



**LIST OF DECISIONS ANNOUNCED BY
COURT OF CIVIL APPEALS OF ALABAMA
ON FRIDAY, JANUARY 23, 2009**

PRESIDING JUDGE THOMPSON

2050335 Dolgencorp, Inc. v. Barbara Ann Gibson (Appeal from Clarke Circuit Court: CV 00-142)

Reversed and Remanded after Remand from the Alabama Supreme Court

Circuit Judge, Harold L Crow, (251) 275-8296
Aplt. Atty., Robert S. Lamar, Jr, (205) 326-0000
Aple. Atty., Joseph C McCorquodale, III, (251) 246-9015

2070710 Eight Mile Nursing and Rehabilitation Center, L.L.C., et al. v. Sandra Thames Allen, as personal representative of the Estate of Ruth Christine Spraggins (Appeal from Mobile Circuit Court: CV-07-900903)

Affirmed. No Opinion.

Circuit Judge, Joseph S Johnston, (251) 574-8685
Aplt. Atty., Thomas M. Rockwell, (251) 694-1048
Aplt. Atty., Tom B Walsh, (251) 694-1048
Aple. Atty., Mack B Binion, III, (251) 433-7600
Aple. Atty., Christ N. Coumanis, (251) 433-7600
Aple. Atty., Sarah B. Dorger, (251) 433-7600
Aple. Atty., Margaret M Miller, (251) 433-7600

2070723 Gary Bell d/b/a Duane Corporation v. Nathaniel Owens (Appeal from Calhoun Circuit Court: CV-05-114.80)

Affirmed. No Opinion.

Circuit Judge, John H Bentley, (205) 921-2200
Aple. Atty., Clarence Dortch, III, (256) 761-9000
Aple. Atty., W L Williams, Jr, (205) 458-8394

JUDGE PITTMAN

2061004 Randy D. Peoples v. Debrah J. Peoples (Appeal from St. Clair Circuit Court: DR-03-98.01)

Affirmed. No Opinion.

Circuit Judge, James E Hill, Jr., (205) 338-3869
Aplt. Atty., Horace V. O'Neal, Jr, (205) 879-0000
Aple. Atty., Candace B. Crenshaw, (205) 640-2000
Aple. Atty., Corey B Moore, (205) 640-2000

2070468 Charles Daniel Bright v. Haylee Bright Marusich (Appeal from Dale Circuit Court: DR-06-557)

Affirmed. No Opinion.

Circuit Judge, Kenneth W. Quattlebaum, (334) 774-3726
Aplt. Atty., Shannon R Clark, (334) 393-7680
Aple. Atty., Robert H. Brogden, (334) 774-5171

2070495 Jeff Waller d/b/a Waller Construction v. Town of Coffee Springs (Appeal from Geneva Circuit Court: CV-05-118)

Affirmed. No Opinion.

Circuit Judge, Philip B McLauchlin, Jr, (334) 774-8011
Aplt. Atty., J. E. Sawyer, Jr, (334) 347-6447
Aple. Atty., John L Knowles, (334) 684-9606

2070722 Samuel F. Williams v. Action Resources, Inc. (Appeal from Mobile Circuit Court: CV-05-3487.51)

Affirmed. No Opinion.

Circuit Judge, Joseph S Johnston, (251) 574-8685
Aplt. Atty., John Ronald Spencer, (251) 445-0590
Aple. Atty., Robert Andrew Feeley, (205) 482-1588
Aple. Atty., John F Janecky, (251) 432-7682
Aple. Atty., David M. Wilson, (205) 252-4441

2070780 C. D. v. E. H. and S. H. (Appeal from Madison Juvenile Court: JU-07-1714.01)

Affirmed. No Opinion.

2071058 L. C. v. E. C. (Appeal from Mobile Juvenile Court: JU-07-1628.91)

Affirmed. No Opinion.

2071084 Rebecca Meadows v. April W. Headrick (Appeal from Cherokee Circuit Court: CV-07-154)

Affirmed. No Opinion.

