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SUPREME COURT OF ALABAMA

SPECIAL TERM, 2026

SC-2025-0750

**Adam Bauman and Beth Bauman, as personal representatives of
the Estate of Layla Bauman, deceased**

v.

Dr. Sam Gentle

**Appeal from Tuscaloosa Circuit Court
(CV-21-900490)**

PARKER, Justice.

In this wrongful-death case, Adam Bauman and Beth Bauman, as personal representatives of their daughter Layla's estate, appeal from a summary judgment in favor of Dr. Sam Gentle based on the applicable two-year statute of limitations. It is undisputed that the Baumans added Dr. Gentle as a defendant after the limitations period expired. But the Baumans argue that they validly substituted Dr. Gentle for a fictitiously named defendant under the "relation back" principle, which under certain circumstances allows an amendment of a pleading to "relate back" to the date of the original pleading and thereby avoid any statute-of-limitations bar. Ala. R. Civ. P. 15(c).

We disagree. Because the circuit court correctly concluded that the Baumans did not act with due diligence in ascertaining Dr. Gentle's identity for relation-back purposes, it correctly held that the Baumans could not properly substitute him for a fictitiously named defendant. We therefore affirm the circuit court's judgment.

I.

Layla was born at Druid City Hospital on July 26, 2019. Immediately after her birth, hospital staff transferred Layla to DCH's Level IV neonatal-intensive-care unit. But Layla's condition worsened,

and two days later, on July 28, 2019, she experienced heart failure. This event prompted a "Code Blue." At that point, DCH transferred Layla by helicopter to Children's Hospital's Level IV neonatal-intensive-care unit for more intensive care, including possible "ECMO" treatment for advanced life support. Tragically, Layla died not long after she arrived at Children's Hospital.

Almost two years later, on June 10, 2021, the Baumans brought a wrongful-death action against DCH, DCH physician Dr. Oliver Rees, and multiple fictitiously named defendants. Their complaint described "fictitious party no. 5" as the "physician ... who undertook to provide medical services to [Layla] on the occasion made the basis of this suit." The Baumans alleged that all the fictitiously named defendants had breached the applicable standard of care by not timely transferring Layla to Children's Hospital and by failing to properly communicate with the Baumans.

Almost two years after commencing their lawsuit, on April 3, 2023, the Baumans amended their complaint to add Dr. Gentle and Children's Hospital as defendants. The Baumans faulted Dr. Gentle for not deciding to transfer Layla to Children's Hospital sooner. In their view, Layla

should have been transferred before the "Code Blue" event. According to the Baumans, Dr. Gentle failed to order the transfer sooner because of his mistaken belief that the medical helicopter lacked the high-frequency ventilator Layla would need to safely travel to Children's Hospital.

Dr. Gentle responded to those claims, at least in part, by asserting a statute-of-limitations defense. In moving for a summary judgment, Dr. Gentle argued that the Baumans had brought their claims against him well after the expiration of the applicable two-year statute-of-limitations period and that those claims did not "relate back" to the filing of the complaint. The relation-back principle was not available, Dr. Gentle argued, because the Baumans "knew or should have known of Dr. Gentle's identity prior to the expiration of the statute of limitations."

The circuit court agreed with Dr. Gentle and entered an order granting his summary-judgment motion on that basis. In doing so, the circuit court reached two relevant conclusions. First, it concluded that the Baumans' allegations against the fictitiously named defendants "lack[ed] specificity to place a defendant on notice of the claims against him." This was especially true, the court believed, because "the defendant is a physician, and the allegations are required [under the Alabama

Medical Liability Act] to contain a description of each act or omission that results in liability." Second, the court concluded that the Baumans knew of Dr. Gentle's involvement but failed "to investigate with 'due diligence' his role in these matters" before the limitations period expired.

The Baumans moved the circuit court to reconsider its order or, alternatively, to certify its order as final for purposes of appeal. See Ala. R. Civ. P. 54(b). The circuit court denied the motion to reconsider but granted the Baumans' request to certify the order as final. The Baumans then timely appealed to this Court.

II.

We review a summary judgment under the same standard used by the trial court. See Hooper v. Columbus Reg'l Healthcare Sys., Inc., 956 So. 2d 1135, 1139 (Ala. 2006). Under that standard, a party is entitled to summary judgment if the evidentiary materials on file "show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Ala. R. Civ. P. 56(c)(3).

III.

