



**LIST OF DECISIONS ANNOUNCED BY  
COURT OF CIVIL APPEALS OF ALABAMA  
ON FRIDAY, FEBRUARY 5, 2010**

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**PRESIDING JUDGE THOMPSON**

2080613 Rodney Smith v. Steve Jones (Appeal from Baldwin Circuit Court: CV-07-900228)

**Affirmed. No Opinion.**

Circuit Judge, J Langford Floyd, (251) 937-0235  
Apl. Atty., Russell J Watson, (251) 937-2303  
Aple. Atty., D. Robert Stankoski, Jr, (251) 928-0123

2080976 Jacqueline E. Austin v. James Maxwell Austin, Jr., Executor (Appeal from Elmore Circuit Court: CV-05-362)

**Affirmed. No Opinion.**

Circuit Judge, Ben A Fuller, (334) 361-3766  
Apl. Atty., J Pratt Austin-Trucks, (334) 567-4874  
Apl. Atty., Brenton K Morris, (205) 278-8000  
Apl. Atty., Jamie A. Wilson, (205) 278-8000  
Aple. Atty., Patrick D. Pinkston, (334) 567-2545

2081004 In the Matter of the Adoption of F.I.T. (Appeal from Baldwin Probate Court: Probate No. 3172)

**Reversed And Remanded.**

**JUDGE PITTMAN**

2080385 Thomas Lee Claridy II v. Monica M. Claridy (Appeal from Russell Circuit Court: DR-06-328)

**Appeal Dismissed With Instructions.**

District Judge, Eric Funderburk, (334) 297-1347  
Apl. Atty., Larry Joel Collins, (334) 297-2926

2080604 Thomas Gene Konkel v. Shannon Konkel (Appeal from Marshall Circuit Court: DR-08-200395)

**Affirmed. No Opinion.**

Circuit Judge, Howard G Hawk, (256) 878-8597  
Apl. Atty., Jerry Wayne Baker, Jr, (256) 878-2760  
Aple. Atty., Ellsworth Charles Ogden, III, (256) 582-2092  
Aple. Atty., Tiffin M Taylor, (256) 539-3113

2080849 T.D. and R.D. v. Cleburne County Department of Human Resources (Appeal from Cleburne Juvenile Court: JU-07-65.02 and JU-07-66.02)

**Affirmed. No Opinion.**

## **JUDGE BRYAN**

2080141 Amy M. Wilkinson v. Michael A. Wilkinson (Appeal from Marshall Circuit Court: DR-90-333.02)

**Affirmed In Part; Reversed In Part; And Remanded With Instructions.**

Circuit Judge, Howard G Hawk, (256) 878-8597

Aplt. Atty., Jamie Parris Logan, (256) 582-6914

Aple. Atty., David Beuoy, (256) 586-9000

2080484 James R. Martin v. Sharon K. Martin (Appeal from Autauga Circuit Court: DR-97-309.03)

**Affirmed. No Opinion.**

Circuit Judge, Ben A Fuller, (334) 361-3766

Aplt. Atty., Beverly Howard, (334) 269-6964

Aple. Atty., Stephen M Langham, (334) 365-4030

2080852 Summer E. Sexton v. Glenn Ray Sexton (Appeal from Butler Circuit Court: DR-08-54)

**Appeal Dismissed.**

District Judge, J MacDonald Russell, Jr, (334) 382-6125

Aplt. Atty., Tim O Craig, (334) 382-9900

Aple. Atty., Timothy Brandon Simmons, (334) 383-0009

2080942 Robert R. Bowers v. Brian Keith Bell, as personal representative of the estate of Keith Bell, deceased (Appeal from Etowah Circuit Court: CV-08-31)

**Affirmed.**

Circuit Judge, Anthony Clark Hall, (256) 547-9992

Aplt. Atty., Jack Floyd, (256) 547-6328

Aple. Atty., Thomas A King, (256) 547-1117

2081019 E.J. Lowery v. Delton Harrison and Billy Glasgow (Appeal from Fayette Circuit Court: CV-09-17)

**Affirmed. No Opinion.**

Circuit Judge, James W Moore, Jr, (205) 932-3169

Aplt. Atty., Richard E. Fikes, (205) 387-2171

Aple. Atty., Chriss H Doss, (205) 978-9992

## JUDGE THOMAS

2080895 Alabama State Personnel Board v. Jeffery L. Miller (Appeal from Montgomery Circuit Court: CV-06-2462)

**Reversed And Remanded With Instructions.**

Circuit Judge, Charles Price, (334) 832-1331  
Aplt. Atty., Tara Smelley Knee, (334) 353-0046  
Aple. Atty., Norbert H. Williams, (334) 834-6965

2081005 LaDerele Faulk v. Reginald Rhodes et al. (Appeal from Houston Circuit Court: CV-02-526)

**Appeal Dismissed.**

Circuit Judge, Henry D Binford, (334) 677-4848  
Aplt. Atty., Charles Neville Reese, (334) 598-6321  
Aple. Atty., Stephen T Etheredge, (334) 793-3377  
Aple. Atty., Robert Ivan Hinson, (334) 673-0100  
Aple. Atty., Patrick B. Jones, III, (334) 678-0100  
Aple. Atty., Reginald Alan Rhodes, (334) 792-6213  
Aple. Atty., Gary C. Sherrer, (334) 678-0100  
Aple. Atty., John Ronald Storey, (334) 793-7635  
Aple. Atty., Decker Lewis Terry, Jr, (334) 792-6213

2081040 K.P. v. Etowah County Department of Human Resources (Appeal from Etowah Juvenile Court: JU-08-383.02)

**Affirmed.**

2080856 Leslie R. Gilliam v. Dennis Gilliam (Appeal from Talladega Circuit Court: DR-05-819)

(Consolidated with 2081119.)

