



**LIST OF DECISIONS ANNOUNCED BY  
THE SUPREME COURT OF ALABAMA  
ON WEDNESDAY, JUNE 30, 2010**

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**Lyons, J.**

1081767 DGB, LLC et al. v. Michael Hinds et al. (Appeal from Baldwin Circuit Court: CV-08-9001120).

**Affirmed In Part; Reversed In Part; Remanded.**

Circuit Judge, Charles C. Partin, (251) 937-0273  
Apl. Atty., Andrew P. Campbell, (205) 803-0051  
Apl. Atty., Samuel N. Crosby, (251) 626-6696  
Apl. Atty., George R. Irvine, III, (251) 626-6696  
Apl. Atty., Thomas O. Sinclair, (205) 803-0051  
Apl. Atty., Miles Clayborn Williams, (205) 803-0051  
Aple. Atty., Edward G. Bowron, (251) 344-5151  
Aple. Atty., Chuck Holtz, (251) 344-5151  
Aple. Atty., William H Philpot, Jr, (251) 433-6900  
Aple. Atty., Robert B Stewart, (205) 251-5885  
Aple. Atty., H. William Wasden, (251) 345-8230

1090302 Bon Harbor, LLC and Michael F. Hinds v. United Bank et al. (Appeal from Baldwin Circuit Court: CV-07-240).

**Affirmed.**

Circuit Judge, Robert E. Wilters, (251) 580-2570  
Apl. Atty., Edward G. Bowron, (251) 344-5151  
Apl. Atty., Chuck Holtz, (251) 344-5151  
Apl. Atty., H. William Wasden, (251) 345-8230  
Aple. Atty., Edward A, Dean, (251) 405-1300  
Aple. Atty., Christopher I. Gruenewald, (251) 405-1300  
Aple. Atty., Andrew W. Martin, Jr., (251) 405-1300

**Smith, J.**

1081170 Ex parte Loma Alta Property Owners Association, Inc. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Carol Mahoney v. Loma Alta Property Owners Association, Inc.) (Baldwin Circuit Court: CV-06-415; Civil Appeals : 2080192).

**Affirmed.**

Circuit Judge, Robert E. Wilters, (251) 580-2570  
Pet. Atty., Jennifer Leigh Evans, (251) 626-7704  
Pet. Atty., James B. Pittman, Jr, (251) 626-7704  
Resp. Atty., Richard L. Watters, (251) 433-3753

1090393 Ex parte Jerome Theodorou. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Jerome Theodorou v. State of Alabama) (Lawrence Circuit Court: CC05-344; Criminal Appeals : CR-07-0615).

**Affirmed.**

Circuit Judge, A. Philip Reich, II, (256) 974-2444  
Pet. Atty., Billy C. Burney, II, (256) 350-9988  
Resp. Atty. General, Troy Robin King, (334) 242-7401  
Resp. Asst. Atty. Gen., James B. Prude, (334) 242-7300

**Bolin, J.**

1090530 Ex parte Alabama State Personnel Board. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Nationwide Retirement Solutions, Inc. v. Alabama State Personnel Board, PEBCO, Inc., and the Alabama State Employees Association) (Montgomery Circuit Court: CV-09-1088).

**Petition Granted. Writ Issued.**

Circuit Judge, William A. Shashy, (334) 832-1370  
Pet. Atty., Alice Ann Byrne, (334) 242-3451  
Pet. Atty., Jaime C. Erdberg, (205) 930-5100  
Pet. Atty., David R. Mellon, (205) 930-5100  
Pet. Atty., Clifford Lee Reeves, (205) 930-5183  
Resp. Atty., Andrew C. Allen, (205) 323-1888  
Resp. Atty. - Pro Hac, David W. Bowker, (212) 230-8860  
Resp. Atty., Lynn S Darty, (205) 795-6588  
Resp. Atty., Rebecca G. DePalma, (205) 323-1888  
Resp. Atty., George Douglas, Jr., (205) 824-4620  
Resp. Atty., Joe Espy, III, (334) 263-6621  
Resp. Atty., Beverly Howard, (334) 269-6964  
Resp. Atty., Hope S. Marshall, (205) 323-1888  
Resp. Atty., Edwin Jean McArthur, Jr., (334) 834-6965  
Resp. Atty., James Flynn Mazingo, (334) 263-6621  
Resp. Atty. - Pro Hac, Charles C. Platt  
Resp. Atty., Sharon D. Stuart  
Resp. Atty., Joseph William Warren, (334) 279-0088  
Resp. Atty., J. Mark White, (205) 323-1888  
Resp. Atty., Norbert H. Williams, (334) 834-6965  
Resp. Atty., Frank M Wilson, (334) 263-2560  
Resp. Atty., Paul Zimmerman, (205) 795-6588