Circuit Judge, Randall L Cole, (256) 845-8540
Aplt. Atty., Rodney Loring Stallings, (256) 927-9090
Aple. Atty., George P Ford, (256) 546-5432

2071128 J. G. v. K. C. et al. (Appeal from Cullman Juvenile Court: JU-01-115.04, JU-03-228.04, JU-07-427.01, and JU-07-428.01)

Affirmed. No Opinion.

JUDGE BRYAN

2070551 Luke Walker v. Cleo Madison, Ethel Mae Madison, Patricia P. Madison, and Willie Frank Madison (Appeal from Houston Circuit Court: CV-03-5218)

Affirmed. No Opinion.

Circuit Judge, Denny L Holloway, (334) 677-4848
Aplt. Atty., Benjamin Earl Meredith, (334) 671-0289
Aple. Atty., John E Byrd, (334) 794-0759

2071082 Ex parte Massey Chevrolet, Inc. PETITION FOR WRIT OF MANDAMUS (In re: Travis C. Aderhold v. Massey Chevrolet, Inc.) (Mobile Circuit Court: CV-05-3116.51)

(Consolidated with 2071089.)

Petition/Writ Denied.

Circuit Judge, Edward B McDermott, (251) 574-8799
Circuit Judge, Michael Youngpeter
Aplt. Atty., Joseph H. Driver, (205) 822-2006
Pet. Atty., Heather M Houston, (251) 626-9340
Pet. Atty., Judson W. Wells, Sr, (251) 626-9340
Resp. Atty., Richard E Browning, (251) 304-0909

2071089 Massey Chevrolet, Inc. v. Travis C. Aderhold (Appeal from Mobile Circuit Court: CV-05-3116.80)

(Consolidated with 2071082.)

Reversed and Remanded with Instructions

Circuit Judge, Edward B McDermott, (251) 574-8799
Aplt. Atty., Joseph H. Driver, (205) 822-2006
Aplt. Atty., Heather M Houston, (251) 626-9340
Aplt. Atty., Judson W. Wells, Sr, (251) 626-9340
Aple. Atty., Richard E Browning, (251) 304-0909

JUDGE THOMAS

2070382 Thomas Henry McDanal v. Gail Wakefield McDanal (Appeal from St. Clair Circuit Court: DR-97-35.01)

Affirmed. No Opinion.

Circuit Judge, James E Hill, Jr., (205) 338-3869
Aplt. Atty., Charles H Dunn, (205) 930-9000
Aple. Atty., Joseph R. Kemp, (205) 338-1170
Aple. Atty., William J Trussell, (205) 338-7273

2070569 Sibley C. Lewis, as executor of the Estate of Katie Frances Lewis, deceased v. South Baldwin Regional Medical Center (Appeal from Baldwin Circuit Court: CV-07-55)

Affirmed. No Opinion.

Circuit Judge, Charles C Partin, (251) 937-0273
Aplt. Atty., J Gullatte Hunter, III, (251) 476-6440
Aple. Atty., Tamela E Esham, (251) 405-1300
Aple. Atty., Norman E. Waldrop, Jr, (251) 405-1300

2070634 Ex parte Jefferson County Sheriff's Department. PETITION FOR WRIT OF CERTIORARI (In re: Jefferson County Sheriff's Department v. Felicia Y. Daniels) (Jefferson Circuit Court: CV-06-5741)

Reversed and Remanded with Instructions

Circuit Judge, Clyde E Jones, (205) 325-5395
Circuit Judge, Edward L Ramsey, (205) 325-5280
Circuit Judge, Virginia A Vinson, (205) 214-8683
Aplt. Atty., Brent Gibson Grainger, (205) 254-3216
Aple. Atty., Calvin D Biggers, (205) 426-2529
Aple. Atty., Kevin W Jent, (205) 314-0549
Aple. Atty., LaVette Lyas-Brown, (205) 279-3462

2070690 Stephens Davis Taylor v. Louisa Dodson Taylor (Appeal from Madison Circuit Court: DR-07-846)

Affirmed. No Opinion.

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

2070708 Terry Reece Love v. The National Alumni Association of the University of Alabama, Inc. (Appeal from Madison Circuit Court: CV-07-1020)

Affirmed. No Opinion.

