



**LIST OF DECISIONS ANNOUNCED BY  
THE SUPREME COURT OF ALABAMA  
ON FRIDAY, JUNE 19, 2009**

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**Lyons, J.**

- 1080854 Ex parte Alabama Barricade, Inc. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Kevin Lee Galloway v. Ozark Striping, Inc., and Alabama Barricade, Inc.) (Calhoun Circuit Court: CV-06-676; Civil Appeals : 2080137).

**Writ Denied. No Opinion.**

Circuit Judge, Malcolm B. Street, Jr., (256) 231-1820  
Pet. Atty., Joseph H. Driver, (205) 822-2006  
Pet. Atty., Nicole L. Schroer, (256) 533-0202  
Pet. Atty., Thomas S. Thornton, III, (205) 822-2006  
Pet. Atty., Robert V. Wood, Jr., (256) 533-0202  
Resp. Atty., Keith T. Belt, Jr, (205) 933-1500  
Resp. Atty., William T. Johnson, III, (205) 933-1500

**Woodall, J.**

- 1080394 Ex parte James H. Luker. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: James H. Luker v. Terry Carrell and David Carrell) (Jefferson Circuit Court, Bessemer Division: CV-03-503; Civil Appeals : 2040318).

**Writ Quashed. No Opinion.**

Circuit Judge, Dan C. King, III, (205) 481-4175  
Pet. Atty., William Kent Upshaw, (205) 250-7670  
Resp. Atty., Don Lee Hall, (205) 425-5711

- 1080408 Johnnie Hall, Sr. v. Calvin E. Reynolds et al. (Appeal from Dallas Circuit Court: CV-04-118).

**Dismissed.**

Circuit Judge, Marvin Wayne Wiggins, (334) 624-5620  
Apl. Atty., William E Pitts, (205) 621-7624  
Aple. Atty., April England Albright

- 1080239 Ex parte David Nunn, Chuck Robbins, and the City of Cordova. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Dianne Myrick v. City of Cordova et al.) (Walker Circuit Court: CV-03-98).

**Petition Denied. No Opinion.**

Circuit Judge, Jerry Selman, (205) 384-7237  
Pet. Atty., Timothy P. Donahue, (205) 871-8858  
Pet. Atty., Daniel R. Pickett, (205) 871-8858  
Resp. Atty., Garfield W Ivey, Jr, (205) 221-4644  
Resp. Atty., William F Patty, (334) 834-5311

1080274 Ex parte Chuck Madison, Town of Parrish, and Parrish Police Department. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Dianne Myrick, as mother and next friend, and administratrix of Nikki Short, deceased v. Town of Parrish et al.) (Walker Circuit Court: CV-03-98).

**Petition Denied. No Opinion.**

Circuit Judge, Jerry Selman, (205) 384-7237  
Pet. Atty., William Roger Gordon, Jr, (334) 834-5311  
Pet. Atty., William F Patty, (334) 834-5311  
Resp. Atty., Timothy P. Donahue, (205) 871-8858  
Resp. Atty., Richard Fikes, (205) 387-2171  
Resp. Atty., Garfield W Ivey, Jr, (205) 221-4644

**Stuart, J.**

1080685 Ex parte Terex Corporation and Terex Utilities. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Faye Hyde, as administrator of the estate of Lannie Dale Hyde, deceased v. Terex Corporation et al) (Walker Circuit Court: CV 08-900311).

**Petition Denied. No Opinion.**

Circuit Judge, Hugh D. Farris, (205) 384-7234  
Pet. Atty., William Dudley Motlow, Jr, (205) 980-5000  
Pet. Atty., William Perry Webb, (205) 980-5000  
Resp. Atty., Garfield W Ivey, Jr, (205) 221-4644  
Resp. Atty., Marcus A. Jaskolka, (205) 326-4166  
Resp. Atty., John E. Warren, III, (205) 221-1044  
Resp. Atty., Joel A. Williams, (205) 326-4166

**Smith, J.**

1070652 Clifford P. Black, M.D. v. Holley Lynn Comer (Appeal from Calhoun Circuit Court: CV-97-144).

**Affirmed.**

Circuit Judge, Richard Joel Laird, Jr., (256) 231-1822  
Apl. Atty., Thomas W. Christian, (205) 795-6588  
Apl. Atty., Robert E. Cooper, (205) 250-6643  
Apl. Atty., Michael Florie, (205) 795-6588  
Apl. Atty., Deborah Alley Smith, (205) 250-6627  
Apl. Atty., David Leon Ashford, (205) 328-5330  
Apl. Atty., Bruce Jones McKee, (205) 328-5330

**Bolin, J.**

1080783 Ex parte Warner Price-Williams. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Warner Price-Williams v. State of Alabama) (Mobile Circuit Court: CC-04-3869, 04-3870, 04-3929; Criminal Appeals : CR-07-1080).

**Writ Denied. No Opinion.**

## **Murdock, J.**

1061740 Henderson Excavating Company, Inc. v. Joe McInnes, Terry McDuffie, and J.F. Horsley (Appeal from Montgomery Circuit Court: CV-05-2116).

### **Affirmed. No Opinion.**

Circuit Judge, Johnny Hardwick, (334) 832-1380  
Apl. Atty., Ivan B Cooper, (205) 581-0717  
Apl. Atty., Edwin Glenn Waldrop, Jr, (205) 581-0713  
Aple. Atty., Robert A. Huffaker, (334) 206-3217

1080513 Ex parte J. G. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: J. G. v. K. C. et al.) (Cullman Juvenile Court: JU-01-115.04, JU-03-228.04, JU-07-427.01, and JU-07-428.01; Civil Appeals : 2071128).

