Rel: November 20, 2026

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SUPREME COURT OF ALABAMA

OCTOBER TERM, 2026-2027

SC-2026-0238

Suzanne Pohl, individually and as personal representative of the Estate of Kaitlyn Pohl, a deceased individual; John Pohl, individually; Natalie Martin, individually and as personal representative of the Estate of Elisabeth Martin, a deceased individual; Calida Adebara, individually and as personal representative of the Estate of Malik William Rodriguez, a deceased individual; and Holly Papasavas, individually and as personal representative of the Estate of Patrikios Papasavas, a deceased individual

v.

Duda Energy, LLC

Appeal from Madison Circuit Court
(CV-24-900516)

PARKER, Justice.

At one time, Duda Energy, LLC, sold a product called sodium nitrite. Sodium nitrite has legitimate uses such as curing and preserving meat. See American Meat Inst. v. Bergland, 459 F. Supp. 1308, 1311-12 (D.C. Cir. 1978). But when consumed at high enough quantities, sodium nitrite starves the body of oxygen, rapidly leading to death. See Scott v. Amazon.com, Inc., 6 Wash. 3d 1, 5, 583 P.3d 1155, 1158 (2026).

This case arose after four people -- Malik William Rodriguez, Patrikios Papasavas, Elisabeth "Blaise" Martin, and Kaitlyn "Felix" Pohl -- each bought sodium nitrite online from Duda Energy and then used it to take their own life. Legal representatives of these four decedents produced evidence showing that, between October 2019 and February 2022, Duda Energy received reports of 11 suicides by people around the nation who had purchased its sodium nitrite online. In response, Duda Energy adopted an internal policy for additional precautions it would take when selling the product. Nevertheless, the evidence suggested, Duda Energy did not follow its internal policy with regard to the four fateful sales at issue here.

The plaintiffs brought this case in Alabama (where Duda Energy has its headquarters and is incorporated) seeking damages on various theories under the law of Florida, Tennessee, and Minnesota (where the decedents lived). After the circuit court entered summary judgment for Duda Energy in an unexplained order, the plaintiffs appealed. For the reasons set forth below, we affirm.

I.

We review an order granting a summary-judgment motion "de novo," applying 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 trial court must render summary judgment "forthwith" 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).

Applying that standard entails shifting burdens. First, a summary-judgment movant must present evidence indicating the absence of any genuine issue of material fact. Then, the burden shifts to the nonmovant to show that a genuine issue of material fact does indeed exist. See Nationwide Prop. & Cas. Ins. Co. v. DPF Architects, P.C., 792 So. 2d 369,

372 (Ala. 2000). At either step, meeting one's burden requires the production of "substantial evidence" -- that is, evidence that would allow an impartial factfinder to reasonably infer the existence of the asserted fact. See Hooper, 956 So. 2d at 1135 (citing Potter v. First Real Estate Co., 844 So. 2d 540, 545 (Ala. 2002)). In all events, a court must view the evidence in the light most favorable to the nonmovant. See id.

Two longstanding principles of appellate review establish a heavy burden for the appellant. First, the appellant, as the losing party below, bears the burden of demonstrating that the trial court committed legal error. See Reagan v. Alabama Alcoholic Beverage Control Bd., 339 So. 3d 211, 217 (Ala. 2021). Second, out of respect for the trial court, an appellate court will not presume that any error occurred; such error must be shown on the record. See Greer v. Greer, 624 So.2d 1076, 1077 (Ala. Civ. App. 1993). In the context of unexplained trial-court orders, these principles mean that an appellant must challenge any ground on which the trial court plausibly "might have relied" in reaching its judgment. Soutullo v. Mobile Cnty., 58 So. 3d 733, 739 (Ala. 2010). This rule is confined to matters "placed in issue below." Id. If the appellant fails to present arguments to carry this burden, then the challenge is waived,

and we must affirm for that reason alone. See, e.g., Fogarty v. Southworth, 953 So. 2d 1225, 1232 (Ala. 2006).

