Rel: January 30, 2026

SUPREME COURT OF ALABAMA

OCTOBER TERM, 2025-2026

SC-2025-0356

Ex parte University of Alabama Health Services Foundation and Stephanie Reilly, M.D.

PETITION FOR WRIT OF MANDAMUS

(In re: Darlene Singleton et al.

v.

John Q. Hamm et al.)

(Montgomery Circuit Court: CV-24-900549)

BRYAN, Justice.

The University of Alabama Health Services Foundation ("the Foundation") and Stephanie Reilly, M.D. ("the petitioners"), petition this Court for a writ of mandamus directing the Montgomery Circuit Court to dismiss the amended complaint filed against them by family members of Charles Edward Singleton, a deceased inmate of the Alabama Department of Corrections ("ADOC"), alleging that the petitioners removed and retained Singleton's organs without their authorization. Because the Singleton family's claims are barred by the applicable statutes of limitations, we grant the petition and issue the writ of mandamus.

I. Facts

The only facts before us are those alleged in the Singleton family's amended complaint, which contained the following allegations:

> "21. Charles Edward Singleton died on November 2, 2021, at Regional One Health in Memphis, Tennessee where he was receiving medical treatment for quite some time. Prior to being transferred to Regional One Health, Decedent Singleton (AIS: 291370) was incarcerated by the ADOC and was housed at the Hamilton Aged & Infirmed correctional facility ('Hamilton Facility') in Marion County, Alabama.
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> "22. The Chaplain of the Hamilton Facility, David Smith, called Decedent Singleton's daughter Charlene Drake ('Plaintiff Drake') on November 2, to tell her that her father had died.

"23. Chaplain Smith said that the ADOC could take care of the burial arrangements after the completion of the mandatory autopsy. Plaintiff Drake declined the offer of the burial arrangements and emphatically told him 'absolutely not.' She informed him that her family wanted to and would claim Decedent Singleton's body to lay him to rest.

"24. The Singleton family requested that, upon completion of the autopsy, Decedent Singleton's body be sent to Usrey Funeral Home, 21271 US Hwy 231 N., Pell City, AL 35125 (the 'Funeral Home').

"25. No one from the Singleton Family, including Darlene Singleton ('Plaintiff Singleton'), next of kin and wife to Decedent Singleton, was ever contacted by the Warden of the Hamilton Facility or any other agent of ADOC other than Chaplain Smith. No communication occurred at any time after Decedent Singleton's death between the Singleton Family and the Hamilton Facility Warden or any other agent of ADOC other than the one phone call with Chaplain Smith. The family was told by Chaplain Smith it was the law that people who die in prison must have an autopsy. They were never asked if they approved of the performance of the autopsy nor were they asked if organs/tissue could be retained.

"26. On information and belief, Decedent Singleton's body was transported on November 3, 2021, … at or around 12:44 PM to the UAB Defendants'[1] Department of Pathology to conduct an autopsy, which is believed to have been ordered by an ADOC warden or agent.

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[1]The term "UAB Defendants" in the Singleton family's amended complaint refers to the petitioners, as well as Bernard Mays and George Netto, M.D. As explained in note 4, infra, Mays and Dr. Netto are not parties to this mandamus proceeding.

"27. An Outreach Autopsy Provisional Report was completed on the same day UAB received the body. Stephanie Reilly, M.D., did not obtain consent from the next of kin to perform the autopsy or remove organs and tissue. Dr. Reilly signed the provisional autopsy report at 19:01 on Wednesday, November 3, 2021.

"28. Defendant [Hugh] Hood of [Wexford Health Sources, Inc.,] is listed on the provisional autopsy report as having ordered the autopsy.

"29. On Friday evening, November 5, 2021, Decedent Singleton's body arrived at the Funeral Home after being released by UAB Defendants.

"30. Mr. Cooper, the director of Usrey Funeral Home, advised that it would be difficult to prepare Decedent Singleton's body for a traditional funeral viewing. He explained that Decedent Singleton's body was already in a noticeable state of decomposition, characterized by advanced skin slippage.

"31. On November 6, 2021, Plaintiff Drake, Plaintiff Singleton, and the Decedent's granddaughter Crystal Drake Trammell ('Plaintiff Trammell') went to the Funeral Home to finalize funeral arrangements and to better understand Mr. Cooper's concerns about Decedent Singleton's body.

"32. During this visit, Mr. Cooper informed the Singleton Family that there were no organs in the body, and none of the organs had been returned with Decedent's body. That even his brain was missing.

"33. At no time did any Defendants, including those employed by or agents of the UAB Department of Pathology, contact the Singleton Family to inform them that Decedent Singleton's organs/tissue had been removed and retained during his autopsy. This omission led the Singleton Family

to reasonably believe that the body of their loved one, Decedent Singleton, was intact when it was released from UAB.

"34. Specifically, no one from the Singleton Family gave permission or authority for an autopsy to be performed or for organs/tissue to be retained. In fact, the Singleton Family voiced their objection to the retention as soon as they learned that Decedent [Singleton's] body had been returned without his organs. On information and belief, the body had been mutilated beyond the scope of a standard autopsy.

"35. Plaintiff Trammell called the UAB Department of Pathology after the Singleton Family returned home from the Funeral Home and learned that Decedent Singleton's organs were missing on Saturday, November 6, 2021, and spoke with a UAB Department of Pathology ward attendant to inquire about the missing organs.