1090875 Ex parte Hazel Stutts. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Hazel M. Stutts, individually, and Hazel M. Stutts, by Virginia L. Gester, her attorney-in-fact v. Joshua D. Vacik, M.D, et al.) (Colbert Circuit Court: CV-07-102).

**Petition Denied. No Opinion.**

Special TC Judge, Harold V. Hughston, Jr., (256) 386-8526  
Pet. Atty., Robert J Harris, (256) 275-4852  
Pet. Atty., Stephen Shay Samples, (205) 328-5330  
Resp. Atty., Joseph L. Reese, Jr, (205) 868-6000  
Resp. Atty., Randall H. Sellers, (205) 868-6000

## **Murdock, J.**

1060935 Daniel G. Hamm and Leo Paul Brooks v. Norfolk Southern Railway Company (Appeal from Talladega Circuit Court: CV-05-22).

**Affirmed In Part; Reversed In Part; and Remanded With Directions.**

Circuit Judge, Julian M. King, (256) 761-2106  
Apl. Atty., Joel F. Alexander, (205) 322-8880  
Aple. Atty., John Mark Graham, (205) 716-5200  
Aple. Atty., Crawford McGivaren, Jr, (205) 716-5200  
Aple. Atty., Steve A. Tucker, (205) /71-6520

1071564 Ex parte Roger Dixon. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Roger Dixon v. State of Alabama) (Escambia Circuit Court: CC06-82; Criminal Appeals : CR-06-1916).

**Reversed And Remanded.**

Circuit Judge, Bert Wayne Rice, (251) 867-0253  
Pet. Atty., Paul Morris Harden, Sr, (251) 743-3176  
Resp. Atty. General, Troy Robin King, (334) 242-7401  
Resp. Asst. Atty. General, John McGavock Porter, (334) 242-7420

1080440 Ex parte N. B. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: A. K. v. N. B.) (Houston Juvenile Court: JU-06-455; Civil Appeals : 2070086).

**Writ Quashed With Instructions.**

## **Shaw, J.**

1080578 Progress Industries, Inc. v. Dexter K. Wilson and Denise Wilson (Appeal from Russell Circuit Court: CV-06-259).

**Reversed And Remanded.**

Circuit Judge, Albert Johnson, (334) 297-1366  
Apl. Atty., Marc James Ayers, (205) 521-8598  
Aple. Atty., Kendall C. Dunson, (334) 269-2343

## **PER CURIAM**

1070066 Jones Express, Inc. v. Edward E. Jackson, Sr., and Jacqueline F. Jackson, individually and as custodial parents of Joshua L. Jackson, a minor, deceased (Appeal from Morgan Circuit Court: CV-04-296).

**Reversed And Judgment Rendered.**

Circuit Judge, Steven Ellis Haddock, (256) 351-4750  
Apl. Atty., Robert Coleman Black, Jr, (334) 264-9472  
Apl. Atty., Doy Leale McCall, III, (334) 834-7600  
Apl. Atty., Gary A. Phillips, (256) 340-8034  
Aple. Atty., Derek W Simpson, (256) 539-7575  
Aple. Atty., J. Barton Warren, (256) 539-7575

1091047 Ex parte Marvin D. Southall. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Marvin D. Southall v. State of Alabama) (Jefferson Circuit Court: CC-02-5176.61; Criminal Appeals : CR-09-0364).

**Writ Denied. No Opinion.**

## ON REHEARING

1071423 First Properties, LLC v. WM Specialty Mortgage, LLC (Appeal from Jefferson Circuit Court: CV-07-901784).

**Application Overruled. No Opinion.**

Circuit Judge, Helen Shores Lee, (205) 325-5635  
Apl. Atty., Banks Christian Ladd, (251) 431-6014  
Aple. Atty., Joshua Byron White, (256) 533-7711