



**LIST OF DECISIONS ANNOUNCED BY
COURT OF CIVIL APPEALS OF ALABAMA
ON FRIDAY, APRIL 2, 2010**

PRESIDING JUDGE THOMPSON

2081082 Brandi R. Ashe Smith v. Ty Timothy O'Dell Ashe (Appeal from Lee Circuit Court: DR-06-392.02)

Affirmed. No Opinion.

District Judge, Russell K. Bush, (334) 737-3378
Apl. Atty., John A. Tinney, (334) 863-8945
Aple. Atty., Robert G Poole, (334) 745-7766

2081128 Cedric Grant v. Latonya D. Grant (Appeal from Montgomery Circuit Court: DR-08-900089)

Affirmed. No Opinion.

2090023 Alan Keeton and Faye Keeton v. Kelly Company, LLC (Appeal from Geneva Circuit Court: CV-08-900046)

Affirmed.

Circuit Judge, Philip B McLauchlin, Jr, (334) 774-8011
Apl. Atty., David F Holmes, (334) 886-3123
Aple. Atty., Harry Samuel Prim, III, (334) 671-9555

2090035 Horace Dale Hogue et al. v. Logan's Roadhouse, Inc. (Appeal from Tuscaloosa Circuit Court: CV-07-1332)

Affirmed.

Circuit Judge, W Scott Donaldson, (205) 349-3870
Apl. Atty., Edwin L Brobston, (205) 425-4361
Apl. Atty., Michael Jackson Cartee, (205) 759-1554
Aple. Atty., Stephen Bumgarner, (205) 251-3000
Aple. Atty., S. Greg Burge, (205) 458-5101
Aple. Atty., Edward Cotter, D., (205) 251-3000

2090114 Jia Quin Xu v. Jaime J. Washington (Appeal from Lee Circuit Court: CV-08-900331)

Affirmed. No Opinion.

Circuit Judge, Jacob A. Walker, III, (334) 737-3413
Apl. Atty., Dan A Goldberg, (205) 326-2300
Apl. Atty., A Patrick Ray, III, (205) 322-4700
Aple. Atty., Joshua J Jackson, (334) 745-3504

JUDGE PITTMAN

2080301 Tara Elaine Moss v. Billy Ray Moss (Appeal from St. Clair Circuit Court: DR-07-150)

Affirmed. No Opinion.

Circuit Judge, James E Hill, Jr., (205) 338-3869
Aplt. Atty., Robert R Kracke, (205) 933-2756
Aple. Atty., Dalton Kelly Livingston, (205) 338-1530
Aple. Atty., Horace V. O'Neal, Jr, (205) 879-0000

2080624 Barry L. Grantham v. Lurey Jeffery Bynum (Appeal from Etowah Circuit Court: CV-08-85)

Reversed And Remanded.

Circuit Judge, William Allen Millican, (256) 549-5364
Aplt. Atty., Carl E Chamblee, Sr, (205) 590-0343
Aple. Atty., Kenneth Paul Robertson, Jr, (256) 547-8990

2080761 James R. Walls and Deborah Walls v. Top Quality Construction, LLC (Appeal from Baldwin Circuit Court: CV-05-1534)

Affirmed. No Opinion.

Circuit Judge, J Langford Floyd, (251) 937-0235
Aplt. Atty. - Pro Hac, Catherine Gibson McCauley, (404) 733-6700
Aplt. Atty., Jethro Dwight Ruffin, (334) 412-9498
Aple. Atty., Oliver J Latour, Jr, (251) 943-6760

2080772 Great West Casualty Company et al. v. Capital Volvo Truck and Trailer (Appeal from Montgomery Circuit Court: CV-08-900642)

Affirmed. No Opinion.

Circuit Judge, Tracy McCooey, (334) 832-4950
Aplt. Atty., Douglas Hugh Bryant, (205) 639-5300
Aplt. Atty., Keri D. Simms, (205) 639-5300
Aple. Atty., Thomas Coleman, Jr, (205) 251-5885

2080914 J.D. Trammell et al. v. Elquis Castillo (Appeal from Etowah Circuit Court: CV-06-852)

Affirmed. No Opinion.

Circuit Judge, William Allen Millican, (256) 549-5364
Aplt. Atty., John T Robertson, IV, (256) 543-9790
Aple. Atty., Tamera K. Erskine, (205) 251-5885
Aple. Atty., A. Joe Peddy, (205) 251-5885
Aple. Atty., Emily Hawk Raley, (256) 543-0400

2080943 Jeanette Collier et al. v. Frances Williams et al. (Appeal from Morgan Circuit Court: CV-06-529)

Affirmed. No Opinion.

Circuit Judge, Glenn E Thompson, (256) 351-4785
Aplt. Atty., Robert Straub, (256) 353-7641
Aple. Atty., R Eric Summerford, Sr, (256) 350-8885

2081058 Dorothy Mestrovich et al. v. June A. McKnight et al. (Appeal from Henry Circuit Court: CV-09-9)

Affirmed. No Opinion.

