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SUPREME COURT OF ALABAMA

SPECIAL TERM, 2022

1200859

Mike Williamson

v.

Patrick Watson and Muhammad Wasim Sadiq Ali

**Appeal from Jefferson Circuit Court
(CV-14-900197)**

MITCHELL, Justice.

During an earlier appeal in this case, we held that the trial court lacked personal jurisdiction over defendants Patrick Watson and

Muhammad Wasim Sadiq Ali because the plaintiff, Mike Williamson, had not served them with process as required by Rule 4, Ala. R. Civ. P. On remand, Williamson filed an amended complaint against Ali and Watson. By the time Williamson filed the amended complaint, however, the applicable limitations periods had expired on most of his claims. Ali and Watson filed motions to dismiss, which the trial court granted. Williamson now appeals. His core argument on appeal is that this Court should reconsider its earlier determination that the trial court lacked personal jurisdiction over Ali and Watson. In support, he presents a novel theory: he argues that because he previously served Ali and Watson as defendants in a different case within the same forum, service of process in that case automatically conferred personal jurisdiction with respect to this case. We reject Williamson's theory of personal-jurisdiction-by-proxy and affirm the trial court's judgment of dismissal.

Facts and Procedural History¹

Williamson was fired from his position with RPM Cranes, LLC ("RPM"), in 2013. During the period relevant to this suit, Ali owned RPM and Watson managed it.

In January 2014, shortly after RPM fired him, Williamson sued RPM in the Jefferson Circuit Court. The complaint in that action did not name Ali, Watson, or any defendants other than RPM. The case was assigned to Judge Donald Blankenship ("the trial court"). Immediately after RPM was served, it moved to compel arbitration and stay proceedings in the trial court. The trial court granted that motion, and the parties soon began arbitrating their dispute.

In November 2014, Williamson filed a document in the arbitration proceedings titled "Amended Claim," in which he purported to add Ali and Watson as opposing parties in the arbitration proceedings and to assert the same claims against them that he had asserted against RPM in the original complaint. RPM's attorney agreed to accept service of the amended claim on behalf of Ali and Watson. RPM, Ali, and Watson then

¹Additional background can be found in our previous decision, Ali v. Williamson, 308 So. 3d 898 (Ala. 2019). We restate only those facts that are relevant to the present appeal.

1200859

answered the amended claim and filed counterclaims in the arbitration proceedings.

While the arbitration proceedings were pending, Williamson initiated another civil action, case number CV-14-902929 ("the 902929 case"), in July 2014. Like the first action, the 902929 case was also brought in the Jefferson Circuit Court, but it was assigned to a different judge, Judge Joseph Boohaker. Unlike the first action, the 902929 case named Ali and Watson as defendants in addition to RPM. All three defendants appeared in the 902929 case and consented to personal jurisdiction in that forum. That case, too, was sent to arbitration, though the parties eventually reported to Judge Boohaker that they had "fully and finally settled" the 902929 case and, accordingly, asked him to dismiss that action. In April 2016, Judge Boohaker granted that request and entered a final judgment dismissing the 902929 case with prejudice.

Meanwhile, over a year went by without much progress in the arbitration proceedings that had been compelled by the trial court. Then, in July 2016, Williamson asked the arbitrator to dismiss the arbitration proceedings and remand the case back to the trial court, on the grounds that RPM, Ali, and Watson had abandoned arbitration by failing to

defend the claims against them. The next month, the arbitrator granted Williamson's request, stating that "this arbitration proceeding is hereby dismissed for failure of [RPM, Ali, and Watson] to engage in the arbitration proceedings. ... This case is therefore remanded to the [Jefferson] Circuit Court."

A few months later, Williamson filed in the trial court a motion for default judgment against RPM, Ali, and Watson. Ali and Watson still had not been named as defendants in the trial court when Williamson filed the motion. Nevertheless, on March 21, 2017, the trial court entered a default judgment against RPM, Ali, and Watson and in favor of Williamson in the amount of \$1,000,000. That same day, however, the trial court entered an order vacating its default judgment without explanation.

The next day, Williamson moved to add Ali and Watson as defendants in the trial court. The trial court granted that motion, even though neither Ali nor Watson had been served. Williamson then filed, on March 28, an amended complaint with the trial court, adding Ali and Watson as defendants. He also filed a motion seeking permission to serve Ali and Watson by publication, which the trial court granted.

In May, Watson -- who still had not been served -- appeared before the trial court and moved to dismiss the claims against him. The trial court denied that motion, explaining that the March 28 amended complaint did not need to be served and that the default-judgment order that it had entered on March 21 "should be restored immediately." Accordingly, it entered a default judgment against RPM, Watson, and Ali, awarding Williamson \$1,000,000 against the three jointly and severally.

