



**LIST OF DECISIONS ANNOUNCED BY
THE SUPREME COURT OF ALABAMA
ON FRIDAY, JANUARY 22, 2010**

Lyons, J.

- 1081719 Ex parte Excelsior Financial, Inc. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Jeanie S. Tillis and Lowell A. Tillis v. WM Page & Associates, Inc., d/b/a The Lifeline Program, et al.) (Barbour Circuit Court: CV-09-900015).

Petition Granted. Writ Issued.

Circuit Judge, L. Bernard Smithart, (334) 775-3408
Pet. Atty., Allen Sheehan, (334) 241-8049
Pet. Atty., James Northcutt Walter, Jr, (334) 241-8066
Resp. Atty., Jere L. Beasley, (334) 269-2343
Resp. Atty., Emily Sides Bonds, (205) 244-5200
Resp. Atty., Joe Espy, III, (334) 263-6621
Resp. Atty., Larry Apaul Golston, Jr, (334) 269-2343
Resp. Atty., W. Daniel Miles, III, (334) 269-2343
Resp. Atty., Flynn Mozingo, (334) 263-6621

Bolin, J.

- 1080667 Sycamore Management Group, LLC and DirecPath, LLC v. Coosa Cable Company, Inc. (Appeal from St. Clair Circuit Court: CV-08-36300).

Reversed And Remanded.

Circuit Judge, Charles E. Robinson, (205) 594-2187
Apl. Atty., Ed R. Haden, (205) 226-8795
Apl. Atty., Eric B. Langley, (205) 251-8100
Apl. Atty., Neah Lynn Mitchell, (334) 269-3139
Apl. Atty., Riley W. Roby, (334) 269-3120
Aple. Atty., James Fredrick Barger, Jr, (205) 933-4006
Aple. Atty., Henry I Frohsin, (205) 933-4006
Aple. Atty., James Elliott Walthall, (205) 933-4006

PER CURIAM

- 1071488 Charles Alvin McGee v. Alabama State Bar (Appeal from Board of Disciplinary Appeals No. 07-06).

Affirmed. No Opinion.

Aple. Atty., Jeremy McIntire, (334) 269-1515
Aple. Atty., J. Anthony McLain, (334) 269-1515

ON REHEARING

1060871 Debra Owens v. Hooters Restaurant et al. (Appeal from Jefferson Circuit Court: CV-06-1342).

Application Overruled. No Opinion.

Circuit Judge, G. William Noble, (205) 325-5020
Apl. Atty., Tyrone None Townsend, (205) 252-3999
Aple. Atty., Stewart M. Cox, (205) 521-8000
Aple. Atty., Brian A. Wahl, (205) 521-8000

1061289 Wachovia Bank, N.A., and American Casualty Company v. Jones, Morrison & Womack, P.C., et al. (Appeal from Mobile Circuit Court: CV-01-2163).

Application Overruled; Opinion of September 25, 2009, Modified [By Substitution of Page 51]. No Opinion.

Circuit Judge, John Ray Lockett, (251) 574-8477
Apl. Atty., Chuck Holtz, (251) 344-5151
Apl. Atty., Bryan Scott Tyra, (205) 251-5885
Aple. Atty., David A. Boyett, III, (251) 344-0880
Aple. Atty., James Brian Rossler, (251) 432-2300

1061588 Russell H. Maddox v. Charles Jager and The Lockerbie Association, Inc. (Appeal from Jefferson Circuit Court: CV-05-7572).

Application Overruled. No Opinion.

Circuit Judge, G. William Noble, (205) 325-5020
Apl. Atty., James Timothy Francis, (205) 251-0252
Apl. Atty., James L. North, (205) 251-0252
Aple. Atty., Leslie Ann Caldwell, (205) 933-7090
Aple. Atty., Kori L. Clement, (205) 322-3040

1070824 Ex parte Folmar Kenner, LLC. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Andra Capaci d/b/a Andra Capaci Real Estate v. Folmar Kenner, LLC) (Mobile Circuit Court: CV-04-2311; Civil Appeals : 2060846).

