

STATE OF ALABAMA -- JUDICIAL DEPARTMENT
THE SUPREME COURT
SPECIAL TERM, 2025

SC-2024-0528

Joy Goodwin Adams v. Tiffany Rudd Atkinson, Katherine M. Rudd, Goodwin Capital Partners, Ltd., and KATISAM, Inc. (Appeal from Jefferson Circuit Court: CV-23-904346).

On Rehearing Ex Mero Motu

PER CURIAM.

This Court, on rehearing ex mero motu, having considered the record on appeal and the initial briefs filed by the parties, finds that the Jefferson Circuit Court's judgment of dismissal is due to be affirmed. Because the plaintiff, Joy Goodwin Adams, did not address in her initial brief on original submission all the defendants' arguments raised in their motion to dismiss, and because the circuit court's judgment did not specify the basis for the dismissal, Adams waived her right to challenge the unaddressed arguments of the defendants that could have supported the circuit court's judgment of dismissal. See Soutullo v. Mobile Cnty.,

58 So. 3d 733, 738-39 (Ala. 2010), and Fogarty v. Southworth, 953 So. 2d 1255, 1232 (Ala. 2006). We therefore affirm the judgment of the circuit court.

ON REHEARING EX MERO MOTU: OPINION OF MAY 16, 2025, WITHDRAWN; ORDER SUBSTITUTED; AFFIRMED. NO OPINION.

See Rule 53(a)(1) and (a)(2)(F), Ala. R. App. P.

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

Cook, J., recuses himself.