



**LIST OF DECISIONS ANNOUNCED BY
COURT OF CIVIL APPEALS OF ALABAMA
ON FRIDAY, AUGUST 7, 2009**

PRESIDING JUDGE THOMPSON

2080272 K-Mart, Inc., and Certegy Check Services, Inc. v. James T. Stewart and Jane Stewart (Appeal from St. Clair Circuit Court: CV-07-110)

Reversed And Remanded.

Circuit Judge, James E Hill, Jr., (205) 338-3869
Apl. Atty., Joseph W. Carlisle, (205) 458-9458
Aple. Atty., Charles E. Robinson, Jr, (205) 594-5133
Aple. Atty., Bueran Dale Stracener, (205) 594-5133

JUDGE BRYAN

2080464 M. B. and E. B. v. S. B. (Appeal from Jefferson Juvenile Court: JU-06-51733.01 and JU-06-51734.01)

Reversed And Remanded With Instructions.

JUDGE MOORE

2080359 Clifton Kidd, Sr. v. Barbara Milton and Frank Kruse, as personal representative of the estate of Gladys Richardson, deceased (Appeal from Mobile Probate Court: No. 2005-849)

Affirmed. No Opinion.

Probate Judge, Don Davis, (251) 574-8502
Apl. Atty., Vanessa Arnold Shoots, (251) 432-8343
Aple. Atty., Nathan P Friedlander, (251) 694-1665

2080424 William A. Yearout et al. v. Saiia Construction, LLC, and APAC Southeast, Inc. (Appeal from Jefferson Circuit Court: CV-06-719)

Appeal--Affirmed. No Opinion. Cross-Appeal--Dismissed As Moot.

Circuit Judge, Allwin E Horn, III, (205) 325-5365
Apl. Atty., Jason Lamar Yearout, (205) 414-8160
Aple. Atty., Stephen N. Fitts, III, (205) 324-4400
Aple. Atty., Michael W Ray, (205) 326-4166
Aple. Atty., James S. Witcher, III, (205) 324-4400

ON REHEARING

2070582 LaWanda McDonald v. Lighami Development Co., LLC (Appeal from Mobile Circuit Court: CV-04-4633)

Application For Rehearing Overruled.

Circuit Judge, Charles A Graddick
Aplt. Atty., Larry C Moorer, (251) 432-0002
Aple. Atty., Carl Robert Gottlieb, Jr, (251) 343-7710

2070649 J. R. v. State Department of Human Resources (Appeal from Bibb Juvenile Court: JU-06-199.02 and JU-07-67.02)

Application For Rehearing Overruled.

2070796 David Alan Kelly v. Marla Kelly Asson (Appeal from Colbert Circuit Court: DR-98-361.02)

Application For Rehearing Overruled.

Circuit Judge, Harold V. Hughston, Jr., (256) 386-8526
Aplt. Atty., James Marks, (256) 386-7750
Aple. Atty., Andrew L McGee, (256) 386-7090
Aple. Atty., Terry Lynnann Mock, (256) 386-7090

2071213 A. M. v. J. S. (Appeal from Elmore Circuit Court: JU-00-306.03)

Application Overruled; Opinion of June 5, 2009, Withdrawn; Opinion Substituted; Reversed.

2070297 Larry Gray d/b/a Gray Farms v. Barbara Goodwin, as Executrix of the Estate of Helen Frazer, Deceased, et al. (Appeal from DeKalb Circuit Court: CV-06-82) (Consolidated with 2070502.)

Applications For Rehearing Overruled.

Circuit Judge, Randall L Cole, (256) 845-8540
Aplt. Atty., Robert V. Rodgers, (256) 533-0202
Aplt. Atty., Nikki Parrish Scott, (256) 845-7000
Aple. Atty., Bradley W. Cornett, (256) 546-5432
Aple. Atty., E Allen Dodd, Jr, (256) 845-5932
Aple. Atty., Clarence L McDorman, Jr., (205) 871-3800
Aple. Atty., Benjamin R Rice, (256) 533-5015
Aple. Atty., Patrick H Tate, (256) 845-1047

2070502 Gary Gray and Patsy Gray, individually and d/b/a Gray Farms and P.J.'s Poultry Playhouse v. Barbara Goodwin, as Executrix of the Estate of Helen Frazer, Deceased, et al. (Appeal from DeKalb Circuit Court: CV-06-82) (Consolidated with 2070297.)

Applications For Rehearing Overruled.

Circuit Judge, Randall L Cole, (256) 845-8540
Aplt. Atty., Robert V. Rodgers, (256) 533-0202
Aplt. Atty., Nikki Parrish Scott, (256) 845-7000
Aple. Atty., Bradley W. Cornett, (256) 546-5432
Aple. Atty., E Allen Dodd, Jr, (256) 845-5932
Aple. Atty., Clarence L McDorman, Jr., (205) 871-3800

Aple. Atty., Jared E Mitchem, (256) 845-5932
Aple. Atty., Benjamin R Rice, (256) 533-5015
Aple. Atty., Patrick H Tate, (256) 845-1047