already spent on the case, whether there are any other related actions pending in the original forum or in the forum to which transfer is sought, the availability of compulsory process to secure the attendance of potentially unwilling witnesses, the possibility that the jury may be required to view the scene

where the events giving rise to the action occurred, and any other administrative or legal considerations that could affect a fair and expeditious resolution of the action.

The question whether a case should be transferred in the "interest of justice" based upon each county's connections to the action is clearly a subjective determination that is within the sound discretion of the trial court. Inasmuch as we have indicated that a strict weighing of these factors is not appropriate, in reality that is the only method we have to determine the strength or weakness of a connection to an accident. I hope that the factors enumerated above might provide some guidance to courts and litigants as they seek to determine the appropriate forum to establish liability in tort and appropriate damages. The following cases are also helpful to illustrate the factors to be considered in deciding whether the "interest of justice" requires transfer of a case that arose from a motor-vehicle accident:

- Ex parte Midsouth Paving, Inc., 250 So. 3d 527 (Ala. 2017)(ordering change of venue from county in which plaintiffs resided to county in which accident occurred)

    1. Connections to the transferee forum:
        a. the accident occurred there;

b. the state troopers who investigated the accident were stationed there;
c. the medical workers who responded to the accident lived and worked there;
d. the body of an accident victim was transported to a morgue located there;
e. the injured plaintiffs were transported to a hospital located there; and
f. the manager overseeing the road-construction project where the accident occurred resided there.

2. Connections to the original forum:
a. all the plaintiffs resided there; and
b. some of the defendant corporations did business there, unrelated to the case.

- Ex parte Tier 1 Trucking, LLC, 222 So. 3d 1107 (Ala. 2016)(ordering transfer of case from Wilcox County to Conecuh County)

1. Connections to the transferee forum:
a. the accident occurred there;
b. the individual defendant resided there;
c. local law enforcement there investigated the accident; and
d. one of the injured plaintiffs received medical treatment there.

2. Connections to the original forum:
a. both plaintiffs resided there; and
b. the defendant corporation conducted some business there, unrelated to the action.

- Ex parte Wayne Farms, LLC, 210 So. 3d 586 (Ala. 2016)(ordering transfer of case from Bullock County to Pike County)

1. Connections to the transferee forum:
a. the accident occurred there;
b. both plaintiffs resided there;

c. the corporate defendant had extensive operations there;
d. most of the emergency personnel who responded to the accident were located there; and
e. the injured plaintiff received medical treatment there.

2. Connections to the original forum:
a. the individual defendant resided there; and
b. the defendant corporation operated a facility there.

- Ex parte Morton, 167 So. 3d 295 (Ala. 2014)(ordering transfer of case from Greene County to Jefferson County)

1. Connections to the transferee forum:
a. the accident occurred there;
b. the accident was investigated by local law enforcement;
c. the plaintiff received medical treatment there; and
d. the plaintiff resided there.

2. Connections to the original forum:
a. the sole defendant resided there.

- Ex parte State Farm Mut. Auto. Ins. Co., 149 So. 3d 1082 (Ala. 2014)(ordering transfer of case to county where accident occurred)

1. Connections to the transferee forum:
a. the accident occurred there;
b. local law enforcement responded to the accident;
c. the injured plaintiff received medical treatment there;
d. the plaintiff resided there part-time; and
e. a passenger eyewitness resided there.

2. Connections to the original forum:

a. the plaintiff resided there part-time; and
b. the defendant insurance company did business there.

- Ex parte Waltman, 116 So. 3d 1111 (Ala. 2013)(ordering transfer of case from Perry County to Tuscaloosa County)

1. Connections to the transferee forum:
   a. the accident occurred there;
   b. certain acts that may have led to the accident occurred there; and
   c. the individual defendant resided there.

2. Connections to the original forum:
   a. the defendant corporation--the plaintiff's employer--had its principal place of business there; and
   b. a related worker's compensation case that had been bifurcated was set to be tried there in a bench trial.

- Ex parte Southeast Alabama Timber Harvesting, LLC, 94 So. 3d 371 (Ala. 2012)(ordering transfer of case from Chambers County to Lee County)

1. Connections to the transferee forum:
   a. the accident occurred there;
   b. police officers who work there responded to the scene;
   c. the injured plaintiff was treated at a hospital there;
   d. the plaintiff resided there at the time of the accident; and
   e. the only nonparty eyewitness resided there.

2. Connections to the original forum:
   a. the defendant corporation's principal place of business was located there.

- Ex parte Autauga Heating & Cooling, LLC, 58 So. 3d 745 (Ala. 2010)(ordering transfer of case from Montgomery County to Elmore County)

  1. Connections to the transferee forum:
     a. the accident occurred there;
     b. the plaintiff resided there;
     c. the defendant corporation had some business connections there; and
     d. the emergency-medical technicians who responded to the accident worked and resided there.

  2. Connections to the original forum:
     a. the individual defendant resided there; and
     b. the defendant corporation had some business connections there.

- Ex parte Indiana Mills & Mfg., Inc., 10 So. 3d 536 (Ala. 2008)(ordering transfer of case from Macon County to Lee County)

  1. Connections to the transferee forum:
     a. the accident occurred there;
     b. the accident was investigated by local law enforcement there;
     c. the accident victim was transported to a hospital there, and his death was investigated by the county coroner there; and
     d. the allegedly defective garbage truck was towed to a facility there.

  2. Connections to the original forum:
     a. the individual defendant resided there; and
     b. one of the defendant corporations conducted business there.

- Ex parte Kane, 989 So. 2d 509 (Ala. 2008)(ordering transfer of case from Clay County to Lee County)

  1. Connections to the transferee forum:

a. the accident occurred there;
b. the accident was investigated by local law enforcement there;
c. the individual defendant resided there;
d. other persons involved in the accident and eyewitnesses to the accident resided there; and
e. other cases stemming from the accident were pending there.

2. Connections to the original forum:
a. the sole plaintiff resided there; and
b. the defendant insurance company conducted business there.

When I review these cases and consider the factors requiring the transfer to another venue under the interest-of-justice prong of the forum non conveniens statute, I believe the trial court here exceeded its discretion: Cullman County is the only county with strong connections to the accident, the parties, the evidence, and interested nonparties.