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# SUPREME COURT OF ALABAMA

SPECIAL TERM, 2026

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SC-2025-0784

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**Ex parte Escambia County Commission and Steven Dickey,  
Larry White, Brandon Smith, Karean L. Reynolds, and Raymond  
Wiggins, individually and in their official capacities as  
Commissioners of the Escambia County Commission**

**PETITION FOR WRIT OF MANDAMUS**

**(In re: Grady L. Floyd, Jr., Gabrielle Floyd, and Charlie Floyd,  
Jr.)**

**v.**

**Escambia County Community Hospital, Inc., et al.)**

**(Escambia Circuit Court: CV-24-900219)**

SHAW, Justice.

The Escambia County Commission and Escambia County Commissioners Steven Dickey, Larry White, Brandon Smith, Karean L. Reynolds, and Raymond Wiggins, in their official and individual capacities ("the County defendants"), petition for a writ of mandamus directing the Escambia Circuit Court to grant their motion seeking to dismiss on immunity grounds the claims asserted against them by Grady L. Floyd, Jr., Gabrielle Floyd, and Charlie Floyd, Jr. ("the plaintiffs"). We grant the petition and issue the writ.

#### Facts and Procedural History

Grady L. Floyd, Jr., and Gabrielle Floyd are the children of Grady L. Floyd, Sr. ("Grady"); Charlie Floyd, Jr., is Grady's brother. Grady died in Escambia County on May 31, 2023. At the time of Grady's death, Dr. J. Daniel Raulerson apparently served as the Escambia County Medical Examiner. The county morgue was located on the premises of the Escambia County Community Hospital, Inc., d/b/a D.W. McMillan Memorial Hospital ("the hospital").

Following Grady's death, Dr. Raulerson apparently took possession of Grady's remains to be transported to the Alabama Department of

Forensic Sciences ("ADFS") for an autopsy, and, at that time, he purportedly informed Grady's family members that Grady's body would be released to them in two days for burial. Thereafter, however, according to the plaintiffs, Dr. Raulerson "essentially dumped the body at the morgue" and left town. By the time that Dr. Raulerson returned, purportedly on June 6, 2023, Grady's body was allegedly in such an advanced state of decomposition that no autopsy was performed. It is unclear why this advanced decomposition occurred; however, the plaintiffs' complaints make brief reference to the morgue's purported lack of "requisite refrigeration" and also alleges that the body "was not properly stored." Regardless, that advanced decomposition, according to the plaintiffs, deprived them of knowing the cause of Grady's "sudden and untimely" death and of the ability to embalm Grady's remains for viewing in an open-casket funeral service. Also according to the plaintiffs, Dr. Raulerson allegedly "gave permission for [Grady's] remains ... to be cremated," limiting the family to mourning him exclusively at a memorial service. The plaintiffs later sued the County defendants and the hospital, alleging claims of negligence, wantonness, and the tort of outrage and seeking to recover both compensatory and punitive damages.

It appears undisputed from the materials before us that Dr. Raulerson had died before the plaintiffs filed their original complaint. Following the filing of their original complaint, the plaintiffs filed a first amended complaint, which did not alter their claims in any material respect.

The County defendants, in response, moved, pursuant to Rule 12(b)(1) and (b)(6), Ala. R. Civ. P., to dismiss the plaintiffs' complaint, as amended. Among other things, the County defendants sought dismissal on the basis of the statutory immunity afforded to Dr. Raulerson under § 45-27-60.11, Ala. Code 1975 (Local Laws, Escambia County) (which provides the Escambia County Medical Examiner immunity from suit), and on principles of legislative and State-agent immunity.