A wrongful-death claim, such as the one in the present case, "must be commenced within two years from and after the death of the testator

or intestate." Ala. Code 1975, § 6-5-410(d). But as this Court recently affirmed, "the relation-back doctrine applies to wrongful-death claims" brought against fictitiously named defendants. Ex parte Affinity Hosp., LLC, [Ms. SC-2025-0632, Mar. 6, 2026] ___ So. 3d ___, ___ (Ala. 2026). Specifically, court rules "allow a plaintiff to avoid the bar of a statute of limitations by fictitiously naming defendants for which actual parties can be later substituted." Fulmer v. Clark Equip. Co., 654 So. 2d 45, 46 (Ala. 1995). One rule specifically governs fictitious-party practice:

"When a party is ignorant of the name of an opposing party and so alleges in the party's pleading, the opposing party may be designated by any name, and when that party's true name is discovered, the process and all pleadings and proceedings in the action may be amended by substituting the true name."

Ala. R. Civ. P. 9(h). The amended-pleadings rule, in turn, permits a party's amended pleading to relate back to the date of the original pleading as "permitted by principles applicable to [such] practice." Ala. R. Civ. P. 15(e)(4).

Successfully invoking the relation-back principle in the context of fictitious-party practice requires a plaintiff to show four things. First, the plaintiff must have stated a cause of action against the defendant in the body of the original complaint, even if only as a fictitiously named

defendant. Second, the plaintiff must show that it was ignorant of the defendant's identity at the time the original complaint was filed. Third, the plaintiff must have exercised due diligence to identify the fictitiously named defendant. And fourth, the plaintiff must have promptly amended the complaint upon learning the fictitiously named defendant's identity. See Patterson v. Consolidated Aluminum Corp., 101 So. 3d 743, 747 (Ala. 2012). A plaintiff's failure on any one of these factors will justify a trial court's disallowing an "outside-the-limitations-period substitution." Id.

Here, the Baumans failed to show that they "exercised due diligence to identify the fictitiously named party." Id. A plaintiff bringing a medical-malpractice claim must "diligently investigate the involvement of every health-care provider that has been identified as being involved in the injured or deceased party's treatment." Ex parte Russell, 314 So. 3d 192, 203 (Ala. 2020). But the Baumans did not do that here with respect to Dr. Gentle. As a result, they may not substitute him for a fictitiously named defendant under the provisions of Rule 9(h). See id.

Around the time the Baumans filed their complaint, they were in possession of medical records putting them on notice of Dr. Gentle's

involvement in Layla's care at what they viewed as the critical moments.

One notation in the records put this directly:

"After [Layla] required increased medical management on 7/28 decision was made by Dr. Oliver and Dr. Gentle to transfer [Layla] to Children's for possible ECMO support. Transport was arranged and surgical team was alerted."

(Emphasis added.) It is unclear whether the Baumans obtained this record from DCH or Children's Hospital. But either way, the Baumans were in possession of it around the time they filed their original complaint in June 2021. In their brief to this Court, the Baumans acknowledge that they ordered all of Layla's Children's Hospital medical records before filing suit. They similarly acknowledged requesting medical records from DCH simultaneously with the filing of the complaint. The Baumans do not assert that either hospital delayed in producing that particular record.

Despite their knowledge that Dr. Gentle was one of two physicians who made the decision to transfer Layla to Children's Hospital, the Baumans did not depose him until March 1, 2023 -- almost two years after the Baumans received the medical records and approximately three years and seven months after Layla's death. Either way, they did not

depose Dr. Gentle until long after the two-year limitations period had expired.

In their brief, the Baumans resist the circuit court's decision by noting that they deposed multiple DCH employees who were unaware of Dr. Gentle's involvement in the transfer decision. But "conducting ... formal discovery does not necessarily prove due diligence." Ex parte Tate & Lyle Sucralose, Inc., 81 So. 3d 1217, 1221 (Ala. 2011). Here, the Baumans had Dr. Gentle's name (and relevant involvement) in black and white and yet chose not to go to the ultimate source of information for details of his involvement until almost two years after the limitations period had run. The Baumans also assert that Children's Hospital originally produced incomplete medical records; specifically, they say that the records did not include records from the CareFlight transport helicopter. However, the Baumans fail to explain how it would make any difference for them to possess the complete records when, as explained, the records they did possess sufficed to put them on notice.

Finally, the Baumans assert that they were unaware that Dr. Gentle was consulted on transfer decisions before the Code Blue. But the medical notation concerning Dr. Gentle's involvement in the decision

making does not limit his involvement to a particular timeframe. In light of the information the Baumans already had regarding Dr. Gentle's involvement, it was incumbent upon the Baumans to diligently seek further information concerning the timing and extent of his involvement. They did not do so.

IV.

Here, the Baumans failed to show that they "exercised due diligence to identify the fictitiously named party." Patterson, 101 So. 3d at 747. Because the absence of evidence concerning this factor "is sufficient to support [the circuit] court's judgment disallowing the outside-the-limitations-period substitution," id., we affirm the circuit court's judgment.

AFFIRMED.

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

Mendheim, J., concurs in the result.