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ALABAMA COURT OF CIVIL APPEALS

SPECIAL TERM, 2013

2110726

Doris Hardy

v.

Ronald W. Smith and Nancy R. Smith

Ronald W. Smith and Nancy R. Smith

v.

Doris Hardy

Appeals from Tuscaloosa Circuit Court
(CV-08-900451)

On Application for Rehearing

2110726

MOORE, Judge.

On application for rehearing, Doris Hardy argues that, as to her unjust-enrichment claim, Ronald W. Smith and Nancy R. Smith should carry the burden of proving that Hardy received a benefit sufficient to offset her payments. We note, however, that "generally a plaintiff bears the burden of proving the essential elements of his [or her] claims." Ex parte Blue Cross & Blue Shield of Alabama, 773 So. 2d 475, 478 (Ala. 2000). Here, Hardy has cited no legal authority contrary to the general rule. Thus, we overrule Hardy's application for a rehearing.

APPLICATION OVERRULED.

Thompson, P.J., and Pittman and Thomas, JJ., concur.

Donaldson, J., recuses himself.