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SUPREME COURT OF ALABAMA

OCTOBER TERM, 2019-2020

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S.B.

v.

Monument of Love Christian Life Ministry, Inc.

Appeal from Jefferson Circuit Court
(CV-18-900120)

MITCHELL, Justice.

S.B. sued Monument of Love Christian Life Ministry, Inc. ("the MOL Ministry"), alleging that her six-year-old son A.B. was assaulted by another six-year-old boy in a restroom at Greater Love Christian Academy, a preschool and day care

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operated by the MOL Ministry in Birmingham. S.B. asserted claims of negligence and wantonness against the MOL Ministry. The MOL Ministry moved for a summary judgment, arguing that S.B. had failed to submit any evidence to support her claims and that this case was therefore identical in all material respects to N.J. v. Greater Emanuel Temple Holiness Church, 611 So. 2d 1036 (Ala. 1992), and W.L.O. v. Smith, 585 So. 2d 22 (Ala. 1991), previous appeals in which this Court affirmed summary judgments entered in cases where claims were brought against a church-operated preschool (N.J.) and school employees (W.L.O.) after students were allegedly assaulted on school grounds.

On March 5, 2019, the trial court granted the MOL Ministry's summary-judgment motion, stating that "[t]he material facts appear undisputed and, based on those facts, the [MOL Ministry is] entitled to judgment as a matter of law." Counsel for S.B. thereafter moved to withdraw from the case, noting that S.B. had been advised of the trial court's judgment and had been told she would need to obtain new counsel if she wished to continue pursuing the litigation. The trial court granted counsel's motion to withdraw, and, on

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April 5, 2019, S.B., acting pro se, filed a notice of appeal challenging the summary judgment entered by the trial court.

On June 7, 2019, S.B. filed a two-page letter brief with this Court in which she described the effect A.B.'s alleged assault had had on her family and her belief that the MOL Ministry should be held accountable for its alleged failure to adequately supervise the children in its care. S.B. did not, however, identify any error committed by the trial court or otherwise address the summary judgment entered against her. Nor did the letter brief contain any of the components of a brief required by Rule 28(a), Ala. R. App. P. When considering another appeal in which the appellant filed a similarly deficient brief, the Court of Civil Appeals stated:

"The appellate brief of the wife contains no table of contents, no table of cases, no statement of a cognizable legal argument, no citations to the record, and no citation to any controlling legal authority. In short, there is absolutely no compliance with the requirements of Rule 28[, Ala. R. App. P.]. The wife has filed her appeal pro se; however, a pro se litigant must comply with legal procedures and court rules. Black v. Allen, 587 So. 2d 349 (Ala. Civ. App. 1991). Courts are no more forgiving to pro se litigants than to those represented by counsel. Black, supra. Additionally, it has long been held that '[w]hen an appellant fails to cite any authority for an argument on a particular issue, this Court may affirm the judgment as to that issue, for it is

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neither this Court's duty nor its function to perform an appellant's legal research.' City of Birmingham v. Business Realty Inv. Co., 722 So. 2d 747, 752 (Ala. 1998) (internal citations omitted). See also McLemore v. Fleming, 604 So. 2d 353 (Ala. 1992); Stover v. Alabama Farm Bureau Ins. Co., 467 So. 2d 251 (Ala. 1985); and Ex parte Riley, 464 So. 2d 92 (Ala. 1985)."

Schwartz v. Schwartz, 835 So. 2d 1017, 1018 (Ala. Civ. App. 2002). See also Gorman v. Wood, 663 So. 2d 921, 922 (Ala. 1995) ("Where an appellant, whether represented by an attorney or proceeding pro se, cites no authority for a legal argument on an issue, this Court may affirm the judgment as to that issue, because it is neither the Court's duty nor its function to perform legal research for an appellant.").

In sum, because of S.B.'s failure to comply with Rule 28, Ala. R. App. P., there is "nothing to review on appeal." Lockett v. A.L. Sandlin Lumber Co., 588 So. 2d 889, 891 (Ala. Civ. App. 1991). We therefore affirm the summary judgment entered by the trial court.

AFFIRMED.

Parker, C.J., and Shaw, J., concur.

Bryan and Mendheim, JJ., concur in the result.