The parties agree that the claims in this case are controlled by the substantive law of the "state where the injury occurred." See Abercrombie v. Nashville Auto Auction, Inc., 541 So. 2d 516, 518 n.1 (Ala. 1989). Therefore, our analysis proceeds by state.

II.

Plaintiffs Suzanne Pohl, John Pohl, and Holly Papasavas assert claims of negligence, wantonness, wrongful death, loss of consortium, and outrage arising under the law of Florida. The Pohl claims center on Duda Energy's sale of sodium nitrite to Kaitlyn Pohl. The Papasavas claims center on Duda Energy's sale of sodium nitrite to Patrikios Papasavas. No legally relevant facts distinguish the two sales, so the same analysis applies.

Although the plaintiffs appeal summary judgment entered on five claims, they do not make distinct arguments for each claim. Instead, the plaintiffs' argument relies entirely upon the negligence claim, apparently assuming that the issues of duty and proximate cause for the negligence claim ultimately control all five claims. We will reverse a trial court's

decision only based on arguments presented both to the trial court and this Court. See Bechtel v. Crown Central Petroleum Corp., 451 So. 2d 793, 795 (Ala. 1984). We therefore assume for present purposes that, if summary judgment was correct as to the negligence claim, then it was correct as to the other claims. The plaintiffs have presented no argument to the contrary.

The elements of a claim of negligence under Florida law match the elements under Alabama law. See Clay Elec. Coop., Inc. v. Johnson, 873 So. 2d 1182, 1185 (Fla. 2003). Before the circuit court, Duda Energy argued that (1) it owed no legal duty that could support a negligence claim and (2) the decedents' suicides acted as superseding causes precluding a finding of proximate causation even if a duty did exist. On appeal, the plaintiffs bear the burden of demonstrating why neither ground supported summary judgment. See Soutullo, 58 So. 3d at 739.

A.

As a general rule under Florida law, "there is no liability for the suicide of another in the absence of a specific duty of care." Paddock v. Chacko, 522 So. 2d 410, 416 (Fla. Dist. Ct. App. 1988). But the Florida plaintiffs argue two grounds for finding a specific duty of care in this case

to overcome this general rule. First, they argue that Duda Energy could reasonably foresee that its conduct would lead to the decedents' suicides based upon the previous suicides using Duda Energy's sodium nitrite. Second, they argue that Duda Energy has a duty under Florida's "undertaking doctrine" based on voluntarily undertaking to screen purchasers of sodium nitrite.

Mere knowledge of a product's potential misuse does not give rise to a duty to avoid selling to buyers who intend to misuse the product. Such a broad understanding of duty would extend far beyond anything found in Florida law. For example, one Florida case, Jenkins v. W.L. Roberts, Inc., considered a claim that the seller of nitrous oxide had a duty to ensure that the nitrous oxide "would be used for its lawful purpose of enhancing the engine performance of race cars and not as an inhalant." 851 So. 2d 781, 783 (Fla. Dist. Ct. App. 2003). The Florida court rejected this argument and explained that, "[a]bsent special circumstances, there is no legal duty requiring a store to ensure that a product lawfully sold will ultimately be used by a customer or unknown third party for a lawful purpose." Id. at 783-84. The Jenkins court specifically pointed out that no evidence indicated that the seller knew of

the buyer's intention to inhale the nitrous oxide rather than use it for its ordinary purpose. Id. at 783.

Here, the Florida plaintiffs' argument mirrors the argument rejected in Jenkins. The Florida plaintiffs argue that Duda Energy knew or should have known that the decedents purchased sodium nitrite with the intent to commit suicide. But knowledge that a product can be misused does not demonstrate knowledge that any particular customer will misuse the product. As another Florida court put it, "a manufacturer cannot be held responsible and liable for every possible, creative misuse that consumers can conceive." Grieco v. Daiho Sangyo, Inc., 344 So. 3d 11, 18 (Fla. Dist. Ct. App. 2022). A specific statutory restriction on the sale of a product might impose greater duties. See Sogo v. Garcia's Nat'l Gun, Inc., 615 So. 2d 184 (Fla. Dist. Ct. App. 1993). But plaintiffs have presented no such statute regarding sodium nitrite.