Application Overruled. No Opinion.

Circuit Judge, John Ray Lockett, (251) 574-8477
Pet. Atty., George M. Walker, (251) 694-6296
Resp. Atty., Steve C. Thornton, (251) 982-0313
Resp. Atty., William W. Watts, III, (251) 432-7200

1071539 Ex parte Birmingham Board of Education. PETITION FOR WRIT OF OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Francine Boone et al v. Birmingham Board of Education) (Jefferson Circuit Court: CV-06-2877; Civil Appeals : 2061147).

Application Overruled. No Opinion.

Circuit Judge, Allwin E. Horn, III, (205) 325-5365
Pet. Atty., Roslyn Crews, (205) 328-7915
Pet. Atty., Carl Johnson, (205) 251-2881
Pet. Atty., Afrika Chisholm Parchman, (205) 328-7915
Pet. Atty., Claire Hyndman Puckett, (205) 251-2881
Pet. Atty., Kenneth L. Thomas, (205) 328-7915
Resp. Atty., Henry Harris Caddell, (251) 478-8880
Resp. Atty., Frederick L. Fohrell, (256) 533-0202
Resp. Atty., Sam H Heldman, (202) 965-8884
Resp. Atty., Brian Austin Oakes, (256) 355-1100

Resp. Atty., Lisa Davis Young, (256) 533-0202
Amicus Pet. Atty., David R. Boyd, (334) 269-3132
Amicus Pet. Atty., JoClaudia Moore, (334) 269-3148
Amicus Pet. Atty., Dorman Walker, (334) 269-3138
Amicus Resp. Atty., Gregory B. Stein, (251) 433-2002

1071704 Smithkline Beecham Corporation d/b/a Glaxosmithkline v. State of Alabama (Appeal from Montgomery Circuit Court: CV-05-219.68).

Application Overruled. No Opinion.

Circuit Judge, Charles Price, (334) 832-1331
Aplt. Atty., Marc James Ayers, (205) 521-8598
Aplt. Atty., Andrew Lynn Brasher, (205) 521-8339
Aplt. Atty., Matthew Howard Lembke, (205) 521-8560
Aplt. Atty., Kevin C. Newsom, (205) 521-8803
Aplt. Atty. - Pro Hac, Chilton Davis Varner, (404) 572-4600
Aple. Atty. General, Troy Robin King, (334) 242-7401
Aple. Atty., Roger L. Bates, (205) 324-4400
Aple. Atty., Jere L. Beasley, (334) 269-2343
Aple. Atty., Windy C Bitzer, (251) 694-6263
Aple. Atty., Clinton Chadwell Carter, (334) 269-2343
Aple. Atty., W. Daniel Miles, III, (334) 269-2343
Aple. Atty., Caine (nmn) O'Rear, III, (251) 694-6308
Aple. Atty., A. Clay Rankin, (251) 432-5511
Amicus Aplt. Atty., Helen Johnson Alford, (251) 415-9214
Amicus Aplt. Atty., Scott Samuel Brown, (205) .25-4.12
Amicus Aplt. Atty., Joana S. Ellis, (334) 215-8585
Amicus Aplt. Atty., Fournier J. Gale, III, (205) 254-1033
Amicus Aplt. Atty., Matthew C. McDonald, (251) 439-7514
Amicus Aplt. Atty., Kirkland E Reid, (251) 439-7513
Amicus Aplt. Atty. - Pro Hac, Richard A. Samp, (202) 588-0302
Amicus Aple. Atty. - Pro Hac, Kelly Bagby, (202) 434-2060
Amicus Aple. Atty. - Pro Hac, Stacy J. Canan, (202) 434-2060
Amicus Aple. Atty., Samuel N. Crosby, (251) 626-6696
Amicus Aple. Atty., George R. Irvine, III, (251) 626-6696
Amicus Aple. Atty. - Pro Hac, Frank D. Remington, (608) 266-3542
Amicus Aple. Atty. - Pro Hac, Michael Schuster, (202) 434-2060
Amicus Aple. Atty., Frank M Wilson, (334) .26-3.25

1071759 Novartis Pharmaceuticals Corporation v. State of Alabama (Appeal from Montgomery Circuit Court: CV-05-219.52).

Application Overruled. No Opinion.