**Reversed And Remanded With Instructions.**

District Judge, Tommy R Dobson, (256) 249-1005  
Aplt. Atty., Steven D. Adcock, (256) 362-3848  
Aple. Atty., Robert Rumsey, (256) 245-1930

2081119 Leslie R. Gilliam v. Dennis Gilliam (Appeal from Talladega Circuit Court: DR-05-819)

(Consolidated with 2080856.)

**Affirmed.**

Circuit Judge, Jeb Fannin, (256) 761-2113  
District Judge, Tommy R Dobson, (256) 249-1005  
Aplt. Atty., Steven D. Adcock, (256) 362-3848  
Aple. Atty., Robert Rumsey, (256) 245-1930

## JUDGE MOORE

2080673 Jacqueline W. Skerlick v. Sandra A. Gainey (Appeal from Houston Circuit Court: CV-07-484)

**Reversed And Remanded.**

Circuit Judge, Henry D Binford, (334) 677-4848  
Aplt. Atty., Joel Wardlaw Ramsey, (334) 793-6550  
Aple. Atty., Jeffrey C Kirby, (205) 322-8880

2081070 M.H. v. Jefferson County Department of Human Resources (Appeal from Jefferson Juvenile Court: JU-05-54410)

**Affirmed.**

2081093 Grove Hill Homeowners' Association, Inc. v. William Rice and Laura Rice (Appeal from Lee Circuit Court: CV-09-900178)

**Reversed And Remanded.**

Circuit Judge, Jacob A. Walker, III, (334) 737-3413  
Aplt. Atty., Russell C. Balch, (334) 887-0884  
Aple. Atty., Kenneth J. Mendelsohn, (334) 213-2323

2090033 Margaret Davis v. R.C. Entertainment, Inc., d/b/a The Station (Appeal from Madison Circuit Court: CV-07-1741)

**Affirmed. No Opinion.**

Circuit Judge, Caryl P Privett, (205) 325-5388  
Aplt. Atty., Michael Evan Auffenorde, (256) 533-5383  
Aple. Atty., Edward Eugene Blair, (256) 533-5015  
Aple. Atty., Benjamin R Rice, (256) 533-5015  
Aple. Atty., Thomas A. Wheat, (256) 533-5015

## PER CURIAM

2080639 Lisa M. Preston v. Matthew A. Saab (Appeal from Morgan Circuit Court: DR-04-215.02)

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

Circuit Judge, Steven E Haddock, (256) 351-4750  
Aplt. Atty., Jon R. Sedlak, (256) 353-6824  
Aple. Atty., Christina L. Dixon, (256) 489-5050

2080715 D.S. v. Cullman County Department of Human Resources (Appeal from Cullman Juvenile Court: JU-06-344.03 and JU-06-345.03)

**Reversed And Remanded.**

2081024 Ronald C. Knight v. John R. Walker et al. (Appeal from Montgomery Circuit Court: CV-09-190)

**Affirmed. No Opinion.**

Circuit Judge, Eugene W Reese, (334) 832-4950  
Aple. Atty., Daryl Donald Bailey, (334) 832-2550

2081047 Danny W. Turner v. Blake Dorning and Kevin Weaver (Appeal from Madison Circuit Court: CV-09-443)

**Affirmed. No Opinion.**

Circuit Judge, Loyd H Little, (256) 532-3440

Aple. Atty., Hallie Angelichio

Aple. Atty., Matthew B. Reeves, (256) 536-1711

Aple. Atty., J. Jeffery Rich, (256) 536-1711

**ON REHEARING**

2040526 KGS Steel, Inc. v. Donald McInish (Appeal from Bessemer Circuit Court: CV-99-392)

**Application For Rehearing Overruled.**

Circuit Judge, Dan C. King, III, (205) 481-4175

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

Aplt. Atty., Bennett L Pugh, (205) 822-2006

Aple. Atty., Edwin L Brobston, (205) 425-4361

2071003 Tanya Harris v. Tuscaloosa Housing Authority (Appeal from Tuscaloosa Circuit Court: CV-08-444)

**Application For Rehearing Overruled.**

Circuit Judge, Charles R Malone, (205) 349-3870

Aplt. Atty., Ricky T. Chambless, (205) 758-7503

Aplt. Atty., Kenneth James Lay, (205) 397-6540

Aple. Atty., Dennis Steverson, Sr, (205) 345-1300

2071159 Carl Thrasher v. Gary G. Pirtle and Sheila S. Pirtle (Appeal from Morgan Circuit Court: CV-05-569)

**Application For Rehearing Overruled.**

Circuit Judge, Steven E Haddock, (256) 351-4750

Aplt. Atty., J Timothy Kyle, (256) 353-7641

Aple. Atty., Buddie R Brown, Jr, (256) 355-9517

2080325 Billy C. McCollum v. Sharon D. McCollum (Appeal from Fayette Circuit Court: DR-07-168)

**Application For Rehearing Overruled.**

District Judge, Jerry L Clary, (205) 932-4613

Aplt. Atty., Charles Alan Langley, (205) 932-3255

Aple. Atty., William A Grocholski, (205) 932-3500

2080800 Thomas C. Donald v. Larry Smalley and Gail Smalley (Appeal from DeKalb Circuit Court: CV-08-244)

**Application For Rehearing Overruled.**

Circuit Judge, Randall L Cole, (256) 845-8540

Aple. Atty., Angela Cochran Morgan, (256) 845-3386

Aple. Atty., Nikki Parrish Scott, (256) 845-7000