Not long after, Ali -- who, like Watson, still had not been served -- appeared and filed a motion to set aside the default judgment. He explained that he had never been served with Williamson's complaint and argued that, as a result, he could not be a party to the trial-court action. The trial court denied Ali's motion, and Ali appealed to this Court.

In Ali v. Williamson, 308 So. 3d 898 (Ala. 2019), we reversed the trial court's order denying Ali's motion to aside the default judgment. We explained:

"On remand from arbitration, ... the trial court did not automatically become vested with personal jurisdiction over Ali and Watson by virtue of their voluntary agreement to arbitrate privately their dispute with Williamson within the arbitration proceedings that had already commenced between Williamson and RPM. Ali and Watson were not parties to the

trial-court case, and, in order for the trial court to obtain jurisdiction over them, they had to be made parties to that case pursuant to the Alabama Rules of Civil Procedure. Nothing prohibited Williamson from requesting the trial court to lift the stay so that he could file an amended complaint adding Ali and Watson as defendants while the arbitration proceedings were pending, and Williamson could have filed an amended complaint adding Ali and Watson as defendants immediately after the arbitrator remanded the matter to the trial court. Williamson also could have filed an independent action against Ali and Watson.

"....

"... Williamson did not file an amended complaint with the trial court naming Ali as a defendant until March 28, 2017, and he failed to satisfy his burden of proving that service of process on Ali was effectuated. ... Therefore, the trial court never acquired personal jurisdiction over Ali, and its default judgment against him is void."

308 So. 3d at 904-05 (emphasis added). Accordingly, we reversed the trial court's order denying of Ali's motion for relief from the judgment and remanded the case for further proceedings consistent with our opinion. Ali, 308 So. 3d at 905-06. On remand, Watson also filed a motion for relief from the judgment against him, which the trial court granted.

On June 22, 2020, Williamson filed a second amended complaint in the trial court, this time naming and serving Ali and Watson.² By the

²Watson argued before the trial court in July 2020 that Williamson still had not perfected service on him, but he does not restate this

time Williamson filed the new complaint, however, the applicable limitations periods had run out on most of his claims. Ali and Watson promptly moved to dismiss the second amended complaint, and the trial court granted those motions. In a memorandum accompanying its judgment of dismissal, the trial court explained that Williamson's breach-of-contract claim against Ali and Watson failed to state a claim because the two men were not parties to Williamson's employment contract with RPM. The trial court further explained that Williamson's remaining claims -- a variety of tort and similar causes of action (which we collectively refer to as the "tort claims") -- were barred by the applicable one- or two-year statutes of limitations. Williamson appealed.

Analysis

On appeal, Williamson asserts only one basis for reversal: he asks us to reconsider and overrule our previous decision holding that the trial

argument on appeal. Instead, Ali and Watson exclusively argue that we should affirm the trial court's decision on the merits (and thus concede, at least for purposes of this appeal, that the trial court was correct to reach the merits and should not have dismissed the case for want of jurisdiction). Because defects in personal jurisdiction, unlike defects in subject-matter jurisdiction, can be waived, Campbell v. Taylor, 159 So. 3d 4, 11 (Ala. 2014), we assume for purposes of this appeal that the second amended complaint was properly served on Watson and Ali.

court lacked personal jurisdiction over Ali and Watson during the 2014-2019 period.

Williamson's basic theory is that the trial court acquired personal jurisdiction over Ali and Watson in 2014 when they were served with process in the independent 902929 case before Judge Boohaker. Williamson argues that our prior opinion "correctly pointed out" the possibility that "personal jurisdiction [in this action] could have been established by personal service in an independent action." But, he says, our prior opinion failed to acknowledge the existence of precisely such an "independent action" -- namely, the 902929 case before Judge Boohaker. Consequently, Williamson argues, our 2019 decision overlooked an alternate basis for the trial court's exercise of personal jurisdiction over Ali and Watson.³ He concludes that, "[o]n remand, the [trial court]

³The reason this Court did not discuss the 902929 case in our 2019 decision is because neither Williamson nor the trial court mentioned it. Ordinarily, we expect litigants to explain their "contentions ... with respect to the issues presented, and the reasons therefor," Rule 28(a)(10), Ala. R. App. P., and to apprise the Court of "the facts relevant to the issues presented for review," Rule 28(a)(7). But Williamson's brief in Ali did not even reference the existence of the 902929 case before Judge Boohaker, let alone argue that service of process in that case vested the trial court with personal jurisdiction over Ali and Watson. Williamson also had the opportunity to raise any "points of law or the facts [he] believe[d] the court overlooked or misapprehended" in his application for

should have taken judicial notice of its record in [the] 902929 [case] on its own motion in order to establish that it had personal jurisdiction" over Ali and Watson all along.