Circuit Judge, Charles Price, (334) 832-1331
Aplt. Atty., William D. Coleman, (334) 241-8000
Aplt. Atty. - Pro Hac, Mark Godler, (212) 836-8000
Aplt. Atty., Nikaa Baugh Jordan, (205) 581-0745
Aplt. Atty., M. Christian King, (205) 581-0700
Aplt. Atty. - Pro Hac, Samuel Lonergan, (212) 836-8000
Aplt. Atty. - Pro Hac, Saul P. Morgenstern, (212) 836-8000
Aplt. Atty. - Pro Hac, Jane W. Parver, (212) 836-8689
Aplt. Atty., Harlan I Prater, IV, (205) 581-0720
Aplt. Atty., Craig Neil Rosler, (205) 581-5806
Aplt. Atty., James Northcutt Walter, Jr, (334) 241-8066
Aple. Atty. General, Troy Robin King, (334) 242-7401
Aple. Atty., Roger Bates, (205) 324-4400
Aple. Atty., Jere L. Beasley, (334) 269-2343

Aple. Atty., Windy C Bitzer, (251) 694-6263
Aple. Atty., Clinton Chadwell Carter, (334) 269-2343
Aple. Atty., Nikaa Baugh Jordan, (205) 581-0745
Aple. Atty., Caine (nmn) O'Rear, III, (251) 694-6308
Aple. Atty., A. Clay Rankin, (251) 432-5511
Amicus Aplt. Atty., Helen Johnson Alford, (251) 415-9214
Amicus Aplt. Atty., Scott Samuel Brown, (205) .25-4.12
Amicus Aplt. Atty., Joana S. Ellis, (334) 215-8585
Amicus Aplt. Atty., Fournier J. Gale, III, (205) 254-1033
Amicus Aple. Atty., Kelly Bagby, (202) 434-2060
Amicus Aple. Atty., Stacy J. Canan, (202) 434-2060
Amicus Aple. Atty., Samuel N. Crosby, (251) 626-6696
Amicus Aple. Atty., George R. Irvine, III, (251) 626-6696
Amicus Aple. Atty. - Pro Hac, Frank D. Remington, (608) 266-3542
Amicus Aple. Atty., Michael Schuster, (202) 434-2060
Amicus Aple. Atty., Frank M Wilson, (334) .26-3.25

1080261 CNH America, LLC v. Tammy Roebuck (Appeal from Marshall Circuit Court: CV-05-200273).

Application Overruled. No Opinion.

Circuit Judge, Allen Tim Jolley, (256) 878-8597
Aplt. Atty., J. Chandler Bailey, (205) 581-0700
Aplt. Atty., Charles R. Hare, (256) 878-1891
Aplt. Atty., J. Gorman Houston, Jr.
Aplt. Atty. - Pro Hac, Nicholas C. Pappas, (317) 237-3888
Aplt. Atty., Jere F White, Jr, (205) 581-0718
Aple. Atty., Michael K. Beard, (205) 879-1981
Aple. Atty., Randy Beard, (256) 582-3189
Aple. Atty., P. J. Harris, (256) 582-3189
Aple. Atty., David H. Marsh, (205) 879-1981
Aple. Atty., Thomas M Powell, (205) 879-1981

1071439 AstraZeneca LP and Astrazeneca Pharmaceuticals LP v. The State of Alabama (Appeal from Montgomery Circuit Court: CV-05-219.10).

Application Overruled. No Opinion.