"36. The ward attendant confirmed the organs had been removed and retained by the UAB pathologist(s) at the conclusion of Decedent Singleton's autopsy. The ward attendant told Plaintiff Trammell that such organ removal was standard practice and that organs were retained to run tests.

"37. When Plaintiff Trammell asked when the testing would be run and if the organs would be returned in time for the burial, Plaintiff Trammell was told to speak to a member of the pathology staff who would not be available until Monday at 9 AM. The Singleton Family called the phone number they were given, as instructed, and left a voicemail message. The Singleton Family clearly communicated their desire to retrieve Decedent Singleton's organs. No staff member -- nor any UAB or ADOC employee or agent -- ever bothered to return their call regarding the timing of testing, the completion or results of testing, or to notify them that they could retrieve the organs/tissue.

"38. Defendants, including the fictitious defendant ward attendant, knew that such removal of organs was in fact unlawful, unethical, and not legally permissible, or were trained to deliver definitive and false statements regarding organ/tissue retention. Defendants, including the Fictitious Defendant ward attendant, knew that the Singleton Family would rely upon these statements to their detriment. The Singleton Family did in fact reasonably rely upon these false statements and did not determine the falsity thereof until December 13, 2023, when they learned through the news that another family's loved one had their organs taken during an autopsy, and that UAB did not have the right to retain organs without permission from the next of kin.

"39. Through deception and by conspiracy, acting in a concerted manner, the unauthorized Defendants violated Alabama law when they entered into a binding agreement that purports to (1) empower the ADOC or Wexford to order that an autopsy be conducted; (2) allow the performance of an autopsy and authorized the Warden or another ADOC agent of an ADOC Facility to consent to organ removal and retention during an autopsy; and (3) permit the conversion of property (namely, the remains of their loved one) belonging to the Plaintiffs -- all of which are against Alabama law. The Defendants took Decedent's organs without permission or without notice to or consent from his next of kin. Defendants refused to answer Plaintiffs' message seeking information about these unlawful acts, and misled Plaintiffs concerning whether Defendants' behavior was lawful. Defendants, each and together, engaged in unlawful and outrageous practices that deprived the Decedent and their family of their right to lay to rest the entire body of their loved one.

"40. The ADOC and the UA Board entered into an Autopsy Services Agreement ('Autopsy Agreement') commencing on October 1, 2022, through September 30, 2023. The Autopsy Agreement is attached hereto as Exhibit 1. The attached Autopsy Services Agreement dated October 1, 2022,

> was a renewal of an earlier version with virtually the same language which was in effect November 2021."

(Emphasis in original.)

On April 9, 2024, the Singleton family initiated the underlying action. In the original complaint, the Singleton family named as defendants John Q. Hamm, who was the Commissioner of ADOC at the time the complaint was filed; Jefferson Dunn, who was the Commissioner of ADOC at the time of Singleton's death; the Board of Trustees of the University of Alabama ("the Board");[2] the Foundation; and Dr. Reilly. The Singleton family also included numerous fictitiously named defendants. Against all the defendants, the Singleton family asserted claims of conversion, conspiracy, fraud, negligence/wantonness, unjust enrichment, intentional infliction of emotional distress, and the tort-of-outrage. The Singleton family requested injunctive relief, compensatory and punitive damages, and disgorgement of profits. The Singleton family's action was later consolidated with five similar actions.

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[2]Counsel for the Singleton family explained in a later filing that the original compliant incorrectly identified the Board as the "University of Alabama System" and the "University of Alabama System Board of Trustees."

On December 10, 2024, the named defendants in the consolidated actions filed a consolidated motion to dismiss. The defendants argued that

> "all damages claims in the Singleton case are barred by the two-year statute of limitations. Plaintiffs' claims of conspiracy, negligence/wantonness, intentional infliction of emotional distress, and outrage are barred because the Complaint was filed more than two years after the allegedly tortious conduct occurred. Plaintiffs' fraud claim is barred because the Complaint was filed more than two years after Plaintiffs were aware of the facts forming the basis of their claims. The unjust enrichment claims are barred by the two-year statute of limitations because they are based on alleged tort injuries, and the conversion claims are similarly barred because they are based on vicarious liability."

The defendants also argued that the "Plaintiffs' conversion claims are due to be dismissed because the decedents' organs and tissues are not personal property capable of being converted."

On February 25, 2025, the circuit court held a hearing on the consolidated motion to dismiss. At the end of the hearing, the circuit court directed the parties to submit proposed orders on the motion to dismiss.

On March 10, 2025, the plaintiffs in the consolidated cases voluntarily dismissed all of their claims against the Board. The same day, the Singleton family filed an amended complaint adding as

defendants Mandy C. Spiers; Bernard Mays; George Netto, M.D.; Wexford Health Sources, Inc. ("Wexford"); and Hugh Hood, M.D. The Singleton family added a new claim alleging violation of the Alabama Uniform Anatomical Gift Act ("the AUAGA"), § 22-19-1 et seq., Ala. Code 1975; changed the claim alleging negligence/wantonness to allege only wantonness; and omitted the claims alleging unjust enrichment and intentional infliction of emotional distress. The Singleton family also included more detailed factual allegations, including the emphasized sentence in the portion of the amended complaint quoted above, regarding the Singleton family's discovery of the alleged falsity of the defendants' statements that their organ-retention practices were legal.

