Rel: August 21, 2026

SUPREME COURT OF ALABAMA

SPECIAL TERM, 2026

SC-2025-0958

Mobile Investments, LLC, and The Broadway Group, LLC

v.

Corporate Pharmacy Services, Inc.

Appeal from Etowah Circuit Court
(CV-20-900608)

COOK, Justice.

A previous appeal involving the same parties arose out of a default judgment that was entered against the defendants Mobile Investments, LLC, and The Broadway Group, LLC ("TBG"), by the Etowah Circuit Court as a sanction under Rule 37(b)(2)(C), Ala. R. Civ. P., after the defendants repeatedly failed to comply with multiple discovery requests and orders in a property dispute with Corporate Pharmacy Services, Inc. ("CPS"). Mobile Investments and TBG appealed that decision to our Court, and we affirmed the trial court's judgment. See Mobile Invs., LLC v. Corporate Pharm. Servs., Inc., 415 So. 3d 1018 (Ala. 2024).

Mobile Investments and TBG thereafter filed a Rule 60(b)(4), Ala. R. Civ. P., motion, requesting that the trial court set aside the default judgment as void on the basis that they had been denied due process. The trial court issued an order stating that there was no basis for setting aside the default judgment under Rule 60(b)(4), but it noted that filings since the entry of that judgment had raised questions that, it believed, would allow it to grant limited relief from that judgment under Rule 60(b)(6).

Following the trial court's observation, Mobile Investments and TBG amended their Rule 60(b) motion. In that amended motion, Mobile Investments and TBG reiterated their Rule 60(b)(4) arguments but added additional arguments for relief under Rule 60(b)(6).

Their amended motion was subsequently denied in major part by the trial court. However, in its order, the trial court made clear that there were still issues pertinent to the disposition of the case that had yet to be resolved. Before the trial court could resolve those issues, Mobile Investments and TBG appealed to this Court. As explained below, because their appeal is not taken from a final judgment, it must be dismissed.

Facts and Procedural History

I. Events Giving Rise to the Underlying Case

In 1995, William King agreed to lease his property on Broad Street in Gadsden to CPS ("the Broad Street property"). Under the parties' lease agreement, King agreed to lease that property to CPS for a one-year term, with the option for CPS to renew the lease "for five (5) successive years following the initial one (1) year term." The lease agreement also contained a provision that gave CPS the option to purchase the Broad Street property from King if King ever attempted to sell it. Although the lease agreement specifically covered only six years, CPS remained in possession of the Broad Street property until 2005, at which point, CPS contends, King executed a handwritten note that extended the term of the lease indefinitely.

King died in 2018. In 2019, King's estate sold the Broad Street property to Mobile Investments. Shortly thereafter, CPS discovered that King's estate had sold the Broad Street property to Mobile Investments when Mobile Investments informed CPS that CPS was leasing the Broad Street property on a month-to-month basis; according to CPS, it was also informed that TBG was its "new landlord." When CPS contacted Mobile Investments and TBG regarding its right of first refusal and demanded that it be allowed to exercise that option, Mobile Investments and TBG refused.

Consequently, on October 22, 2020, CPS commenced the present action against Mobile Investments and TBG. In its complaint, CPS alleged that Mobile Investments and TBG had breached the terms of the original lease agreement between CPS and King and sought specific performance of the lease agreement's option-to-purchase provision.

Mobile Investments and TBG moved to dismiss CPS's claims against them, but that motion was denied. They then filed their answer to CPS's complaint, and the parties proceeded to engage in discovery.

Following CPS's filing of motions for sanctions based on Mobile

Investments and TBG's failure to participate in discovery and the trial court's entry of numerous discovery orders that went ignored, the trial court entered a default judgment in favor of CPS on August 11, 2023. The trial court found that CPS was entitled to purchase the Broad Street property for $110,000, the same price paid by Mobile Investments. The trial court's order contained a legal description of the Broad Street property that was to be conveyed upon CPS's payment of the $110,000 sale price to the Etowah circuit clerk. On September 8, 2023, Mobile Investments and TBG filed, under Rule 55, Ala. R. Civ. P., a motion for relief from the default judgment, which was denied by operation of law.

II. Mobile Investments and TBG's First Appeal to This Court

On February 23, 2024, Mobile Investments and TBG appealed the trial court's judgment to this Court, arguing that the trial court had abused its discretion by entering a default judgment against them because, they said, their former attorney (1) did not tell them about the trial court's four orders compelling them to respond to discovery and (2) did not explain to their corporate representative the consequences of not complying with the trial court's orders compelling his deposition. Our Court affirmed the trial court's judgment on September 13, 2024. See

Mobile Invs., LLC v. Corporate Pharm. Servs., Inc., 415 So. 3d 1018 (Ala. 2024).

Following our Court's decision, on October 3, 2024, CPS filed its notice of payment of $110,000 to the Etowah circuit clerk for the purchase of the Broad Street property pursuant to the trial court's August 11, 2023, order. It also asked the trial court to issue an order formally divesting Mobile Investments and TBG of title to the Broad Street property consistent with its August 11, 2023, order.

