



**LIST OF DECISIONS ANNOUNCED BY  
COURT OF CIVIL APPEALS OF ALABAMA  
ON FRIDAY, OCTOBER 30, 2009**

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**PRESIDING JUDGE THOMPSON**

2080412 Jeffrey L. Schulmerich v. Lynda S. Schulmerich (Appeal from Houston Circuit Court: DR-07-704)

**Affirmed. No Opinion.**

District Judge, brad mendheim, (334) 677-4881  
Apl. Atty., Joan Marie Kettell Dean, (256) 534-4557  
Aple. Atty., Jerry Ray Herring, (334) 793-7649

2080729 W. D. v. M. W. (Appeal from Baldwin Juvenile Court: JU-08-890.01 and JU-08-891.01)

**Affirmed. No Opinion.**

2080734 Heartland Holdings, LLC, and Venture Holdings, LLC v. Tony Monjure and Nanette Monjure (Appeal from Calhoun Circuit Court: CV-03-1054)

**Affirmed. No Opinion.**

Circuit Judge, Malcolm B Street, Jr, (256) 231-1820  
Apl. Atty., Ronald S Held, (256) 237-6611  
Aple. Atty., Raymond Charles Bryan, (256) 237-5018

**JUDGE PITTMAN**

2080037 A. S. and C. S. v. N. E. F. and C. F. (Appeal from Etowah Circuit Court: DR-06-811)

**Affirmed. No Opinion.**

Circuit Judge, William H Rhea, III, (256) 549-5317  
Apl. Atty., John Davis McCord, (256) 546-0448  
Aple. Atty., Laura Lloyd, (256) 543-3664  
Aple. G. A. L., Emily Hawk Raley, (256) 543-0400

2080204 Pamela Baker Vandegrift v. Dennis Vandegrift, Sr. (Appeal from Jefferson Circuit Court: DR-93-3044.02)

**Affirmed. No Opinion.**

Circuit Judge, J Gary Pate, (205) 325-5022  
Apl. Atty., Andria Sims Lee, (256) 775-7757  
Apl. Atty., Pamela E Nail, (256) 734-3342  
Apl. Atty., Andria Richter, (256) 734-3342

2080227 Martin Crawford v. Remberto Carbo, Jr., & Royal Properties, LLC. (Appeal from Jefferson Circuit Court: CV-06-1439)

**Affirmed. No Opinion.**

Circuit Judge, Michael G. Graffeo, (205) 325-5644  
Apl. Atty., William S. Hereford, (205) 251-3000  
Apl. Atty., John R. Lehman, II, (205) 251-3000

2080296 Herring-Malbis I, LLC, Eastern Shore Centre I, LLC, and Eastern Shore Centre II, LLC v. TEMCO, Inc. (Appeal from Baldwin Circuit Court: CV-06-495)

**Reversed And Remanded With Instructions.**

Circuit Judge, Robert E Wilters, (251) 580-2570  
Apl. Atty., Dennis R Bailey, (334) 206-3100  
Apl. Atty., Bethany L. Bolger, (334) 206-3100  
Apl. Atty., Robert A. Wills, Sr, (251) 937-2411

2080564 Judith P. Owen et al. v. Ruth Hopper et al. (Appeal from Morgan Circuit Court: CV-05-896)

**Affirmed. No Opinion.**

Circuit Judge, Sherrie W Paler, (256) 351-4751  
Apl. Atty., Robert Straub, (256) 353-7641  
Apl. Atty., Daniel L Forman, (256) 353-9486  
Apl. Atty., Sherman B Powell, Jr., (256) 353-6612

**JUDGE BRYAN**

2080027 Annette Johnson v. The Healthcare Authority of Lauderdale County and the City of Florence, a public corporation, d/b/a Eliza Coffee Memorial Hospital (Appeal from Lauderdale Circuit Court: CV-06-207)

**Affirmed. No Opinion.**

Circuit Judge, Ned Michael Suttle, (256) 760-5820  
Apl. Atty., Michael Levoy Weathers, (256) 764-1318  
Apl. Atty., Grant A. Wright, (256) 383-6357

2080400 Clark Daniel Montgomery v. Cynthia C. Montgomery (Appeal from Russell Circuit Court: DR 99-138 and DR-99-138.01)

**Appeal--Appeal Dismissed With Instructions. Cross-Appeal--Reversed And Remanded With Instructions.**

Circuit Judge, George R. Greene, (334) 297-4567  
Apl. Atty., Kenneth L. Funderburk, (334) 297-2900  
Apl. Atty., Robert P Lane, (334) 297-2900  
Apl. Atty., Melissa Blanch Thomas, (334) 297-8300

## JUDGE THOMAS

2050875 Dickson Campers, Inc. v. City of Mobile (Appeal from Mobile Circuit Court: CV-03-205)

**Affirmed After Remand From The Alabama Supreme Court.**

Circuit Judge, James C. Wood, (251) 690-8786  
Aplt. Atty., Stephen Erwin Clements, (251) 432-7800  
Aple. Atty., K. Paul Carbo, Jr, (251) 665-7200

2080479 Percy Marsh v. Heather Marsh Smith (Appeal from Mobile Circuit Court: DR-04-501376.01)

**Reversed And Remanded With Instructions.**

Circuit Judge, Julian Donald Banks, (251) 574-8488  
Aplt. Atty., Charles H. Jones, Jr, (251) 438-4445  
Aple. Atty., Desmond B. Toler, (251) 343-1480

2080638 Progressive Specialty Insurance Company v. Mildred Kyle (Appeal from Limestone Circuit Court: CV-08-124)

**Affirmed.**

Circuit Judge, James W Woodroof, Jr, (256) 233-6410  
Aplt. Atty., Robert Larry Bradford, (205) 871-7733  
Aplt. Atty., Shane T Sears, (205) 871-7733  
Aple. Atty., Michael K Timberlake, (256) 536-0770  
Aple. Atty., Christopher M Wooten, (256) 536-0770

2080816 A. S. T. v. Etowah County Department of Human Resources (Appeal from Etowah Juvenile Court: JU-05-445.02)

**Reversed And Remanded.**

## JUDGE MOORE

2080592 M. M. v. D. P. and C. P. (Appeal from Marion Probate Court: 20070513)

**Appeal Dismissed.**

## ON REHEARING

2080556 Gary Edwin Crowe v. Shelby Collins Crowe (Appeal from Etowah Circuit Court: DR-03-1131.01)

**Application For Rehearing Overruled.**

Circuit Judge, William H Rhea, III, (256) 549-5317  
Aplt. Atty., Shannon LeAnne Millican, (256) 543-7610  
Aple. Atty., Dani V. Bone, (256) 547-1005  
Aple. Atty., Mari Morrison, (205) 982-8515