On April 8, 2025, the circuit court entered an order denying the defendants' consolidated motion to dismiss.[3] The circuit court addressed the defendants' statute-of-limitations argument regarding the Singleton family's claims as follows:

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[3]In its order, the circuit court purported to deny the petitioners' motion to dismiss with regard to the Singleton family's AUAGA claim. However, the petitioners never moved to dismiss the AUAGA claim, although they indicate in their mandamus petition that they intend to do so. Because the petitioners do not seek mandamus relief regarding that claim, that claim is not before us.

"Defendants seek to have the Singleton [family's] complaint dismissed in its entirety, arguing it was filed more than two years after Defendants performed an unauthorized autopsy and retained Decedent Singleton's organs. This Court disagrees with Defendants and determines that the Singleton [family's] complaint can proceed on the basis of Ala. Code [1975,] § 6-2-3 and well-established Alabama law.

"First, the Singleton [family's] claim for conversion was timely filed within the six-year statute of limitations applicable to conversion claims in Alabama. Defendants argue that conversion does not apply to body parts, but for the reasons set forth above, the theory of quasi-property rights allows the conversion claim to advance. Thus, the Singleton [family's] conversion claim can proceed.

"Defendants argue that the Singleton [family's] claims for conspiracy, fraud, negligence, wantonness, and outrage should be dismissed as time-barred under a two-year statute of limitations. This Court disagrees. The statute of limitations for all of these claims may be tolled on account of the fraudulent concealment of the Defendants.

"Ala. Code [1975,] § 6-2-3 tolls the statute of limitations until Plaintiffs knew or should have known about the injury. DGB, LLC v. Hinds, 55 So. 3d 218 (Ala. 2010) ('This Court has stated: "We have recognized that § 6-2-3 may be 'applied to other torts not arising in fraud in appropriate cases, and applies to fraudulent concealment of the existence of a cause of action.'"['). When a complaint alleges 'ongoing wrongful conduct' and 'fraudulent concealment that could justify tolling the running of the limitations period[,]' Payton v. Monsanto Co., 801 So. 2d 829, 835 (Ala. 2001), as here, the Plaintiff should have an opportunity to 'demonstrat[e] fraudulent concealment' of the cause of action. DGB, LLC, 55 So. 3d at 224.

"In instances when 'ignorance of the cause of action' is 'superinduced by fraud,' tolling may be appropriate. Hudson v. Moore, 239 Ala. 130, 133, 194 So. 147, 147, 149 (1940) (overruled on other grounds); see also Ex parte Brown, 331 So. 3d 79, 81 (Ala. 2021) (citing Weaver v. Firestone, 155 So. 3d 952, 958 n.3 (Ala. 2013) ('Our holding in the present case concerns only whether Firestone should have an opportunity to offer evidence to prove that he meets the requirements of equitable tolling. The trial court [at the Rule 12(b)(6), Ala. R. Civ. P., motion-to-dismiss stage of the proceedings] did not address, and we do not address, whether Firestone will succeed on the merits as to the equitable-tolling issue.')); Nance v. Matthews, 622 So. 2d 297, 299 (Ala. 1993) (noting that a dismissal pursuant to Rule 12(b)(6) 'is proper only when it appears beyond doubt that the plaintiff can prove no set of facts in support of a claim that would entitle the plaintiff to relief.'). Particularly in cases where a party stands to 'profit by his own wrong in concealing a cause of action against himself[,]' '[t]he statute of limitations cannot be converted into an instrument of fraud.' Hudson, 239 Ala. at 133[, 194 So. at 149].

"The [Singleton family argues] that the statute of limitations for these claims did not begin to run when their family discovered that Decedent Singleton's organs were missing or when Defendants falsely told them they had the right to keep the organs. Rather, it began when the Singleton [family] discovered that they did have an interest in the retained organs/tissues and that Defendants' retention of the organs was illegal. Plaintiffs assert that they first learned of the fraudulent nature of Defendants' statement on December 13, 2023, when a news report revealed that Defendants' organ retention was neither standard practice nor lawful. The filing of this lawsuit is within two years of that date.

"Defendants argue that Plaintiffs should have suspected fraud earlier, but Alabama law explicitly rejects the idea that individuals must assume a suspicious stance absent clear

> warning signs. Kenai Oil & Gas, Inc. v. Grace Petroleum Corp., 512 So. 2d 1347 (Ala. 1987) (a plaintiff alleging fraud 'is not required to presume fraud or suspect it, until something comes to him leading a just person to suspect and make inquiry'); Cartwright v. Braly, 218 Ala. 49, 117 So. 477 (1928) ('where representations have induced action and a sense of security in so doing, there is no legal duty to assume an attitude of suspicion and lookout for fraud until some fact comes to the plaintiff's knowledge indicating probable fraud').
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> "In the Singleton case, [the Singleton family] reasonably relied on Defendants' statements that UAB Defendants had the right to retain Mr. Singleton's organs/tissue, a claim made by professionals with unique knowledge and holding a position of respect within the community. Plaintiffs had no legal duty to investigate further, and Plaintiffs did not learn that the Defendants' conduct was fraudulent until December 13, 2023, when they heard about it on the news. When the Singleton [family] should have known about the torts underlying the complaint is a question of fact determined by a reasonable person standard. Whether the reliance was reasonable is a question for the factfinder."

