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# ALABAMA COURT OF CIVIL APPEALS

SPECIAL TERM, 2013

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2110726

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Doris Hardy

v.

Ronald W. Smith and Nancy R. Smith

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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.