Circuit Judge, James P Smith, (256) 532-3394
Aplt. Atty., Earl E Cloud, (256) 533-9480
Aple. Atty., L Bruce Ables, (256) 533-3740
Aple. Atty., James T Baxter, III, (256) 533-3740

2070988 R. C. v. State of Alabama and N. K. (Appeal from Lauderdale Circuit Court: CS-82-526.08)

Affirmed. No Opinion.

2071222 J. H. v. State of Alabama Department of Human Resources (Appeal from Houston Juvenile Court: JU-02-704.05 and JU-02-705.04)

Affirmed. No Opinion.

2070865 T. R. v. Morgan County Department of Human Resources (Appeal from Morgan Juvenile Court: JU-05-552.02)
(Consolidated with 2070866.)

Affirmed. No Opinion.

2070866 T. R. v. Morgan County Department of Human Resources (Appeal from Morgan Juvenile Court: JU-05-549.02)
(Consolidated with 2070865.)

Affirmed. No Opinion.

JUDGE MOORE

2070999 Elinor Glynn LaConsay and Joseph Wetzel v. Michael Langley (Appeal from Baldwin Circuit Court: CV-07-775)

Reversed And Remanded.

Circuit Judge, Charles C Partin, (251) 937-0273
Aplt. Atty., James Grady Curenton, Jr., (251) 928-3993
Aple. Atty., Joshua P Myrick, (251) 928-0123
Aple. Atty., D Robert Stankoski, Jr, (251) 928-0123

ON REHEARING

2070185 Burlington Insurance Company v. Fluid Services, Inc., d/b/a Pirtek (Appeal from Mobile Circuit Court: CV-05-1376)

Application for Rehearing Overruled

Circuit Judge, Joseph S Johnston, (251) 574-8685
Aplt. Atty., Waler Michael Gillion, (251) 471-9494
Aple. Atty., Jennifer L Evans, (251) 626-7704
Aple. Atty., James B Pittman, Jr, (251) 626-7704

2070113 Advantage Sales of Alabama, Inc. v. Carol S. Clemons (Appeal from Jefferson Circuit Court: CV-03-2058)
(Consolidated with 2070160, 2070199.)

Application for Rehearing Overruled

Circuit Judge, Allwin E Horn, III, (205) 325-5365
Aplt. Atty., Joseph H. Driver, (205) 822-2006
Aplt. Atty., J Wesley Hughes, (205) 402-9598
Aplt. Atty., Donald B Kirkpatrick, II, (205) 822-2006
Aple. Atty., Kenneth D. Haynes, (205) 879-0377
Aple. Atty., Matthew C Williams, (205) 949-5500

2070160 PMA Insurance Group v. Carol S. Clemons (Appeal from Jefferson Circuit Court: CV-03-2058)

(Consolidated with 2070113, 2070199.)

Application for Rehearing Overruled

Circuit Judge, Allwin E Horn, III, (205) 325-5365

Aplt. Atty., J Wesley Hughes, (205) 402-9598

Aplt. Atty., W Walker Moss, (205) 949-5500

Aplt. Atty., Matthew C Williams, (205) 949-5500

Aple. Atty., Joseph H. Driver, (205) 822-2006

Aple. Atty., Kenneth D. Haynes, (205) 879-0377

2070199 Liberty Mutual Insurance Company v. Carol S. Clemons (Appeal from Jefferson Circuit Court: CV-03-2058)

(Consolidated with 2070113, 2070160.)

Application for Rehearing Overruled

Circuit Judge, Allwin E Horn, III, (205) 325-5365

Aplt. Atty., J Wesley Hughes, (205) 402-9598

Aple. Atty., Joseph H. Driver, (205) 822-2006

Aple. Atty., Kenneth D. Haynes, (205) 879-0377

Aple. Atty., Matthew C Williams, (205) 949-5500

2070598 K. J. v. Tuscaloosa County Department of Human Resources (Appeal from Tuscaloosa Juvenile Court: JU-05-618.02)

(Consolidated with 2070610.)

Application for Rehearing Overruled

2070610 K. J. v. Tuscaloosa County Department of Human Resources (Appeal from Tuscaloosa Juvenile Court: JU-05-607.02)

(Consolidated with 2070598.)

Application for Rehearing Overruled