The Foundation and Dr. Reilly petitioned this Court for a writ of mandamus directing the circuit court to dismiss the Singleton family's amended complaint.[4] Although Hamm, Dunn, and Spiers are technically

[4]Although the signature blocks of counsel for the Foundation and Dr. Reilly on the mandamus petition indicate that they also represent Mays and Dr. Netto, the petition does not request any relief for those parties. Further, it appears from the certificate of service attached to the petition that Wexford and Hood are represented by counsel in this matter, but they did not join in the petition. Accordingly, Mays, Dr. Netto, Wexford, and Hood are not parties to this petition.

respondents, they filed a response brief adopting and incorporating by reference all the arguments in the petition filed by the Foundation and Dr. Reilly.

II. Standard of Review

> "With respect to evaluating a trial court's denial of a Rule 12(b)(6)[, Ala. R. Civ. P.,] motion to dismiss,
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> > "'[t]he appropriate standard of review ... is whether "when the allegations of the complaint are viewed most strongly in the pleader's favor, it appears that the pleader could prove any set of circumstances that would entitle [the pleader] to relief." Nance v. Matthews, 622 So. 2d 297, 299 (Ala. 1993); Raley v. Citibanc of Alabama/ Andalusia, 474 So. 2d 640, 641 (Ala. 1985). This Court does not consider whether the plaintiff will ultimately prevail, but only whether the plaintiff may possibly prevail. Nance, 622 So. 2d at 299. A "dismissal is proper only when it appears beyond doubt that the plaintiff can prove no set of facts in support of the claim that would entitle the plaintiff to relief." Nance, 622 So. 2d at 299; Garrett v. Hadden, 495 So. 2d 616, 617 (Ala. 1986); Hill v. Kraft, Inc., 496 So. 2d 768, 769 (Ala. 1986).'
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> "Lyons v. River Rd. Constr., Inc., 858 So. 2d 257, 260 (Ala. 2003)."

Ex parte Abbott Lab'ys, 342 So. 3d 186, 194 (Ala. 2021).

III. Analysis

A. Availability of Mandamus Relief

> "'A writ of mandamus is an extraordinary remedy available only when the petitioner can demonstrate: "'(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 Nall, 879 So. 2d 541, 543 (Ala. 2003) (quoting Ex parte BOC Grp., Inc., 823 So. 2d 1270, 1272 (Ala. 2001)).'

"Ex parte Watters, 212 So. 3d 174, 180 (Ala. 2016).

"'The general rule is that, subject to certain narrow exceptions, the denial of a motion to dismiss is not reviewable by petition for a writ of mandamus.' Ex parte Brown, 331 So. 3d 79, 81 (Ala. 2021). However,

> "'[t]his Court has recognized that an appeal is an inadequate remedy in cases where it has determined that a defendant should not have been subjected to the inconvenience of litigation because it was clear from the face of the complaint that the defendant was entitled to a dismissal or to a judgment in its favor.'

"Ex parte Sanderson, 263 So. 3d 681, 687-88 (Ala. 2018) (citing Ex parte Hodge, 153 So. 3d 734 (Ala. 2014), and Ex parte U.S. Bank Nat'l Ass'n, 148 So. 3d 1060 (Ala. 2014)). In particular, in Ex parte Hodge, this Court permitted mandamus review of a trial court's denial of a motion to dismiss contending that the plaintiff's malpractice claim was barred by the four-year statute of repose contained in § 6-5-482(a), Ala. Code 1975, when the applicability of that statute was clear from the face of the complaint. Cf. Ex parte Watters, 212 So. 3d at 182 (denying a mandamus petition because 'it [was] not abundantly clear from the face of [the plaintiff's] complaint whether the survival statute dictate[d]

> dismissal of the legal-malpractice claim because the issue whether the claim sound[ed] in tort, in contract, or in both for that matter, [was] sharply disputed by the parties'). Thus, if it is clear from the face of [the plaintiff's] complaint that the claims against [the defendant] are barred by the rule of repose or the applicable statute of limitations, then [the defendant] is entitled to mandamus relief."

Ex parte Abbott Lab'ys, 342 So. 3d at 193-94 (final two emphases added).

The Singleton family contends that mandamus relief is not available to the petitioners here because they do not address the second and fourth elements required for mandamus relief: an imperative duty upon the respondent to perform, accompanied by a refusal to do so, and the properly invoked jurisdiction of the court. The Singleton family is correct that the petitioners do not directly discuss each element separately. However, in their statement of jurisdiction, the petitioners rely on Ex parte Abbott Laboratories, supra, in which this Court recognized that, when it is clear from the face of the complaint that the claims are barred by the applicable statute of limitations and a trial court refuses to dismiss the complaint, the elements necessary for mandamus relief are satisfied. Cf. Ex parte Gulf Health Hosps., Inc., 321 So. 3d 629, 632 (Ala. 2020) (recognizing that a mandamus petitioner may satisfy his or her burden to demonstrate requirements for mandamus relief by

"citing caselaw in which this Court has determined that the issue being raised by the party is recognized for interlocutory appellate review" when "it is well established that the issue being raised is appropriate for mandamus review"). Here, the portion of Ex parte Abbott Laboratories that the petitioners cite demonstrates that it is well established that mandamus relief is available when it appears from the face of the complaint that the plaintiff's claims are barred by the applicable statute of limitations. Accordingly, the petitioners' reliance on Ex parte Abbott Laboratories suffices as an argument that the requirements for mandamus relief are satisfied here.