Circuit Judge, Charles L Little, (334) 677-4889
Aplt. Atty., Lora Jan Laney, (334) 791-0051
Aplt. Atty., Paul F Meyers, II, (334) 677-0798
Aple. Atty., Rodney Dalton, (334) 585-5050
Aple. Atty., Micheal S. Jackson, (334) 834-5311

2090051 John Howard Homes, Ltd. v. Joel B. Wittmann (Appeal from Mobile Circuit Court: CV-08-2350)

Reversed And Remanded With Instructions.

Circuit Judge, Robert H. Smith, (251) 574-8485
Aplt. Atty., Jene William Owens, Jr, (251) 378-8601
Aple. Atty., John W. Parker, (251) 621-2216

JUDGE BRYAN

2081015 William B. Brewton v. Shelby D. Baker and Shirley J. Baker (Appeal from Chilton Circuit Court: CV-06-111)

Affirmed. No Opinion.

Circuit Judge, Sibley G Reynolds, (205) 755-0311
Aplt. Atty., Kile T. Turner, (205) 328-6643
Aple. Atty., David Brian Karn, (205) 280-0940
Aple. Atty., William W Smith, (205) 324-8910

2090082 Deborah Brady v. Roebuck Honda (Appeal from Jefferson Circuit Court: CV-04-4583)

Appeal Transferred.

Circuit Judge, Michael G. Graffeo, (205) 325-5644
Aplt. Atty., Eugenia W Hamilton, (205) 587-7980
Aple. Atty., Gwendolyn K Arendall, (205) 278-7000
Aple. Atty., P. Thomas Dazzio, Jr, (205) 278-7000

JUDGE THOMAS

2081046 Tiffany L. Ledlow v. Mike Ledlow and Wanda Ledlow (Appeal from St. Clair Circuit Court: DR-02-92.03)

Affirmed. No Opinion.

Circuit Judge, James E Hill, Jr., (205) 338-3869
Aple. Atty., Walter W. Kennedy, III, (205) 884-2276
Aple. Atty., Fred W Teague, (205) 594-7749

2081108 Nicole Lapolt v. Robert Lapolt (Appeal from Mobile Circuit Court: DR-09-500145.01)

Affirmed. No Opinion.

Circuit Judge, Julian Donald Banks, (251) 574-8488
Aplt. Atty., Richard Earl Shields, (251) 433-2001
Aple. Atty., Thomas Richard Boller, (251) 433-2133

2081188 Kenneth Smith v. Michael W. Davidson (Appeal from Madison Circuit Court: CV-07-944)

Affirmed.

Circuit Judge, Bruce E Williams, (256) 532-3754
Aple. Atty., Joel P. Jaquino, (256) 417-6920
Aple. Atty., Gary P Wolfe, (256) 534-2205

2081189 Shannon Butts v. Kim Butts (Appeal from Etowah Circuit Court: DR-03-441.01)

Affirmed. No Opinion.

Circuit Judge, William H Rhea, III, (256) 549-5317
Aplt. Atty., Jeff Montgomery, (256) 543-7570
Aple. Atty., Willis H. Clay, (256) 543-1446
Aple. Atty., Emily Hawk Raley, (256) 543-0400
Aple. Atty., David C Livingston, (256) 546-9300

2090067 Joseph Dzwonkowski, Sr. v. Sonitrol of Mobile, Inc. and Joseph Dzwonkowski, Jr. (Appeal from Mobile Circuit Court: CV-09-1322)

Affirmed. No Opinion.

Circuit Judge, Robert H. Smith, (251) 574-8485
Aple. Atty., Mack B Binion, III, (251) 433-7600
Aple. Atty., John C. Brutkiewicz, (251) 433-1866
Aple. Atty., John Casey Pipes, (251) 432-5521

2090176 Rhonda Proctor v. Classic Automotive, Inc. (Appeal from Cullman Circuit Court: CV-09-179)

Affirmed. No Opinion.

Circuit Judge, Don L Hardeman, (256) 739-3530
Aplt. Atty., Mark Anthony Dutton, (256) 974-0054
Aple. Atty., J. Mitchell Frost, Jr, (205) 879-8722
Aple. Atty., Leilus Jackson Young, Jr, (205) 879-8722

2090237 Richard Kennedy, Jr. v. Nisika Keon Kennedy (Appeal from Jefferson Circuit Court: DR-09-1319)

Affirmed. No Opinion.

Circuit Judge, J Gary Pate, (205) 325-5022

JUDGE MOORE

2060017 Mark Davis v. Tonya Blackstock (Appeal from Lauderdale Circuit Court: DR-06-86.01)

Affirmed In Part; Reversed In Part; And Remanded After Remand From The Alabama Supreme Court.