The decision in Kelley v. Beverly Hills Club Apartments presents a similar principle. 68 So. 3d 954 (Fla. Dist. Ct. App. 2011). There, the Florida court held that the owner of an apartment community owed no duty of care to guard against the plaintiff's suicidal tendency. Id. at 958. Although the owner knew that patients from a nearby addiction and

mental-health facility resided in the apartment community, the owner lacked any knowledge specific to the plaintiff. Id. at 955-56. As the Kelley court explained, "it is the suicidal tendencies of a specific person -- not an undifferentiated knowledge about a group of individuals who may be receiving some type of drug, alcohol or mental health treatment -- which is determinative of the existence of a duty owed to that person." Id. at 958. The Kelley court pointed out two situations in which a duty to guard against another's suicide may arise: when one has custody or control over another or when one has specific knowledge regarding their suicidal tendencies. Id. The plaintiffs here have shown neither.

The plaintiffs' second theory (under Florida's "undertaking doctrine") is that Duda Energy assumed a duty when it established an internal policy for checking on the intended use of its sodium-nitrite orders. But the plaintiffs did not present an argument based on Florida's undertaking doctrine to the circuit court. This argument is thus waived. See Bechtel, 451 So. 2d at 795.

B.

The plaintiffs also argue that the decedents' suicides were reasonably foreseeable and therefore not independent intervening

causes. Although our conclusion above regarding the duty prong of the negligence claim under Florida law concludes the matter, the proximate-cause issue demonstrates why all of the plaintiffs' claims under Florida law fail. Simply put, the decedents' suicides were not reasonably foreseeable, and the defendants therefore cannot be liable for them.

The issue of proximate cause centers on foreseeability. As the Florida Supreme Court described in McCain v. Florida Power Corp., the concept of foreseeability comes up in both the duty analysis and the proximate-cause analysis. 593 So. 2d 500, 502 (Fla. 1992). Under the duty analysis, the question is whether the defendant's conduct foreseeably creates a zone of risk that "poses a general threat of harm to others." Id. Under the proximate-cause analysis, the question is "whether and to what extent the defendant's conduct foreseeably and substantially caused the specific injury that actually occurred." Id.

Although foreseeability is often highly fact-intensive and therefore properly left to the jury, summary judgment may still be appropriate "where the facts are unequivocal, such as where the evidence supports no more than a single reasonable inference." McCain, 593 So. 2d at 504. Here, the plaintiffs emphasize evidence suggesting that Duda Energy

had a general awareness that some people had purchased its sodium nitrite for use in suicide. But none of that evidence supports an inference of knowledge specific to Patrikios Papasavas or Kaitlyn Pohl.

The plaintiffs argue that the case of Sogo v. Garcia's National Gun, Inc., demonstrates that Florida law does not require knowledge of the decedent's suicidal tendency. 615 So. 2d 184 (Fla. Dist. Ct. App. 1993). The facts in Sogo involved a gun retailer who sold a gun to the decedent without observing a three-day waiting period mandated by ordinance. Id. at 185. The decedent then used this gun to commit suicide just hours after the purchase. Id. The Florida court found that the decedent's suicide was foreseeable, but only "by virtue of the ordinance." Id. at 186. The implication remains that the suicide would not have been foreseeable in the absence of the ordinance. Here, there is no ordinance or decedent-specific knowledge. The decedents' independent acts of intentionally consuming sodium nitrite thus prevent Duda Energy from being held liable for the resulting harm.

III.

Plaintiff Natalie Martin asserts claims of negligence, wantonness, wrongful death, loss of consortium, and outrage arising under the law of

Tennessee based upon Duda Energy's sale of sodium nitrite to Elisabeth "Blaise" Martin. As with the Pohl and Papasavas claims above, plaintiff Martin presents argument specific to only the negligence claim. We therefore make the same assumption that the resolution of the negligence claim controls all the claims.