The Singleton family attempts to distinguish Ex parte Abbott Laboratories and Ex parte Hodge, 153 So. 3d 734 (Ala. 2014), on which this Court relied in Ex parte Abbott Laboratories, on the ground that both cases involved statutes of repose rather than statutes of limitations. But that argument ignores Ex parte Abbott Laboratories' express holding that mandamus relief is available "if it is clear from the face of [the] complaint that the claims … are barred by the rule of repose or the applicable statute of limitations." 342 So. 3d at 194 (emphasis added).

Further, the Singleton family contends that mandamus relief is not appropriate because, it asserts, the petitioners have another adequate remedy. First, the Singleton family contends that the petitioners could have filed a renewed motion to dismiss in response to the Singleton family's amended complaint. The Singleton family contends that the petitioners "admit" that they could have filed a renewed motion to dismiss in the following sentence from footnote 6 of the petition: "The [petitioners] decided to file this [mandamus] petition, rather than a renewed motion to dismiss, because the statute of limitations issues that exist in the [a]mended [c]omplaint were carried over from the [o]riginal [c]omplaint and, therefore, were likely not mooted by the [a]mended complaint." Petition, p. 16 n. 6.

The Singleton family's argument raises the question whether the petitioners' motion to dismiss was mooted by the Singleton family's amended complaint. In their petition, the petitioners cite Meadows v. Shaver, 327 So. 3d 213 (Ala. 2020) (plurality opinion), overruled on other grounds by Ex parte Pinkard, 373 So. 3d 192 (Ala. 2022). In that case, a plurality of this Court held that an amendment to a complaint that is unrelated to a pending motion to dismiss does not moot the pending

motion. The plurality in Meadows distinguished Ex parte Puccio, 923 So. 2d 1069 (Ala. 2005), in which this Court held that a motion to dismiss based on lack of personal jurisdiction was mooted by an amended complaint directly addressing the personal-jurisdiction issue. The Meadows plurality concluded that "an amendment of a pleading moots an opponent's pending motion only to the extent that the substance of the amendment moots the substance of the motion." Meadows, 327 So. 3d at 222. After the parties had submitted their petition and answer in this case, a majority of this Court adopted the Meadows plurality's reasoning and noted that amended complaints that do not alter the material facts and allegations of the original complaint do not moot a previous motion to dismiss. Ex parte Spalding, [Ms. SC-2025-0275, Aug. 29, 2025] ___ So. 3d ___, ___ n. 2 (Ala. 2025).

Here, the petitioners' motion to dismiss argued that it was clear from the face of the Singleton family's complaint that its claims were barred by the applicable statutes of limitations. The only allegation in the amended complaint that potentially related to the petitioners' statute-of-limitations argument was the Singleton family's allegation that the Singleton family did not determine the alleged falsity of the

petitioners' alleged representations that organ removal and retention was legal until a date within two years before the original complaint was filed. However, as explained more fully below, that allegation did not affect the substance of the petitioners' motion to dismiss because, as also explained below, it was not sufficient to invoke the tolling provisions of § 6-2-3, Ala. Code 1975. Because the Singleton family's amended complaint did not undermine the substance of the petitioners' motion to dismiss, it did not moot the petitioners' motion, and the petitioners were not required to renew their motion to dismiss in the circuit court before seeking mandamus relief in this Court.

Second, the Singleton family asserts that an appeal from a final judgment or a permissive appeal under Rule 5, Ala. R. App. P., would be an adequate remedy. However, neither a permissive appeal under Rule 5 nor an appeal from a final judgment is an adequate remedy when it is clear from the face of the complaint that the applicable statute of limitations bars a claim. Ex parte Hodge, 153 So. 3d at 748-49.

For these reasons, mandamus relief is available if the petitioners demonstrate that it is clear from the face of the Singleton family's

complaint that its claims are barred by the applicable statutes of limitations.

B. Merits

The petitioners contend that the Singleton family's claims are each barred by the applicable statute of limitations. Because different statutes of limitations apply to the Singleton family's conversion claim and to the rest of the tort claims, we address those claims separately. However, before we address the arguments specific to those claims, we first must determine when the Singleton family's claims accrued because that issue is common to all the claims.

1. Accrual

> "'The statute of limitations begins to run when the cause of action accrues, which this Court has held is the date the first legal injury occurs.' Ex parte Integra LifeSciences Corp., 271 So. 3d 814, 818 (Ala. 2018). 'A cause of action accrues as soon as the claimant is entitled to maintain an action, regardless of whether the full amount of the damage is apparent at the time of the first legal injury.' Chandiwala v. Pate Constr. Co., 889 So. 2d 540, 543 (Ala. 2004)."

Ex parte Abbott Lab'ys, 342 So. 3d at 194.