In their response to CPS's notice and request, Mobile Investments and TBG asked the trial court not to enter an order divesting it of title to the Broad Street property as described in CPS's motion because, they said, the legal description of the Broad Street property provided by CPS for use in the clerks' deed contained an error. According to Mobile Investments and TBG, while the 2019 warranty deed from King's estate conveyed the properties identified by the street addresses of both 319 and 317 Broad Street, only 319 Broad Street was ever subject to CPS's lease with King. They maintained that the building at 317 Broad Street was leased to a different entity altogether and that it should not be included in the deed vesting title to the Broad Street property in CPS because it was never leased by it.

It does not appear that the trial court took any action on either filing at that time.

III. Mobile Investments and TBG's Subsequent Rule 60(b)(4), Ala. R. Civ. P., and Rule 60(b)(6), Ala. R. Civ. P., Motions

Then, on November 11, 2024, Mobile Investments and TBG filed a Rule 60(b)(4), Ala. R. Civ. P., motion in which they asked the trial court set aside its August 11, 2023, default judgment as void on the basis that they had been denied due process. They also argued that there was no evidence presented that could have supported that judgment.

A little more than two weeks later, the trial court issued an order stating that there was no basis for setting aside the default judgment but noting that filings since the entry of its default judgment raised questions as to the correct legal description of the Broad Street property. Although it did not believe that Rule 60(b)(4) was applicable, the trial court observed that Rule 60(b)(6), Ala. R. Civ. P., was available to allow it to grant limited relief from its August 11, 2023, judgment to ensure that it did not vest CPS with title to more property than was required.

On December 20, 2024, Mobile Investments and TBG filed their amended Rule 60(b) motion, adding Rule 60(b)(6) as a ground for why they were entitled to relief from the default judgment entered against them. In their amended motion, they reasserted that the trial court's default judgment was void on due-process grounds.

On December 21, 2024, the trial court issued an order setting the amended motion for a hearing on February 3, 2025. A few days later, CPS filed a notice with the trial court in which it indicated that it had obtained a new survey and legal description of both properties on Broad Street. It attached copies of both to its notice. Those documents indicated that CPS occupies only .13 acre on the westerly side, which, CPS noted, constituted 61.9% of those properties.

In advance of the February 3, 2025, hearing, the trial court issued an order in which it stated that, if it were to determine that the survey and legal description submitted by CPS is accurate, it would then enter an order consistent with that information and would "order disbursement by the Clerk of the Court to [Mobile Investments] of the sum of $67,090.00 (61.9% of the $110,000 paid by [CPS] into the Court), and return the sum of $42,910.00 (the remaining 38.1% of the $110,000) to [CPS]." The trial court noted, however, that, if it were to decide to grant Mobile Investments and TBG's amended motion in its entirety, it would order the entire $110,000 would be paid back to CPS.

Because CPS would be entitled to "$42,910" in either scenario, the trial court stated that it would order the circuit clerk to return that amount to CPS if it did not receive an objection from Mobile Investments and TBG within seven days of its order. Following the filing of a motion by CPS and a notice of no objection by Mobile Investments and TBG, the trial court directed the circuit clerk to disburse "$42,910" to CPS and to hold the remainder of the funds pending disposition of Mobile Investments and TBG's amended Rule 60(b) motion.

IV. The Hearing on Mobile Investments and TBG's Amended Rule 60(b) Motion and the Trial Court's Subsequent Ruling

The hearing scheduled for February 3, 2025, was rescheduled for April 17, 2025. During that hearing, the trial court heard arguments from all the parties as to why Mobile Investments and TBG were or were not entitled to relief under Rules 60(b)(4) and 60(b)(6).

On December 2, 2025, the trial court issued a lengthy, detailed order denying Mobile Investments and TBG's amended Rule 60(b) motion in large part.[1] In that same order, the trial court made clear that it was

[1]It is unclear why it took so long for the trial court to issue this order after the April 17, 2025, hearing. The case-action-summary in the record

reserving its ruling on the proper legal description of the Broad Street property and the correct corresponding purchase price until a follow-up hearing could be held on December 17, 2025, to resolve those two remaining issues. Specifically, the trial court's order stated:

> "Hearing is set on Wednesday, December 17, 2025, at 1:30 p.m., on the following remaining issues necessary for disposition of this case, … (a). confirmation of the correct legal description to be utilized in the order by which title to the subject property is vested in [CPS]; and (b). confirmation of the correction corresponding purchase price to be paid to Defendant Mobile Investments, LLC."

(Some emphasis in original; some emphasis added.) However, before the December 17, 2025, hearing could take place, Mobile Investments and TBG filed the current appeal.

Standard of Review

We review a denial of relief under Rule 60(b)(4), Ala. R. Civ. P., de novo. See Allsopp v. Bolding, 86 So. 3d 952, 957 (Ala. 2011). We review a ruling on a Rule 60(b)(6), Ala. R. Civ. P., motion for whether the trial court exceeded its discretion. See Osborn v. Roche, 813 So. 2d 811, 815

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shows that, on May 19, 2025, CPS and Mobile Investments and TBG each filed a "post-hearing summation of [their] Rule 60(b) motions." After that, the next filing is a motion by Mobile Investments and TBG asking the trial court to rule on their amended Rule 60(b) motion.

