

SUPREME COURT OF ALABAMA

Meeks v. Morrow

151 So. 3d 1069 (Ala. 2014) · Decided March 14, 2014

SUMMARY

The Alabama Supreme Court held that the trial court improperly certified a partial summary judgment as final under Rule 54(b), Ala. R. Civ. P. The remaining counterclaims and cross-claims were closely intertwined with the claims decided below, creating an unreasonable risk of inconsistent results. The court therefore dismissed the appeal as taken from a nonfinal judgment and substituted this opinion for its December 20, 2013, opinion.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Moore, Chief Justice; Bolin, Justice; Murdock, Justice; Main, Justice; Bryan, Justice
JURISDICTION	Alabama
DECIDED	March 14, 2014
DISPOSITION	dismissed
PROCEDURAL POSTURE	The Meekses appealed from a partial summary judgment in favor of Roderick Morrow and Merchants & Farmers Bank. After the Supreme Court's clerk's office remanded the matter for the trial court to address finality, the trial court certified the partial judgment as final under Rule 54(b), Alabama Rules of Civil Procedure. The Supreme Court reviewed the certification jurisdictionally and dismissed the appeal.
STANDARD OF REVIEW	The Supreme Court examined jurisdictional finality ex mero motu and reviewed whether the trial court exceeded its discretion in determining that there was no just reason for delay under Rule 54(b).
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	John Meeks, Oretha Meeks v. Roderick Morrow, Merchants & Farmers Bank

TOPICS

final judgment rule

appellate jurisdiction

appellate procedure

civil procedure

PRACTICE AREAS

Appellate procedure

Civil procedure

Real estate

QUESTIONS PRESENTED

1. Whether the trial court properly certified its partial summary judgment as a final judgment under Rule 54(b), Alabama Rules of Civil Procedure.
2. Whether the Supreme Court had jurisdiction over an appeal from an order leaving interdependent counterclaims and cross-claims unresolved.

HOLDINGS

1. The trial court exceeded its discretion in certifying the partial summary judgment as final under Rule 54(b) because the adjudicated claims and the remaining claims were so closely intertwined that separate adjudication created an unreasonable risk of inconsistent results.
2. An appeal from an order that is not a final judgment must be dismissed ex mero motu.

KEY QUOTATIONS

“Also, a Rule 54(b) certification should not be entered if the issues in the claim being certified and a claim that will remain pending in the trial court ‘ “are so closely intertwined that separate adjudication would pose an unreasonable risk of inconsistent results.” ’” (1073-74)

“Thus, the claims remaining before the trial court and the claims before us on appeal are so intertwined that they cannot be adjudicated without the “unreasonable risk of inconsistent results.”” (1074)

“Consequently, the appeal is dismissed as being from a nonfinal judgment.” (1075)

FACTUAL BACKGROUND

The Meekses occupied and renovated a house on property they expected to purchase from Bessie Lard under a 1999 work-out agreement. After the property was subjected to a judgment lien and sold at a sheriff's sale to Roderick Morrow, the Meekses sued to redeem the property and asserted additional claims against Morrow, Merchants & Farmers Bank, and others. The trial court granted summary judgment to Morrow and the Bank but left Morrow's counterclaim and cross-claims pending.

PROCEDURAL HISTORY

The Meekses sued Morrow and later added the Bank and Lewis, asserting property-related claims and seeking redemption, damages, and equitable relief. The trial court granted summary judgment to Morrow and the Bank, denied the Meekses' summary-judgment motion, dissolved the temporary restraining order, and awarded Morrow immediate possession, while leaving Morrow's counterclaim and cross-claims pending. The trial court then certified the order under Rule 54(b), but the Supreme Court held that the adjudicated and unadjudicated claims were too closely intertwined for a proper certification and dismissed the appeal as from a nonfinal judgment.

DISPOSITION

dismissed

CASES CITED

- Nunn v. Baker, 518 So. 2d 711, 712 (Ala. 1987)
- Dzwonkowski v. Sonitrol of Mobile, Inc., 892 So. 2d 354, 362-63 (Ala. 2004)
- Schlarb v. Lee, 955 So. 2d 418, 419-20 (Ala. 2006)
- State v. Lawhorn, 830 So. 2d 720, 725 (Ala. 2002)
- Baker v. Bennett, 644 So. 2d 901, 903 (Ala. 1994)
- Branch v. SouthTrust Bank of Dothan, N.A., 514 So. 2d 1373, 1374 (Ala. 1987)
- Goldome Credit Corp. v. Player, 869 So. 2d 1146, 1148 (Ala. Civ. App. 2003)
- Harper Sales Co. v. Brown, Stagner, Richardson, Inc., 742 So. 2d 190, 192 (Ala. Civ. App. 1999)
- Brown v. Whitaker Contracting Corp., 681 So. 2d 226, 229 (Ala. Civ. App. 1996)
- Clarke-Mobile Counties Gas Dist. v. Prior Energy Corp., 834 So. 2d 88, 95 (Ala. 2002)
- Lighting Fair, Inc. v. Rosenberg, 63 So. 3d 1256, 1264 (Ala. 2010)
- MCI Constructors, LLC v. City of Greensboro, 610 F.3d 849, 855 (4th Cir. 2010)
- Gregory v. Ferguson, 10 So. 3d 596, 598 (Ala. Civ. App. 2008)
- BB & S Gen. Contractors, Inc. v. Thornton & Assocs., Inc., 979 So. 2d 121, 125 (Ala. Civ. App. 2007)
- Tatum v. Freeman, 858 So. 2d 979, 980 (Ala. Civ. App. 2003)
- Powell v. Republic Nat'l Life Ins. Co., 293 Ala. 101, 102, 300 So. 2d 359, 360 (1974)