Here, the Singleton family's conversion, conspiracy, and wantonness claims are based on the petitioners' removal of Singleton's organs. In their amended complaint, the Singleton family alleged that

Singleton's organs were removed on November 3, 2021, which was the day the petitioners received his body and Dr. Reilly signed the autopsy report. The Singleton family's tort-of-outrage claim is based on the emotional distress the Singleton family experienced upon learning of the removal of Singleton's organs. The Singleton family alleged that, on November 6, 2021, family members learned both from the funeral director and the ward attendant at the UAB Department of Pathology that Singleton's organs had been removed. Finally, the Singleton family's fraud claim is based on the petitioners' representations regarding their autopsy and organ-retention practices. The Singleton family alleged that, on November 6, 2021, the UAB Department of Pathology ward attendant represented that organ removal "was standard practice." The amended complaint does not allege that any other communication between the Singleton family and the petitioners occurred. Thus, at the latest, the Singleton family's earliest legal injury with respect to each of the claims occurred on or before November 6, 2021. See Kelley v. Shropshire, 199 Ala. 602, 605, 75 So. 291, 292 (1917) (defining a "legal injury" as "an injury giving rise to a cause of action

because it is an invasion of some legal right"). Accordingly, the Singleton family's claims accrued no later than that date.

In response, the Singleton family contends that the limitations period for each of the claims was tolled under § 6-2-3. That statute provides:

> "In actions seeking relief on the ground of fraud where the statute has created a bar, the claim must not be considered as having accrued until the discovery by the aggrieved party of the fact constituting the fraud, after which he must have two years within which to prosecute his action."

"'Although the wording of § 6-2-3 indicates that it applies only to fraud actions, that section and its predecessor have long been held to apply to any cause of action that has been fraudulently concealed from a plaintiff.'" Jett v. Wooten, 110 So. 3d 850, 854 (Ala. 2012) (quoting Rutledge v. Freeman, 914 So. 2d 364, 369 (Ala. Civ. App. 2004)).

> "This Court has held that to show that a plaintiff's claims fall within the savings clause of § 6-2-3 a complaint must allege the time and circumstances of the discovery of the cause of action. The complaint must also allege the facts or circumstances by which the defendants concealed the cause of action or injury and what prevented the plaintiff from discovering the facts surrounding the injury."

DGB, LLC v. Hinds, 55 So. 3d 218, 226 (Ala. 2010) (citations omitted).

The Singleton family alleged the time and circumstances of the discovery of its cause of action as follows:

> "The Singleton Family did in fact reasonably rely upon these false statements and did not determine the falsity thereof until December 13, 2023, when they learned through the news that another family's loved one had their organs taken during an autopsy, and that UAB did not have the right to retain organs without permission from the next of kin."

According to that allegation, the Singleton family's only discovery on December 13, 2023, was that that the petitioners did not have the right to retain Singleton's organs without permission from his next of kin. However, the Singleton family had already known about the petitioners' removal and retention of Singleton's organs for more than two years by that time.

In Williams v. Capps Trailer Sales, 589 So. 2d 159 (Ala. 1991) (plurality opinion), a plurality of this Court rejected a plaintiff's argument that he discovered the facts giving rise to his action when he "re-evaluated" evidence nearly 17 years after the evidence was already known. The Williams plurality held that "[t]he purpose of § 6-2-3 is not to toll the statute of limitations pending a 're-evaluation' of known facts." Id. at 160. Like the alleged "discovery" in Williams, the Singleton

family's alleged discovery here was merely a reevaluation of known facts and did not toll the statutes of limitations.

The Singleton family's reliance on § 6-2-3 also fails because it did not allege the facts and circumstances by which the petitioners allegedly concealed the Singleton family's cause of action. In the complaint, the Singleton family alleged generally that the petitioners "made false representations of a material existing fact," "made false representations concerning the legality of their performing an autopsy and retaining organs/tissue without notice or consent," and "suppressed material facts that led [the Singleton family] to believe that the performance of an autopsy and removal of organs/tissue during the autopsy was not illegal." However, the only specific factual allegation regarding the petitioners' representations to the Singleton family was the allegation regarding the ward attendant's alleged statement that "such organ removal was standard practice and that organs were retained to run tests." The Singleton family does not point to any other allegations of fact indicating that those representations were not true.

The Singleton family contends that the ward attendant's alleged statement was a misrepresentation of fact because the ward attendant

did not tell the Singleton family that the organs were retained for the petitioners' benefit and profit. They rely on this Court's holding in Webb v. Renfrow, 453 So. 2d 724, 727 (Ala. 1984), that "[f]raud may ... be committed by the suppression of a material fact which the party is under an obligation to communicate, either because of an obligation to communicate arising from a confidential relationship or from the particular circumstances." However, the Singleton family does not demonstrate that a confidential relationship existed between it and the petitioners or that the particular circumstances required further disclosures on the part of the petitioners. Further, although the Singleton family alleged generally that the petitioners "had the audacity to ransack [Singleton's] body and convert its parts for their own selfish gain," the complaint does not identify a specific use of Singleton's organs that the Singleton family alleges profited the petitioners in any way. Accordingly, the Singleton family failed to plead what facts the petitioners allegedly misrepresented regarding their use of Singleton's organs.

For these reasons, the Singleton family fails to identify a misrepresentation of fact that invokes the tolling provision of § 6-2-3.