(Ala. 2001).

Discussion

On appeal, Mobile Investments and TBG challenge the trial court's denial of their amended Rule 60(b) motion. However, CPS argues that, before we can consider the merits of Mobile Investments and TBG's arguments, we must first determine whether we have jurisdiction over the current appeal because, it asserts, at present there is no final judgment.

It is well settled that, for this Court to exercise jurisdiction, an appeal must be from a final judgment or from a judgment certified as final under Rule 54(b), Ala. R. Civ. P. See Foster v. Greer & Sons, Inc., 446 So. 2d 605, 609-10 (Ala. 1984). A final judgment is one that "conclusively determines the issues before the court and ascertains and declares the rights of the parties involved." Bean v. Craig, 557 So. 2d 1249, 1253 (Ala. 1990). In general, a final judgment "is one that puts an end to the proceedings between the parties ... and leaves nothing further for adjudication." Ex parte Wharfhouse Rest. & Oyster Bar, Inc., 796 So. 2d 316, 320 (Ala. 2001).

In its December 2, 2025, order denying Mobile Investments and

TBG's amended Rule 60(b) motion, the trial court expressly stated that it was scheduling a separate hearing for December 17, 2025, "on the following remaining issues necessary for disposition of this case, ... (a). confirmation of the correct legal description to be utilized in the order by which title to the subject property is vested in [CPS]; and (b). confirmation of the correct corresponding purchase price to be paid to Defendant Mobile Investments, LLC." The very title of that order was: "ORDER DENYING DEFENDANTS' RULE 60(B)(4) MOTION FOR RELIEF FROM JUDGMENT, DENYING DEFENDANTS' RULE 60(B)(6) MOTION FOR RELIEF FROM JUDGMENT EXCEPT FOR SPECIFIED LIMITED RELIEF TO BE GRANTED, AND SETTING HEARING ON SUCH LIMITED RELIEF FROM JUDGMENT." (Capitalization in original).

However, the record indicates that, before it could hold that hearing, on December 11, 2025, Mobile Investments and TBG filed the current appeal with this Court challenging the trial court's denial of their amended Rule 60(b) motion. They also filed with this Court an emergency motion to stay the hearing scheduled for December 17, 2025.

On December 16, 2025, Mobile Investments and TBG filed with the trial court an emergency motion to stay, asking that court to hold off on doing anything further until this Court resolved their appeal. That same day, the trial court issued an order continuing the hearing on the two issues identified in its December 2, 2025, order. However, it indicated that it would, instead, hold a hearing on December 17, 2025, to consider Mobile Investments and TBG's corresponding motion to stay.[2]

During that hearing, a discussion arose as to whether the order that Mobile Investments and TBG were appealing -- the trial court's December 2, 2025, order denying their amended Rule 60(b) motion -- was a final judgment. The trial court indicated that it believed that that order was an "interlocutory order" because it "contemplate[d] further proceedings." The trial court reasoned that additional "things have to be determined to have a final order." Following that hearing, the trial court issued an order that reflected its concerns on the finality issue.

On December 18, 2025, our clerk's office issued a "Show Cause Order," asking Mobile Investments and TBG to explain whether the trial court's order denying their amended Rule 60(b) motion was a final

[2]That ruling rendered the emergency motion filed with this Court moot, and our clerk's office issued an order stating the same.

judgment. In response, Mobile Investments and TBG offered three reasons for why the order was final.

First, they pointed out that this Court previously had accepted their earlier appeal from the August 11, 2023, default judgment and the subsequent order denying their motion to set aside that judgment under Rule 55, Ala. R. Civ. P. Thus, they argued, the same judgment and the subsequent order denying their amended Rule 60(b) motion were likewise final and capable of supporting this appeal. Second, they argued that none of the enforcement language contained in the trial court's order denying their amended Rule 60(b) motion pertained to, enhanced, or affected the August 11, 2023, judgment.

Both of these arguments are unpersuasive. The finality of the earlier judgment is simply irrelevant to the finality of the order ruling on their amended Rule 60(b) motion. Importantly, Mobile Investments and TBG do not cite any caselaw to support such a proposition.

Finally, they argued that caselaw regarding sale-for-division actions is analogous to the case at hand because they both involve a request for specific performance resulting in a court order directing the transfer of property from one party to another, thus, they say, further confirming that they are appealing from a final judgment. However, this is not a sale-for-division action. More importantly, we cannot ignore the fact that the record indicates -- and the trial court acknowledges -- that there are "issues before the [trial] court," Bean, 557 So. 2d at 1253, that have not been resolved. Rather, those issues -- the legal description of the Broad street property and the purchase price -- remain pending. As a result, the proceedings between the parties have not been "put[to] an end." Ex parte Wharfhouse Rest. & Oyster Bar, Inc., 796 So. 2d at 320. Accordingly, we lack jurisdiction to consider the present appeal, and it must be dismissed.

APPEAL DISMISSED.

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

Sellers, J., concurs in the result.