Circuit Judge, Charles Price, (334) 832-1331
Aplt. Atty., William J Baxley, (205) 271-1100
Aplt. Atty., Thomas W. Christian, (205) 795-6588
Aplt. Atty., Lynn S Darty, (205) 795-6588
Aplt. Atty., Charles A. Dauphin, (205) 271-1100
Aplt. Atty., Joel Evan Dillard, (205) 271-1100
Pet. Atty. - Pro Hac, Mark E. Haddad
Aplt. Atty. - Pro Hac, Kimberly D. Harris
Pet. Atty. - Pro Hac, Paul K. Kalb
Pet. Atty. - Pro Hac, Carter G. Phillips, (202) 736-8270
Pet. Atty. - Pro Hac, Nitrin Reddy
Aplt. Atty., Deborah Alley Smith, (205) 250-6627
Aplt. Atty., Sharon D. Stuart
Aplt. Atty. - Pro Hac, D. Scott Wise, (212) 450-4000
Aplt. Atty. - Pro Hac, Paul J. Zidlicky, (202) 736-8000
Aple. Atty. General, Troy Robin King, (334) 242-7401
Aple. Atty., Roger L. Bates, (205) 324-4400
Aple. Atty., Jere L. Beasley, (334) 269-2343
Aple. Atty., Windy C Bitzer, (251) 694-6263
Aple. Atty., Clinton Chadwell Carter, (334) 269-2343

Aple. Atty., W. Daniel Miles, III, (334) 269-2343
Aple. Atty., Caine (nmn) O'Rear, III, (251) 694-6308
Amicus Aplt. Atty., Helen Johnson Alford, (251) 415-9214
Amicus Aplt. Atty., Mary Margaret Bailey, (251) 431-6020
Amicus Aplt. Atty., David A. Balto, (202) 789-5424
Amicus Aplt. Atty. - Pro Hac, Mark A. Behrens, (202) 783-8400
Amicus Aplt. Atty., Joana S. Ellis, (334) 215-8585
Amicus Aplt. Atty., Gregory H. Hawley, (205) 323-1888
Amicus Aplt. Atty., Matthew C. McDonald, (251) 439-7514
Amicus Aplt. Atty., John Rector, (703) 683-8200
Amicus Aplt. Atty., Kirkland E Reid, (251) 439-7513
Amicus Aplt. Atty. - Pro Hac, Cary Silverman, (202) 783-8400
Amicus Aplt. Atty., William H. Webster, (334) 264-9472
Amicus Aple. Atty. - Pro Hac, Kelly Bagby, (202) 434-2060
Amicus Aple. Atty. - Pro Hac, Stacy J. Canan, (202) 434-2060
Amicus Aple. Atty., Samuel N. Crosby, (251) 626-6696
Amicus Aple. Atty., George R. Irvine, III, (251) 626-6696
Amicus Aple. Atty. - Pro Hac, Frank D. Remington, (608) 266-3542
Amicus Aple. Atty. - Pro Hac, Michael Schuster, (202) 434-2060
Amicus Aple. Atty., Frank M Wilson, (334) .26-3.25

1071440 AstraZeneca LP and Astrazeneca Pharmaceuticals LP v. The State of Alabama
(Appeal from Montgomery Circuit Court: CV-05-219.11).

Application Overruled. No Opinion.

Circuit Judge, Charles Price, (334) 832-1331
Aplt. Atty., William J Baxley, (205) 271-1100
Aplt. Atty., Thomas W. Christian, (205) 795-6588
Aplt. Atty., Lynn S Darty, (205) 795-6588
Aplt. Atty., Charles A. Dauphin, (205) 271-1100
Aplt. Atty., Joel Evan Dillard, (205) 271-1100
Aplt. Atty., Kimberly D. Harris
Aplt. Atty., Sharon D. Stuart
Aplt. Atty., D. Scott Wise, (212) 450-4000
Aple. Atty., Roger Bates, (205) 324-4400
Aple. Atty., Jere L. Beasley, (334) 269-2343
Aple. Atty., Windy C Bitzer, (251) 694-6263
Aple. Atty., Clinton Chadwell Carter, (334) 269-2343
Aple. Atty., W. Daniel Miles, III, (334) 269-2343
Aple. Atty., Caine (nmn) O'Rear, III, (251) 694-6308