Next, the Singleton family contends that the petitioners' continued possession of Singleton's organs constituted a continuous tort that tolled the limitations period. In support of that contention, the Singleton family relies on Ex parte Abbott Laboratories, supra, in which this Court defined a continuous tort as "'a defendant's repeated wrongs to the plaintiff.'" 342 So. 3d at 195 (quoting Moon v. Harco Drugs, Inc., 435 So. 2d 218, 220 (Ala. 1983)) (emphasis omitted). A "'single act followed by multiple consequences'" is not a continuous tort. Id. at 196 (quoting Payton v. Monsanto Co., 801 So. 2d 829, 835 (Ala. 2001)). This Court also recognized in Abbot Laboratories that, when a continuous tort is alleged, the applicable statute of limitations is tolled until the "'last tortious act by the defendant.'" Id. (quoting Continental Cas. Ins. Co. v. McDonald, 567 So. 2d 1208, 1216 (Ala. 1990)).

In Abbott Laboratories, this Court listed several examples of conduct that constitutes a continuous tort. Those examples include

> "'(1) when an employer exposes its employee on a continuing basis to harmful substances and conditions [American Mut. Liability Ins. Co. v. Agricola Furnace Co., 236 Ala. 535, 183 So. 677 (1938)]; (2) when there is a "single sustained method pursued in executing one general scheme," as in a blasting case [Lehigh Portland Cement Co. v. Donaldson, 231 Ala. 242, 246, 164 So. 97 (1935)]; and (3) when a plaintiff landowner seeks damages for the contamination of a well or stream

> [Howell v. City of Dothan, 234 Ala. 158, 174 So. 624 (1937); Employers Insurance Company of Alabama v. Rives, 264 Ala. 310, 87 So. 2d 653 (1955); and Alabama Fuel & Iron Co. v. Vaughn, 203 Ala. 461, 83 So. 323 (1919)].'"

342 So. 3d at 195-96 (quoting Moon, 435 So. 2d at 220-21). This Court observed that, in each of those examples, "'the repeated actions of the defendants combined to create a single cause of action in tort.'" Id. at 196 (quoting Moon, 435 So. 2d at 221) (emphasis omitted).

However, in Abbott Laboratories, this Court determined that the plaintiffs did not allege a continuous tort. There, the plaintiffs alleged that the defendant, a distributor of pharmaceutical drugs, had engaged in a campaign to promote and distribute opioid pain medication. The plaintiffs, who were county boards of health and affiliated primary-care providers, alleged they had lost millions of dollars in uncompensated treatment of patients who were addicted to opioids marketed by the defendant. This Court observed that, although the plaintiffs generally alleged a continuous tort, the specific allegations against the defendant in the complaint did not mention conduct of any kind by the defendant later than 2006. Thus, this Court concluded that the plaintiffs cause of action accrued at that time because the alleged tortious conduct of the defendant did not continue after that time.

Like the plaintiffs in Abbott Laboratories, the Singleton family did not allege any specific conduct that occurred after November 6, 2021. Although the Singleton family insists that it alleged "ongoing tort activity" by the petitioners, Answer, p. 35, the only specific allegation that it identifies is the allegation that "none of the organs had been returned with [Singleton's] body." However, the context of that allegation makes clear that it did not allege conduct continuing beyond November 6, 2021. The Singleton family alleged:

> "31. On November 6, 2021, Plaintiff Drake, Plaintiff Singleton, and the Decedent's granddaughter Crystal Drake Trammell ('Plaintiff Trammell') went to the Funeral Home to finalize funeral arrangements and to better understand Mr. Cooper's concerns about Decedent Singleton's body.
>
> "32. During this visit, [the funeral director] informed the Singleton Family that there were no organs in the body, and none of the organs had been returned with Decedent's body. That even his brain was missing."

That portion of the Singleton family's complaint alleged merely that, on November 6, 2021, the Singleton family was informed that none of Singleton's organs had been returned by that time. Although the Singleton family asserts in their answer that the petitioners have repeatedly refused requests that they return Singleton's organs and that the petitioners continue to use Singleton's organs for their own benefit

and profit, the Singleton family does not demonstrate that it made any such allegations in the complaint.

For these reasons, we conclude that the Singleton family's claims accrued no later than November 6, 2021, and that the various statutes of limitations applicable to those claims began to run on that date.

2. Statutes of limitations as to all claims except conversion claim

As the petitioners contend, the Singleton family asserted claims of conspiracy, fraud, wantonness, and the tort-of-outrage against the petitioners. Each of those claims are governed by § 6-2-38(l), Ala. Code 1975, which is the statute of limitations that applies to "[a]ll actions for any injury to the person or rights of another not arising from contract and not specifically enumerated in this section." Section 6-2-38(l) requires that all such claims "must be brought within two years." The Singleton family filed the original complaint on April 9, 2024, which was more than two years after the Singleton family's claims accrued on November 6, 2021, as explained above. Accordingly, the Singleton family's claims of conspiracy, fraud, wantonness, and the tort-of-outrage against the petitioners are barred by § 6-2-38(l).

3. Statute of limitations as to the conversion claim

The petitioners recognize that a conversion claim is ordinarily subject to a six-year statute of limitations, see § 6-2-34(3), Ala. Code 1975 ("The following must be commenced within six years: … (3) Actions for the detention or conversion of personal property.") Nevertheless, the petitioners contend that the Singleton family's conversion claim is subject to a two-year limitations period because, they say, it is based on a theory of respondeat superior. Specifically, the petitioners contend that the applicable statute of limitations is § 6-2-38(n), which provides: "All actions commenced to recover damages for injury to the person or property of another wherein a principal or master is sought to be held liable for the act or conduct of his agent, servant, or employee under the doctrine of respondeat superior must be brought within two years." See also Ex parte Prudential Ins. Co. of Am., 785 So. 2d 348, 352 (Ala. 2000) ("The statute of limitations for conversion allows six years for filing a claim. If the conversion claim is based upon the doctrine of respondeat superior, it is subject to a two-year statute of limitations." (citations omitted)).

