

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-14375
Non-Argument Calendar

JUDY A. FINLEY,

Plaintiff-Appellant,

versus

INGLES MARKETS INC.,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Alabama
D.C. Docket No. 4:23-cv-00714-CLM

Before NEWSOM, LUCK, and LAGOA, Circuit Judges.

PER CURIAM:

Judy Finley was injured when she slipped and fell at an Ingles grocery store. She sued Ingles, asserting state-law premises-liability claims, as well as wantonness, recklessness, and willful-conduct

claims. The district court granted summary judgment to Ingles and denied Finley’s subsequent Rule 59(e) motion to alter or amend the judgment. Finley appealed. After careful review, we affirm the district court’s orders.

I

We begin by addressing whether we have jurisdiction to consider Finley’s challenge to the district court’s summary judgment order. Ingles asserts that because Finley identified only the denial of her Rule 59(e) motion in her notice of appeal, she failed to properly appeal the district court’s summary judgment order, and we therefore can’t review it. Finley responds that her appeal of the denial of the Rule 59(e) motion functioned as an appeal of the summary judgment order, too.

Finley is correct. Federal Rule of Appellate Procedure 3 requires that a notice of appeal “designate the judgment—or the appealable order—from which the appeal is taken.” Fed. R. App. P. 3(c)(1)(B).¹ But the rule clarifies that “[i]n a civil case, a notice of appeal encompasses the final judgment, whether or not that judgment is set out in a separate document under Federal Rule of Civil Procedure 58, if the notice designates . . . an order described in Rule 4(a)(4)(A).” *Id.* 3(c)(5)(B). A Rule 59 motion to alter or amend

¹ Rule 3 is jurisdictional. *Auto. Alignment & Body Serv., Inc. v. State Farm Mut. Auto. Ins. Co.*, 953 F.3d 707, 722 (11th Cir. 2020) (citing *Smith v. Barry*, 502 U.S. 244, 248 (1992)).

25-14375

Opinion of the Court

3

the judgment is one such order. *Id.* 4(a)(4)(A)(iv). So Finley’s appeal of the denial of her Rule 59(e) motion encompassed the summary judgment order, which was the final judgment here.

II

Convinced that we have jurisdiction, we turn to the substance of Finley’s appeal.

“To obtain reversal of a district court judgment that is based on multiple, independent grounds, an appellant must convince us that every stated ground for the judgment against him is incorrect.” *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 680 (11th Cir. 2014). The failure to do so is fatal: “When an appellant fails to challenge properly on appeal one of the grounds on which the district court based its judgment, he is deemed to have abandoned any challenge of that ground, and it follows that the judgment is due to be affirmed.” *Id.* In *Sapuppo*, we looked to the appellants’ issue statements, which addressed some, but not all, of the district court’s reasons for rejecting the appellants’ claims. *See id.* Because their issue statements failed to address the district court’s alternative rulings, we held that the appellants had “abandoned any argument that the additional reasons the district court stated for dismissing each of the claims was error.” *Id.*

Finley’s initial brief suffers from the same defect. The district court based its summary judgment decision and its denial of Finley’s Rule 59(e) motion on two independent grounds. In its summary judgment order, the court ruled that (1) Finley had failed to provide any evidence that Ingles knew or should have known

about water allegedly on the floor, which was required to establish duty, and (2) Finley failed to present evidence that would allow a reasonable juror to infer that Ingles's misconduct caused her fall. And in its order denying Finley's Rule 59(e) motion, the court (1) concluded that Finley had failed to show that the court committed a manifest error when it ruled that she failed to create a genuine dispute of material fact about Ingles's duty, and (2) observed that Finley had made no argument that the court's ruling on causation was manifestly erroneous. But in her statement of the issues on appeal, Finley addressed only duty—in particular, whether Finley had to establish notice and, if so, whether she offered sufficient evidence to create a genuine issue of material fact about notice:

Issue I: INGLES CREATED A HAZARDOUS CONDITION AND THEN NEGLIGENTLY (AND/OR WANTONLY) FAILED GUARD AGAINST THE HAZARD THAT IT CREATED THEREFORE FINLEY IS RELIEVED FROM FURTHER PROOF OF NOTICE.

Issue II: A JURY COULD REASONABLY CONCLUDE THAT A HAZARD WAS PRESENT FOR A SUFFICIENT PERIOD OF TIME TO IMPUTE CONSTRUCTIVE NOTICE TO INGLES.

Br. of Appellant at 1.

In her response brief, Finley asserts that she “clearly requests” that this Court review the district court's causation ruling. Reply Br. of Appellant at 7. She also seems to state that she argued,

in her initial brief, that Ingles's creation of the hazard precluded summary judgment based on a lack of causation. *See id.* at 8 ("As noted Finley's primary brief the fact that Ingles created the hazard, from establishing causation."). And she claims that she stated that "the issue of causation is left to the jury." *Id.* at 9. But Finley identifies no specific portions of her initial brief that support these characterizations. Moreover, in her initial brief, her creation-of-the-hazard argument was part of her broader argument about why Ingles should be presumed to have notice of the water on the floor. *See Br. of Appellant* at 13. That argument relates to duty, not causation.

We ultimately see only a few sentences in Finley's initial brief that mention causation. *See id.* at 12 ("Judy Finley, an invitee, suffered injury as a proximate result of the hazard that was created when Ingles chose not to place safety mats in front of a machine that was dispensing ice in an area known to be heavily trafficked by customers and others."); *id.* at 17 ("Judy fell right in front of the ice machine as a result of water on the tile floor."); *id.* at 21 ("In fact, a reasonable person can conclude that since it was water and likely not ice that caused to slip, that the ice had been on the ground long enough to melt."); *id.* at 23 ("[T]here is substantial evidence in the record for a reasonable person to deduce ice had fallen from the machine and then puddled into water on the tile floor exposing Judy Finley to a slippery situation resulting in her injury."). But these sentences are buried in the summary of the argument, the conclusion, and sections expounding Finley's arguments about notice. And none addresses the district court's causation rulings or

explains why they were wrong. These kind of “passing references,” devoid of “supporting arguments and authorit[ies],” don’t properly raise the issue of causation. *Sapuppo*, 739 F.3d at 681. And—most importantly—the fact remains that Finley didn’t discuss causation in her statement of the issues, as she was required to do. *See id.* at 680.

Because Finley failed to challenge the district court’s rulings on causation, which were independent bases for both the summary judgment order and denial of her Rule 59(e) motion, we **AFFIRM** the district court.