The elements of a negligence claim under Tennessee law mirror those under Alabama law. See Morrison v. Allen, 338 S.W.3d 417, 437 (Tenn. 2011). Before the circuit court, the parties argued only the element of proximate cause under Tennessee law. Therefore, we confine our review to that same issue.

Under Tennessee law, there exists a general rule "that suicide will be deemed a superseding cause of death if it was 'a willful, calculated, and deliberate act of one who has the power of choice.'" Cotten v. Wilson, 576 S.W.3d 626, 639 (Tenn. 2019) (quoting White v. Lawrence, 975 S.W.2d 525, 530 (Tenn. 1998)). The Tennessee Supreme Court has described past application of this "suicide rule" as reaching "harsh results" but has maintained the rule with certain exceptions. See Cotten, 576 S.W.3d at 642 (discussing Lancaster v. Motesi, 390 S.W.2d 217 (Tenn. 1965)).

Under Tennessee's "suicide rule," a decedent's "intentional, deliberate act of suicide absolves the defendant of liability because it is not ordinarily foreseeable that the one who is lucid and not 'bereft of reason' would commit suicide." Cotten, 576 S.W.3d at 642. While the Tennessee Court in Cotten rejected the idea that only previously defined and rigid exceptions could prevent application of the "suicide rule," the Cotten court set out clear guideposts that defeat the plaintiff's argument.

Most relevant for us, the Cotten court approved of the reasoning in Rains v. Bend of the River, 124 S.W.3d 580 (Tenn. Ct. App. 2003). Rains addressed a suit against a retailer who sold ammunition that the decedent shortly afterward used to commit suicide. Id. at 585-86. This sale amounted to negligence per se because the purchaser was only 18 years old. Id. at 592. Nonetheless, the suit failed under the proximate-cause analysis. The reasoning in Rains applies directly to the present suit. As the court in Rains explained, "[i]n cases brought against the persons who supplied a suicide victim the means to commit suicide, the foreseeability question hinges on the victim's behavior and demeanor at the time of the sale." Id. at 594.

Plaintiff Martin relies heavily upon the Tennessee Supreme Court's decision in White v. Lawrence, 975 S.W.2d 525 (Tenn. 1998). The Tennessee Supreme Court in White stated that suicide would not preclude a finding of proximate cause when "the defendant's negligent conduct led to or made it reasonably foreseeable that the deceased would commit suicide." Id. at 530. But this standard received further clarification in Cotten when the court pointed out that the defendant and decedent in White had an underlying "medical relationship" important to understanding the court's reasoning. See 576 S.W.3d at 644-45. The Cotten court further explained in a footnote that "the entirety of the holding in White was less than clear" and emphasized its ultimate compatibility with the Cotten court's reasoning. Id. at 645 n.20. We prioritize the thorough analysis from Cotten and Rains over the "muddied" analysis in White. See id.

The reasoning of the Rains court -- explicitly approved by the Cotten court, see 576 S.W.3d at 645-48 -- controls the analysis here. No evidence in the record indicates that Elisabeth Martin gave any indication to Duda Energy that would make her suicide reasonably

foreseeable. Duda Energy thus cannot be held liable for any resulting harm.[1]

IV.

Plaintiff Calida Adebara asserts claims of negligence, wantonness, wrongful death, loss of consortium, and outrage arising under the law of Minnesota based upon Duda Energy's sale of sodium nitrite to Malik William Rodriguez. Once again, the arguments presented before this Court focus entirely on the negligence claim, implicitly assuming that the other claims will fall if the negligence claim falls.