The petitioners contend that neither the original complaint nor the amended complaint included any allegation that either the Foundation

or Dr. Reilly wrongfully took or asserted ownership of Singleton's organs. They observe that the only allegation of conversion was that "the organs [were] removed and retained by the UAB pathologist(s) at the conclusion of Decedent Singleton's autopsy." The petitioners contend that the Singleton family sought to hold the petitioners vicariously responsible for the unnamed "pathologist(s)" conversion of Singleton's organs.

In response, the Singleton family contends that its conversion claim was not based on respondeat superior because, the Singleton family says, the petitioners took personal hand in, directed, aided, participated, and ratified the conversion of Singleton's organs. The Singleton family relies on Wint v. Alabama Eye & Tissue Bank, 675 So. 2d 383 (Ala. 1996) (plurality decision), in which this Court addressed a similar argument that conversion and trespass-to-chattels claims arising from the unauthorized removal of a decedent's eyes was barred by § 6-2-38(n) because the claims were based on a theory of respondeat superior. In Wint, a plurality of this Court distinguished direct conversion actions from conversion actions based on respondeat superior as follows:

> "The problem of distinguishing between a direct trespass or conversion action governed by the six-year statute of limitations found in § 6-2-34 and a trespass or conversion action based upon respondeat superior governed by the two-

> year statute of limitations of § 6-2-38(n) is virtually identical to the problem of distinguishing between trespass and trespass on the case. Before Alabama's current statute of limitations scheme went into effect, Alabama courts were forced to distinguish between trespass and trespass on the case in applying a now repealed statute of limitations that made such a distinction. Trespass actions against employers premised totally upon a theory of respondeat superior were held to be trespass-on-the-case actions, while trespass actions based upon a theory that the employer took 'personal hand in the trespass, by directing, aiding, participating in, or ratifying the trespass committed by that person's active agent or joint participant' were held to be trespass actions, not trespass-on-the-case actions. Hatfield v. Spears, 380 So. 2d 262, 264 (Ala. 1980) (citing C.O. Osborn Contracting Co. v. Alabama Gas Corp., 273 Ala. 6, 135 So. 2d 166 (1961); Trognitz v. Fry, 215 Ala. 609, 112 So. 156 (1927))."

675 So. 2d at 386 (emphasis added).

Here, the Singleton family argues that it alleged that the petitioners knew that removal of Singleton's organs was unlawful and that the petitioners trained their employees to make false statements. However, as the petitioners point out in their reply brief, those allegations were made in support of the Singleton family's tort-of-outrage claim, not its conversion claim. The complaint did not allege that the petitioners "took personal hand" in the alleged conversion that occurred, so as to take the conversion claim out of the two-year limitations period imposed by § 6-2-34. The Singleton family also contends that the

petitioners took personal hand in the removal of Singleton's organs because, the Singleton family says, the petitioners entered into the autopsy agreement authorizing UAB to perform autopsies and to remove and retain organs from deceased inmates of ADOC without the consent of the deceased's next of kin. However, that argument also fails because, as the petitioners again point out, neither of them were parties to the autopsy agreement.

Accordingly, the petitioners have demonstrated that the Singleton family's conversion claim, insofar as it pertained to them, was based on respondeat superior. Accordingly, the Singleton family's conversion claim against the petitioners was barred by § 6-2-38(n).[5]

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[5]The petitioners also argue that the Singleton family "cannot properly claim the benefit of the six-year limitations period set forth in … § 6-2-34(3) because their claimed injuries do not support a conversion claim." Petition, pp. 21-22. The thrust of the petitioners' argument is that a dead human body is not personal property capable of being converted. We decline to address this issue because, even if the petitioners are correct on the merits, the issue is not a proper basis for mandamus relief. Although the petitioners couch their argument in terms of the statute of limitations, it is actually an argument that the Singleton family's allegations regarding the conversion claim failed to sufficiently allege facts that, if true, would support a conversion claim. Ordinarily, the denial of a motion to dismiss on that basis is not reviewable by petition for a writ of mandamus because there is an adequate remedy on appeal. See Ex parte Hodge, 153 So. 3d 734, 748-49 (Ala. 2014) (recognizing that mandamus review of denial of motion to

IV. Conclusion

For the foregoing reasons, the Singleton family's claims against the petitioners are each barred by the statute of limitations that applies to each claim. Accordingly, we issue the writ of mandamus directing the circuit court to dismiss the Singleton family's amended complaint, except with regard to the Singleton family's AUAGA claim,[6] insofar as the complaint pertains to the petitioners.

PETITION GRANTED; WRIT ISSUED.

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

Parker, J., recuses himself.

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dismiss based on statute of limitations as one of several narrow exceptions to the general rule that denial of motion to dismiss is not subject to mandamus review). The petitioners' attempt to shoehorn their failure-to-allege-conversion argument into a statute-of-limitations issue does not make it a proper issue for mandamus review.

[6] See note 3, supra.