Williamson misreads our prior decision. Our 2019 opinion did not say that a plaintiff can perfect service in one case by serving the intended defendant with a complaint in a different case. On the contrary, we explained that, "in order for the trial court to obtain jurisdiction over [Ali and Watson], they had to be made parties to that case pursuant to the Alabama Rules of Civil Procedure." 308 So. 3d at 904 (emphasis added). After announcing this holding, we went on to observe that "[n]othing prohibited Williamson from requesting the trial court to lift the stay so that he could file an amended complaint adding Ali and Watson as defendants" or from "fil[ing] an independent action against Ali and Watson." 308 So. 3d at 904. But we did not say -- or even suggest -- that the filing of an "independent action" could have conferred personal jurisdiction in this action.

rehearing, Rule 40(b), Ala. R. App. P., but Williamson's rehearing application in Ali likewise made no mention of the 902929 case.

In any event, Williamson's theory of personal-jurisdiction-by-proxy is meritless. A court does not acquire personal jurisdiction over a defendant in one case simply because that court has exercised jurisdiction over that defendant in a different case. As we explained in our 2019 decision, "[o]ne of the requisites of personal jurisdiction over a defendant is 'perfected service of process giving notice to the defendant of the suit being brought,' " in accordance with Rule 4, Ala. R. Civ. P. Ali, 308 So. 3d at 905 (citations and quotation marks omitted).⁴ Rule 4, in turn, provides that service of a complaint in a civil action can be perfected only by serving "the complaint ... upon each defendant." Rule 4(a)(1), Ala. R. Civ. P. (emphasis added). "The complaint" means the complaint specific to "the action" that the complaint seeks to initiate. See Rule 4(a)(3) (requiring that the complaint served on a defendant must "show[] the case number assigned to the action" (emphasis added)). The text of Rule 4 thus leaves no room for the possibility, theorized by Williamson,

⁴Rule 4 also permits a defendant to waive service, but Williamson does not argue that either Ali or Watson waived service in this case.

that service of a complaint in one action can somehow substitute for or subsume service of another complaint in a different action.⁵

Because a plaintiff in an action can perfect service only by serving the defendant with the complaint specific to that same action, it follows that the trial court in this case did not automatically obtain personal jurisdiction over Ali and Watson when they were served in the 902929 case. Rather, service in the 902929 case conferred the Jefferson Circuit Court with personal jurisdiction as to that case alone (and, as noted above, that case was dismissed with prejudice in 2016).

We therefore adhere to our holding in Ali: the trial court lacked jurisdiction over Ali and Watson during the entire time frame leading up to that appeal. The trial court did not acquire personal jurisdiction until

⁵While their decisions are not binding on this Court, federal courts confronting arguments like the one raised by Williamson have uniformly rejected them. As one of those courts explained, "it is well established that consent to personal jurisdiction in one case does not waive the right to assert lack of personal jurisdiction in another case in that same forum." Alkanani v. Aegis Def. Servs., LLC, 976 F. Supp. 2d 13, 37 n.10 (D.D.C. 2014); see also, e.g., Klinghoffer v. S.N.C. Achille Lauro Ed Altri-Gestione Motonave Achille Lauro in Amministrazione Straordinaria, 937 F.2d 44, 50 n.5 (2d Cir. 1991) ("A party's consent to jurisdiction in one case, however, extends to that case alone. It in no way opens that party up to other lawsuits in the same jurisdiction in which consent was given").

Williamson filed and served an amended complaint naming both men as defendants in this case -- but he did not do that until June 2020, which the trial court held was well after the limitations periods on his tort claims had expired. Williamson provides no reason to think that the trial court erred in its assessment of the relevant limitations periods for his tort claims -- or in its substantive analysis of his breach-of-contract claim⁶ -- so we affirm the trial court's judgment of dismissal.

AFFIRMED.

Parker, C.J., and Bolin, Shaw, Wise, Bryan, Sellers, Mendheim, and Stewart, JJ., concur.

⁶The closest Williamson comes is when he argues, in his reply brief, that Ali and Watson are equitably estopped from requesting dismissal of the claims against them. But Williamson's opening brief never argued that the trial court erred by failing to apply the doctrine of estoppel, so Ali and Watson had no opportunity to respond to that theory. Accordingly, Williamson has failed to preserve the issue. See Cobb v. Fisher, 20 So. 3d 1253, 1258 (Ala. 2009) (explaining that this Court generally " 'does not address issues raised for the first time in a reply brief' " (citation omitted)).