### **Writ Quashed. No Opinion.**

District Judge, Gregory A. Nicholas, (256) 775-4767  
Pet. Atty., G. Edward Coey, (256) 352-2090  
Resp. Asst. Atty. General, Sharon E. Ficquette, (334) 242-9330  
Resp. Atty., Karen P Chambless, (334) 242-9342  
Resp. Atty., Cindy Sue Grimmatt, (256) 739-4664  
Resp. Atty., Sandra Watts

## **ON REHEARING**

1050740 Patricia J. Holt, Charles Holt, and Cori Nicole Howard, a minor, by her grandmother and next friend Patricia J. Holt v. Lauderdale County (Appeal from Lauderdale Circuit Court: CV-03-17).

### **Application Overruled. No Opinion.**

Circuit Judge, Ned Michael Suttle, (256) 760-5820  
Apl. Atty., Robert L. Gonce, (256) 767-7411  
Aple. Atty., Frank E. Bankston, Jr., (334) 262-1850  
Aple. Atty., Joseph L. Hubbard, Jr., (334) 262-1850  
Aple. Atty., Winthrop E. Johnson, (334) 262-1850  
Aple. Atty., Christopher Smith, (256) 767-2570  
Amicus Aple. Atty., Mary Pons, (334) 263-7594

1070257 Henri-Duval Winery, L.L.C. v. Alabama Alcoholic Beverage Control Board et al. (Appeal from Montgomery Circuit Court: CV-01-703).

### **Application Overruled. No Opinion.**

Circuit Judge, Truman M. Hobbs, Jr., (334) 832-7147  
Apl. Atty., Susan G. Copeland, (334) 270-0020  
Apl. Atty., James Doyle Fuller, (334) 270-0020  
Apl. Atty., Robert B. Roden, (205) 933-8383  
Aple. Atty., James H Anderson, (334) 834-5311  
Aple. Atty., Ryan Wesley Shaw, (334) 834-5311

1080332 Ex parte First Tennessee Bank. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: First Tennessee Bank National Association, as successor personal representative of the estate of Edith Landgrebe Russell, deceased v. Ben Russell et al.) (Tallapoosa Circuit Court: CV-07-115).

### **Application Overruled. No Opinion.**

Circuit Judge, Thomas F. Young, Jr., (256) 234-7901  
Pet. Atty., Roy J. Crawford, (205) 716-5293  
Pet. Atty., C Fred Daniels, (205) 716-5232

Pet. Atty., Crawford McGivaren, Jr, (205) 716-5200  
Resp. Atty., Charles McDonald Ferguson, Jr, (205) 521-8000  
Resp. Atty., James W Gewin, (205) 521-8000  
Resp. Atty., C. Nelson Gill, (334) 834-1180  
Resp. Atty., Richard Gill, (334) 834-1180  
Resp. Atty., George W Walker, III, (334) 834-1180

1080468 Governor Bob Riley and Robert L. Childree, comptroller of the State of Alabama v. The Joint Fiscal Committee of the Alabama Legislature et al. (Appeal from Montgomery Circuit Court: CV-08-900752).

**Application Granted; Opinion of April 3, 2009, Withdrawn; Opinion Substituted; Affirmed.**

Circuit Judge, Truman M. Hobbs, Jr., (334) 832-7147  
Apl. Atty. General, Troy R. King, (334) 242-7300  
Apl. Atty., Andrew Lynn Brasher, (205) 521-8339  
Apl. Atty., Matthew Howard Lembke, (205) 521-8560  
Apl. Atty., William C. McGowin, (334) 956-7700  
Apl. Atty., William G. Parker, Jr., (334) 242-7997  
Apl. Atty., James David Martin, (334) 834-1180  
Apl. Atty., Robert D Segall, (334) 834-1180

1070731 Town of Mountainboro v. Treva Griffin and Benny E. Griffin (Appeal from Etowah Circuit Court: CV-07-835).

**Application Overruled. No Opinion.**

Circuit Judge, David Alan Kimberley, (256) 549-5372  
Apl. Atty., James H Anderson, (334) 834-5311  
Apl. Atty., Ryan Wesley Shaw, (334) 834-5311  
Apl. Atty., Billy Chandler, (256) 878-5900  
Apl. Atty., Jack Floyd, (256) 547-6328  
Apl. Atty., Danny Smith

1071419 Alabama State Bar v. Lawrence Johnson Hallett, Jr. (Appeal from ASB No. 03-21(A); Disciplinary Appeals Case No. 07-05).

**Application Overruled. No Opinion.**

Apl. Atty., Robert E. Lusk, Jr, (334) 269-1515  
Apl. Atty., J. Anthony McLain, (334) 269-1515  
Apl. Atty., Thomas E. Harrison, (251) 433-1819  
Apl. Atty., Matthew C. McDonald, (251) 439-7514  
Apl. Atty., Kirkland E Reid, (251) 439-7513  
Apl. Atty., Jay M. Ross, (251) 432-5400

1071486 Lawrence Johnson Hallett, Jr. v. Alabama State Bar (Appeal from ASB No. 03-21(A); Disciplinary Appeals No. 07-05).

**Application Overruled. No Opinion.**

Apl. Atty., Matthew C. McDonald, (251) 439-7514  
Apl. Atty., Kirkland E Reid, (251) 439-7513  
Apl. Atty., Robert E. Lusk, Jr, (334) 269-1515  
Apl. Atty., J. Anthony McLain, (334) 269-1515