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# **SUPREME COURT OF ALABAMA**

**OCTOBER TERM, 2021-2022**

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**1200860**

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**Laurie Ann Ledbetter**

**v.**

**William Russell Ledbetter, individually and in his capacity as  
trustee of The Lois Ann Ledbetter Family Irrevocable Trust**

**1210002**

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**William Russell Ledbetter, individually and in his capacity as trustee of The Lois Ann Ledbetter Family Irrevocable Trust**

v.

**Laurie Ann Ledbetter**

**Appeals from Elmore Circuit Court  
(CV-17-900012)**

MITCHELL, Justice.

When Lois Ann Ledbetter passed away in 2015, her three children -- Laurie Ann Ledbetter, Warren Ledbetter, and William Russell Ledbetter ("Russ") -- became embroiled in a financial dispute over Lois's estate and life-insurance policy. Laurie and Warren eventually sued Russ in the Elmore Circuit Court, alleging that Lois had created an oral trust for their benefit, with Russ as the trustee. They alleged that Russ had misused trust funds for his personal benefit and that, as a result, Russ was liable for breach of fiduciary duty, conversion, fraudulent misrepresentation, deceit, and fraudulent suppression. After conducting discovery, the parties filed cross-motions for summary judgment.

The trial court initially entered summary judgment in Russ's favor, but this Court reversed that decision when it held that an unresolved "issue of fact" as to the terms of the trust -- and, consequently, the proper distribution of trust funds -- precluded summary judgment. Ledbetter v. Ledbetter, 323 So. 3d 1210, 1215 (Ala. 2020). This Court explained that "[i]t was not the province of the trial court to resolve that issue of fact on a motion for a summary judgment," and the Court remanded the case for "proceedings consistent with this opinion" (e.g., for trial or settlement). Id.

On remand, Laurie and Warren renewed their summary-judgment motion. This time, the trial court, on the exact same record, again entered summary judgment -- but this time in the plaintiffs' favor, with damages to be determined at a later date. Russ and Warren settled before the damages hearing. After the hearing, the trial court awarded Laurie compensatory damages in the amount of \$224,601.91, but it denied her request for punitive damages and did not award her attorney fees. Laurie then filed a motion to alter, amend, or vacate the damages award. The trial court held a hearing on Laurie's postjudgment motion and subsequently awarded her \$15,000 in attorney fees.

Laurie appealed, asserting that the trial court had erred by not awarding her more in attorney fees, by failing to explain its reasoning for what she contends was a too-small attorney-fee award, and by denying her request for punitive damages. Russ filed a timely cross-appeal, arguing that the trial court's entry of summary judgment in favor of Laurie was inappropriate given the disputed fact issue identified in our prior opinion.

Russ is correct that the trial court erred by entering summary judgment. As this Court held in its previous decision, this case involves at least one "open" issue of material fact, which makes summary judgment inappropriate. 323 So. 3d at 1215. That holding governed the case on remand. Honea v. Raymond James Fin. Servs., Inc., 279 So. 3d 568, 570-71 (Ala. 2018) ("An appellate court's decision is final as to the matters before it, becomes the law of the case, and must be executed according to the mandate.").

Because we agree with Russ that summary judgment in favor of Laurie was inappropriate, we pretermit any discussion of Laurie's claims that the trial court erred in its damages and attorney-fee awards. For avoidance of future confusion, however, we note that a "'trial court's

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order regarding an attorney fee must allow for meaningful review by articulating the decisions made, the reasons supporting those decisions, and the performance of the attorney-fee calculation.' " Beal Bank, SSB v. Schilleci, 896 So. 2d 395, 404 (Ala. 2004) (citation omitted).

The judgment below is reversed and the cause remanded for further proceedings consistent with this opinion.

1200860 -- REVERSED AND REMANDED.

1210002 -- REVERSED AND REMANDED.

Parker, C.J., and Bolin, Shaw, Wise, Bryan, Mendheim, and Stewart, JJ., concur.

Sellers, J., recuses himself.