While the County defendants' motion remained pending, the plaintiffs obtained leave from the trial court to file a second amended complaint. That second amended complaint added ADFS as a defendant, supplemented the plaintiffs' factual allegations, and added a declaratory-judgment count based on allegations that all the "defendants, jointly, separately and severally owed [the plaintiffs] the affirmative duty to perform a ministerial function of the proper preservation of [Grady's remains]." A close reading of the second amended complaint, which is at

times unclear, indicates that, at best, the plaintiffs appear to allege that the County defendants were responsible for the misconduct or omissions attributed to Dr. Raulerson. More specifically, the plaintiffs' second amended complaint does not appear to allege that the County defendants independently breached any purported duty owed by them to the plaintiffs. To the extent that the second amended complaint does suggest that the County defendants were responsible for sufficiently funding Dr. Raulerson's office to ensure adequate support for death investigations within Escambia County, it fails to include a related allegation that inadequate funding was in any way connected to, or responsible for, the refrigeration and/or storage conditions at the morgue or the purported failure to preserve Grady's body.<sup>1</sup> Accordingly, the plaintiffs appear to be proceeding against the County defendants based exclusively on a theory of vicarious liability for the acts of Dr. Raulerson.

At around the same time the plaintiffs' second amended complaint was filed, the trial court denied the County defendants' initial motion to dismiss.

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<sup>1</sup>The second amended complaint does allege that the hospital breached a purported affirmative duty to ensure that the morgue was "properly maintained for ... storage and refrigeration."

The County defendants, thereafter, moved, pursuant to Rule 12(b)(1) and (b)(6), to dismiss the plaintiffs' second amended complaint. In that motion, the County defendants asserted, among other contentions, that they were immune from suit based on principles of legislative immunity, State immunity, State-agent immunity, and immunity under § 45-27-60.11. They further argued that the claims against them were legally unsupportable. ADFS filed a separate motion seeking dismissal of the claims against it on, among other grounds, State immunity.

Following a hearing, the trial court denied the motion of the County defendants but granted the motion filed by ADFS based on a finding that "ADFS is immune from suit." The County defendants subsequently petitioned this Court for mandamus review; we ordered answers and briefs.<sup>2</sup>

#### Standard of Review

"A writ of mandamus is an extraordinary remedy, and it will be issued only when there is 1) a clear legal right in the petitioner 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) properly invoked

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<sup>2</sup>The claims against the hospital remain pending in the trial court.

jurisdiction of the court.' Ex parte United Service Stations, Inc., 628 So. 2d 501, 503 (Ala. 1993)."

Ex parte Alabama Dep't of Forensic Scis., 709 So. 2d 455, 457 (Ala. 1997).

See also Ex parte Scott, 422 So. 3d 80, 84 (Ala. 2025) ("The denial of a motion to dismiss "'grounded on a claim of immunity'" is properly reviewable by a petition for a writ of mandamus.'" (citations omitted)).

### Discussion

The County defendants contend that they have a clear legal right to have the plaintiffs' claims against them dismissed. In support, among other arguments, they note that the plaintiffs' complaint, as amended, identifies no independent tortious conduct by the County defendants and, therefore, exclusively seeks to hold them vicariously liable for alleged tortious acts committed by Dr. Raulerson. The plaintiffs, in their answer to the mandamus petition, do not dispute this characterization of their claims. In fact, they state: "[T]he act giving rise to the [plaintiffs'] claims and causes of action is simply dumping [Grady's] body and left it [sic] in a body bag." Answer at 14-15. Elsewhere, they characterize the duties that were owed them and allegedly breached as the "fail[ure] to care for and preserve" Grady's body and the failure to handle his body with dignity. Answer at 2, 3, and 7.

Even taking as true the plaintiffs' allegations that Dr. Raulerson committed the allegedly tortious acts of which the plaintiffs complain, § 45-27-60.11 expressly provides:

"Neither the county medical examiner nor any member of the staff, nor the Director of the Alabama Department of Forensic Sciences, nor any member of the staff or agent of the department, shall incur any civil or criminal liability for duties performed pursuant to this article[, i.e., Title 45. Chapter 27, Article 6]."