Circuit Judge, Ned Michael Suttle, (256) 760-5820
Apl. Atty., heath f trousdale, (256) 767-1058
Aple. Atty., Melinda Morgan Austin, (256) 766-0503

2080678 Michael Smith and Bridgette Smith v. William Lee Estes and Jackie Clark Estes (Appeal from Colbert Circuit Court: CV-08-274)

Appeal Dismissed With Instructions.

Circuit Judge, Harold V. Hughston, Jr., (256) 386-8526
Apl. Atty., Neil Taylor, Jr, (256) 332-3844
Aple. Atty., Bethany Ellison Malone, (256) 383-9444

2080756 S.C. v. J.T.C. (Appeal from Mobile Juvenile Court: JU-06-2664.92)

Appeal Dismissed With Instructions.

2080838 Rose M. Williams v. Walter Mortgage Company (Appeal from Jefferson Circuit Court: CV-07-902949)

Affirmed. No Opinion.

Circuit Judge, Allwin E Horn, III, (205) 325-5365
Apl. Atty., Kenneth James Lay, (205) 397-6540
Aple. Atty., Paul Kenneth Lavelle, (205) 298-1800

2081196 Arthur Isaiah Radcliff v. Hall Housing Investments, Inc. (Appeal from Jefferson Circuit Court: CV-09-2410)

Affirmed.

Circuit Judge, G William Noble, (205) 325-5020
Aple. Atty., Gregory M. Deitsch, (205) 930-5225
Aple. Atty., Sandra Vinik, (205) 930-5358

2090133 S.L.L. v. L.S. (Appeal from Etowah Juvenile Court: JU-06-545.04)

Reversed And Remanded.

2090156 Camellia B. Barnes v. IMS Management, LLC, agent for Metropolitan Gardens Developers, LLP (Appeal from Jefferson Circuit Court: CV-09-1665)

Affirmed. No Opinion.

Circuit Judge, Helen Shores Lee, (205) 325-5635
Aple. Atty., Jim McDonald Sandefer, (205) 879-6541

PER CURIAM

2070677 Brian A. Smith v. Randall Houston et al. (Appeal from Montgomery Circuit Court: CV-06-2356)

Affirmed. No Opinion.

Circuit Judge, Charles Price, (334) 832-1331
Aple. Atty., James R Houts, (334) 567-2237

2090122 Melvin Thomas and Katharina Thomas v. Tranzie Loveless and Laura Loveless (Appeal from Cleburne Circuit Court: CV-98-05)

Affirmed. No Opinion.

Circuit Judge, Malcolm B Street, Jr, (256) 231-1820
Aple. Atty., Mark D. Owsley, (256) 362-1821

ON REHEARING

2080520 Dr. Stephen Franks, as president of Central Alabama Community College v. Andrew Jordan (Appeal from Montgomery Circuit Court: CV-08-900147)

Application Granted; Opinion Of November 25, 2009, Withdrawn; Opinion Substituted; Reversed And Remanded With Instructions.

Circuit Judge, William A Shashy, (334) 832-4950
Aplt. Atty., W. Lee Elebash, (205) 458-9400
Aplt. Atty., William D Jones, III, (205) 458-9400
Aple. Atty., Sabrina Comer, (334) 262-3300
Aple. Atty., Frederick L Fohrell, (256) 533-0202
Aple. Atty., Susan Elizabeth Kennedy, (334) 262-3300
Aple. Atty., Robert C. Lockwood, (256) 533-0202

2080736 Daryl Eugene Noll v. Linda Noll (Appeal from Mobile Circuit Court: DR-90-500066.12)

Application For Rehearing Overruled.

Circuit Judge, Julian Donald Banks, (251) 574-8488
Aplt. Atty., Joseph C. Sullivan, Jr, (251) 432-7517

2080836 Bobby D. Lucky v. Deutsche Bank National Trust Company, as trustee of Ameriquest Mortgage Securities, Inc., Asset Backed Pass-Through Certificates, Quest Trust Series 2006-X1 under the Pooling & Servicing Agreement Dated as of March 1, 2006, without Recourse (Appeal from Limestone Circuit Court: CV-08-900149)

Application For Rehearing Overruled.

Circuit Judge, Robert M Baker, (256) 233-8083
Aplt. Atty., Curtis L. Whitmore, (256) 534-8077
Aple. Atty., Robin L. Beardsley, (205) 930-5242
Aple. Atty., Gregory M. Deitsch, (205) 930-5225
Aple. Atty., Marcus M. Maples, (205) 930-5144
Aple. Atty., Kerry P McInerney, (205) 930-5100

2081183 Jerry McBee v. Sherri McBee (Appeal from Jefferson Circuit Court: DR-98-44.01)

Application For Rehearing Overruled.

Circuit Judge, Teresa B Petelos, (205) 481-4181
Aple. Atty., Stephen R. Arnold, (205) 323-1888