The parties focus their argument on whether Duda Energy had a duty of care sufficient to support this negligence claim. The existence of a legal duty is a "threshold question" for any negligence claim under Minnesota law. See Doe 169 v. Brandon, 845 N.W.2d 174, 177 (Minn. 2014). Minnesota courts have long been "reluctant to impost liability on others for self-inflicted harm." Smits v. Park Nicollet Health Servs., 979 N.W.2d 436, 446 (Minn. 2022) (citation modified). But such liability may

[1]Plaintiff Martin raised an argument before this Court that Duda Energy had assumed a duty by "voluntary undertaking." While our conclusion on proximate cause renders this issue irrelevant, we also note that this argument was not raised before the circuit court and so was not properly before this Court. See Bechtel, 451 So. 2d at 795.

still arise when a defendant's "own conduct" constitutes "misfeasance" -- rather than mere "nonfeasance" -- and the misfeasance creates a reasonably foreseeable risk of harm. Id. at 178. Here, Adebara argues that Duda Energy's continued sale of high-purity sodium nitrite after notice of its use for suicide counts as misfeasance giving rise to a duty to adopt "adequate safeguards" for the sale sodium nitrite.[2]

The problem with Adebara's theory is less about the existence of a duty than the scope of the duty. Minnesota law squarely addresses the duty of a supplier of potentially dangerous goods. Such a manufacturer or supplier has a duty to warn, see Germann v. F.L. Smithe Mach. Co., 395 N.W.2d 922, 924-25 (Minn. 1986), as well as duties of reasonable care in the "manufacture, assembly, inspection, packaging, and testing of a product," see In re Shigellosis Litig., 647 N.W.2d 1, 8 (Minn. Ct. App. 2002). But Adebara has provided no basis in Minnesota law for finding a duty to screen purchasers for their intended use of a lawful product.

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[2]Adebara also argues to this Court that Duda Energy assumed a duty by undertaking to institute and follow internal policies on the sale of sodium nitrite. See Funchess v. Cecil Newman Corp., 632 N.W.2d 666, 674 (Minn. 2001). However, this argument was not presented to the circuit court and so has been waived. See Bechtel, 451 So. 2d at 795.

Adebara's argument for the alleged duty rests upon entirely nonanalogous cases.[3] If Adebara's theory for duty were to be accepted, it would displace Minnesota's jurisprudence on a seller's or manufacturer's duty to warn regarding foreseeable misuses of its product. Anytime a dangerous misuse became foreseeable, the manufacturer's duty would expand dramatically to ensure that every purchaser had legitimate reasons and would abide by the product's warnings. But Minnesota law requires only warnings for foreseeable misuse. See Frey v. Montgomery Ward & Co., 258 N.W.2d 782, 788 (Minn. 1977). Adebara did not raise before the circuit court or this Court a theory of failure to warn, instead arguing that Duda Energy had additional duties to control who purchases sodium nitrite. Minnesota law imposes no such duty, and accepting Adebara's theory "would require an unprecedented expansion

[3]See, e.g., Smits v. Park Nicollet Health Servs., 979 N.W.2d 436 (Minn. 2022) (medical-malpractice suit); Fenrich v. The Blake Sch., 920 N.W.2d 195 (Minn. 2018) (lawsuit against school based on car accident by student on a school trip); Domagala v. Rolland, 805 N.W.2d 14 (Minn. 2011) (negligence suit based upon operation of a landscaping vehicle); Shank v. Carleton Coll., 232 F. Supp. 3d 1100 (D. Minn. 2017) (lawsuit against college administration for failure to prevent sexual assault on campus); Elsharkawy v. Chisago Lakes Sch. Dist. Bd. of Educ., Civil No. 20-1971 (DSD/ECW), Aug. 2, 2021 (D. Minn. 2021) (not reported in Federal Supplement) (lawsuit against a school district for failure to investigate reports of bullying).

of the law." Glorvigen v. Cirrus Design Corp., 816 N.W.2d 572, 583 (Minn. 2012).

Adebara, as the appellant, bore the burden of showing error. See Soutullo, 58 So. 3d at 739. Adebara has not provided a sufficient basis in Minnesota law for finding the kind of duty necessary to support the claims against Duda Energy.

V.

Although the reasons differ for each set of claims, we ultimately affirm summary judgment for the defendant as to all claims before us. The facts underlying these claims are tragic, but they do not support negligence claims under the relevant state laws.

AFFIRMED.

Stewart, C.J., and Wise, Bryan, and Sellers, JJ., concur.

Cook, J., recuses himself.