Under § 45-27-60.11, Dr. Raulerson was indisputably immune from civil liability for all actions taken by him in the performance of his duties as medical examiner -- a circumstance that the plaintiffs' answer to the mandamus petition fails to dispute.

We now consider the potential vicarious liability of the County defendants for those same actions.

"[G]enerally, the vicarious liability of a putative master under the rule of respondeat superior depends upon the liability of the putative servant. See Larry Terry Contractors, Inc. v. Bogle, 404 So. 2d 613, 614 (Ala. 1981) ('[W]hen [a] principal and his agent are sued in [a] joint action in tort for misfeasance or malfeasance of the servant, and his liability for the conduct of said servant is under the rule of respondeat superior, a verdict in favor of the servant entitles the master to have the verdict against him set aside.' (quoting Louisville & Nashville R.R. v. Maddox, 236 Ala. 594, 600, 183 So. 849, 853 (1938))), and Gore v. City of Hoover, 559 So. 2d 163, 165 (Ala. 1990) (holding that a city could not be held vicariously liable for the act of a magistrate who was immune from



liability), overruled on other grounds, Franklin v. City of Huntsville, 670 So. 2d 848 (Ala. 1995). "'Thus, if a putative servant is not liable, either because he is innocent or because he is immune, no liability exists to be visited upon the putative master under the rule of respondeat superior.'" Wheeler v. George, 39 So. 3d 1061, 1090 (Ala. 2009) (quoting Hollis [v. City of Brighton], 885 So. 2d [135] at 141 [(Ala. 2004)])."

Rogers v. Cedar Bluff Volunteer Fire Dep't, [Ms. SC-2025-0055, Aug. 29, 2025] \_\_\_ So. 3d \_\_\_, \_\_\_ (Ala. 2025) (emphasis added). See also Wheeler v. George, 39 So. 3d 1061, 1090 (Ala. 2009) (providing that when "'a putative servant is not liable, either because he is innocent or because he is immune, no liability exists to be visited upon the putative master'" (citation omitted)). In sum, because, under § 45-27-60.11, Dr. Raulerson would be immune from civil liability for his actions as medical examiner, the County defendants, as his alleged principals, may not be held liable for those same actions.

It is unclear whether the remaining declaratory-judgment count seeks a declaration regarding the County defendants. To the extent that it does so, we reiterate that no other viable claim for relief against the County defendants remains in this case. Thus, the count presents no controversy under the Declaratory Judgment Act, § 6-6-220 et seq., Ala. Code 1975. See Creola Land Dev., Inc. v. Bentbrooke Hous., L.L.C., 828

So. 2d 285, 288 (Ala. 2002) ("A controversy is justiciable where present 'legal rights are thwarted or affected [so as] to warrant proceedings under the Declaratory Judgment statutes.'" (quoting Town of Warrior v. Blaylock, 275 Ala. 113, 114, 152 So. 2d 661, 662 (1963))); Hunt Transition and Inaugural Fund, Inc. v. Grenier, 782 So. 2d 270, 272 (Ala. 2000) ("For a court to grant declaratory relief, it must have before it a bona fide, presently existing justiciable controversy that affects the legal rights or obligations of the parties."); and § 6-6-221, Ala. Code 1975 (stating that the "purpose" of a declaratory judgment "is to settle and to afford relief from uncertainty and insecurity with respect[ ] to rights, status, and other legal relations" (emphasis added)). It is, therefore, likewise due to be dismissed.

### Conclusion

Based on the foregoing, the County defendants have demonstrated a clear legal right to have the plaintiffs' claims against them dismissed. Because this issue is determinative, we pretermitt discussion of any alternate theory of immunity advanced by the County defendants in their mandamus petition.

PETITION GRANTED; WRIT ISSUED.

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Stewart, C.J., and Wise, Bryan, Sellers, Mendheim, Cook, McCool,  
and Parker, JJ., concur.