



**LIST OF DECISIONS ANNOUNCED BY
COURT OF CIVIL APPEALS OF ALABAMA
ON FRIDAY, MAY 1, 2009**

PRESIDING JUDGE THOMPSON

2070344 Willie C. Flowers and Mary J. Flowers v. Eleanor Tyler Dean (Appeal from Coffee Circuit Court: CV-05-23)

Affirmed.

Circuit Judge, Thomas E Head, III, (334) 897-5525
Aplt. Atty., J. E. Sawyer, Jr, (334) 347-6447
Aple. Atty., L Merrill Shirley, (334) 897-5775

2071080 Vitaly Morgungenko and Lana Morgungenko v. Dwayne's Body Shop (Appeal from Houston Circuit Court: CV-08-5002)

Appeal Dismissed.

Circuit Judge, Henry D Binford, (334) 677-4848
Aplt. Atty., Stephen T Etheredge, (334) 793-3377
Aple. Atty., R Bruce Hall, (334) 793-3610
Aple. Atty., Allison Reid Lumbatis, (334) 793-3610

2071097 Bishop State Community College v. Henry R. Douglas (Appeal from : FMCS: 08-00835)

Affirmed.

Aplt. Atty., Jeffrey Garrett Miller, (251) 432-1671
Aplt. Atty., David M. O'Brien, (251) 432-1671
Aple. Atty., Henry Harris Caddell, (251) 478-8880
Aple. Atty., Sam H Heldman, (202) 965-8884

2071138 Oden Music, Inc., f/k/a JDO, Inc., and Jason D. Oden v. Deborah Stowe (Appeal from Calhoun Circuit Court: CV-06-473)

Affirmed.

Circuit Judge, John Thomason, (256) 231-1830
Aplt. Atty., Frank W. Bailey, (256) 54-6.5666
Aple. Atty., Theodore A. Copland, II, (256) 237-9123

2071154 J. L. Butler, Sr., and J. L. Butler, Jr. v. MaxiStorage, Inc., Dewey Brazelton, and Brazelton Properties, Inc. (Appeal from Madison Circuit Court: CV-04-1492)

Reversed And Remanded.

Circuit Judge, Ned Michael Suttle, (256) 760-5820
Aplt. Atty., Robert C. Gish, Jr, (256) 536-3636
Aple. Atty., Angela S. Ary, (256) 535-0817
Aple. Atty., Kevin D. Heard, (256) 535-0817

JUDGE PITTMAN

2070922 Jamie Shree Melvin v. Jimmie Wayne Loats (Appeal from Jefferson Circuit Court: CV-05-4307)

**Appeal--Reversed And Remanded With Instructions.
Cross-Appeal--Affirmed.**

Circuit Judge, Michael G Graffeo, (205) 325-5644
Aplt. Atty., Wade S Anderson, (205) 879-7243
Aplt. Atty., Bethany L. Bolger, (334) 206-3100
Aplt. Atty., Ronald G Davenport, (334) 206-3278
Aple. Atty., Marcus Clay Alspaugh, (205) 324-8910

JUDGE BRYAN

2071229 Ethel M. Lee v. Carol M. Lee Oliver, Cassandra M. Lee, and Cynthia Lee Bush (Appeal from Madison Circuit Court: CV-07-50)

Appeal Dismissed With Instructions.

Circuit Judge, Bruce E Williams, (256) 532-3754
Aplt. Atty., Elizabeth Cvetetic, (256) 532-0979
Aplt. Atty., Barbara C Miller, (256) 882-1886
Aple. Atty., Claude E Hundley, III, (256) 535-1100

2080006 Mitchell Investments, a partnership v. The Lamar Companies, a/k/a Lamar Outdoor Advertising (Appeal from Jefferson Circuit Court: CV-08-625)

Affirmed. No Opinion.

Circuit Judge, Helen Shores Lee, (205) 325-5635
Aplt. Atty., David J Chastain, (205) 933-2300
Aplt. Atty., ROY MANLY WEST, (205) 251-8151
Aple. Atty., Robert R BAugh, (205) 930-5100
Aple. Atty., Jaime C Erdberg, (205) 930-5100
Aple. Atty., Barry A. Ragsdale, (205) 930-5114

2080090 Tanya Butler v. Rickey G. Phillips (Appeal from DeKalb Circuit Court: DR-99-66.01)

Affirmed. No Opinion.

Circuit Judge, J Kevin Grimes, (256) 927-0500
Aplt. Atty., Winfred N Watson, (256) 845-0410
Aple. Atty., Dana Grimes, (256) 997-9729

2080199 J. K. v. N. J. and Jefferson County Department of Human Resources (Appeal from Jefferson Juvenile Court: JU-07-701004 and JU-07-701005)

Affirmed.

JUDGE THOMAS

2070553 J. Bryant, LLC v. City of Birmingham (Appeal from Jefferson Circuit Court: CV-07-901624)

Appeal Dismissed.

Circuit Judge, G William Noble, (205) 325-5020
Aplt. Atty., Ferris S. Ritchey, Jr, (205) 271-3100
Aple. Atty., Jeffrey Paul Gilliam, (205) 254-2369

PER CURIAM

2071037 Colony Insurance Company v. Alabama Heat Exchangers, Inc., and Olin Corporation (Appeal from Mobile Circuit Court: CV-05-2125)

Appeal Dismissed.

Circuit Judge, John R Lockett, (251) 574-8477
Aplt. Atty., Jason J Baird, (334) 396-8882
Aplt. Atty., Michael Andrew Donaldson, (334) 834-5290
Aplt. Atty., J Lenn Ryals, (334) 396-8882
Aplt. Atty., Jason James Ryals, (334) 396-8882
Aple. Atty., James B. Newman, (251) 432-5521
Aple. Atty., D. Andrew Stivender, (251) 432-5521
Aple. Atty., Jason R Watkins, (251) 338-2721

2080451 Ismail Hakim Malik Shabazz v. Kenneth Jones et al. (Appeal from Bullock Circuit Court: CV-08-77.60)

Affirmed. No Opinion.

Circuit Judge, Burt Smithart, (334) 687-1524
Aple. Atty., Troy King, (334) 242-7300

ON REHEARING

2060938 Alina P. Wicks n/k/a Alina Phillips v. Michael William Wicks (Appeal from Madison Circuit Court: DR-05-1082; DR-05-1082.01; DR-05-1082.02)

Application For Rehearing Overruled.

Circuit Judge, William K Bell, (256) 532-3636
Aplt. Atty., Joan Marie Kettell Dean, (256) 534-4557
Aple. Atty., Dinah P Rhodes, (256) 536-1676

2070908 Ronald D. Veteto v. James E. Hill, Jr., and Richard J. Minor (Appeal from St. Clair Circuit Court: CV-08-23)
(Consolidated with 2071123.)

Application For Rehearing Overruled.

Circuit Judge, Charles Robinson, (205) 594-2187
Aple. Atty., Benjamin H. Albritton, (334) 242-7555
Aple. Atty., Kim T. Thomas, (334) 353-3885

2071123 Ronald D. Veteto v. James E. Hill, Jr., and Richard J. Minor (Appeal from St. Clair Circuit Court: CV-08-23)
(Consolidated with 2070908.)

Application For Rehearing Overruled.

Circuit Judge, Charles Robinson, (205) 594-2187
Aple. Atty., Kim T. Thomas, (334) 353-3885