



**LIST OF DECISIONS ANNOUNCED BY  
COURT OF CIVIL APPEALS OF ALABAMA  
ON FRIDAY, FEBRUARY 13, 2009**

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**PRESIDING JUDGE THOMPSON**

2070730 Lisa Schlarb v. Davis Lee and Danny Yancey (Appeal from Marshall Circuit Court: CV-04-200267)

**Appeal Dismissed.**

Circuit Judge, Allen Tim Jolley, (256) 571-7776  
Aplt. Atty., Robert W Hanson, (256) 878-2274  
Aple. Atty., Christopher S. Kuffner, (256) 551-0171  
Aple. Atty., Joe L Leak, (205) 278-7000  
Aple. Atty., G Bartley Loftin, III, (256) 551-0171

2070735 Jerald Everett Atkins v. State of Alabama (Appeal from Marion Circuit Court: CV-07-99 and CV-07-100)

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

Circuit Judge, Talmage Lee Carter, (256) 534-8485  
Aplt. Atty., Thomas E Drake, II, (256) 739-9445  
Aple. Atty., Jack Bostick, (205) 921-7403  
Aple. Atty., Yvonne A.H. Saxon, (334) 242-7376

2070760 Burke Webb, Sr., Robert N. Webb, Laura E. Lawler, Savannah Roberts, Katie Tufts, and Lorine Griffin v. Charles G. Gilmore (Appeal from Walker Circuit Court: CV-06-405)

**Affirmed. No Opinion.**

Circuit Judge, Jerry Selman, (205) 384-7237  
Aplt. Atty., Nathaniel Martin, (205) 221-3736  
Aple. Atty., Charles C Tatum, Jr, (205) 387-0708

2070794 Mark E. Schilleci v. Leon M. Capouano (Appeal from Montgomery Circuit Court: CV-05-1555)

**Affirmed. No Opinion.**

Circuit Judge, Eugene W Reese, (334) 832-4950  
Aplt. Atty., W. Stanley Gregory, (334) 956-7700  
Aplt. Atty., James W. Rea, (205) 521-8491  
Aple. Atty., Joseph W Warren, (334) 279-0088

2071048 L. M. v. Shelby County Department of Human Resources (Appeal from Shelby Juvenile Court: JU-07-202.02)

**Affirmed. No Opinion.**

## **JUDGE PITTMAN**

2070350 James Clayton Williams, Jr. v. Judson G. Williams et al. (Appeal from Monroe Circuit Court: CV-02-218)

**Affirmed. No Opinion.**

Circuit Judge, Dawn Hare, (251) 743-3649  
Aplt. Atty., J Milton Coxwell, Jr, (251) 575-2146  
Aple. Atty., John Brinkley, (256) 533-4534  
Aple. Atty., John Allen Brinkley, (256) 533-4534

2070519 Paul A. Banfi II v. Tonya Banfi (Appeal from Mobile Circuit Court: DR-06-502422)

**Affirmed. No Opinion.**

Circuit Judge, Julian Donald Banks, (251) 574-8488  
Aplt. Atty., Stephen Tunstall, (251) 432-2221

## **JUDGE BRYAN**

2070846 George Watson v. Whittington Real Estate, LLC, et al. (Appeal from Mobile Circuit Court: CV-03-2275 and CV-03-3725)

**Appeal--Appeal Dismissed In Part; Affirmed In Part.  
Cross-Appeal--Affirmed.**

Circuit Judge, Edward B McDermott, (251) 574-8799  
Circuit Judge, Sarah H Stewart, (251) 574-8457  
Aplt. Atty., Thomas R McAlpine, (251) 432-1330  
Aple. Atty., Thomas Hart Benton, Jr, (251) 342-9172  
Aple. Atty., D E Brutkiewicz, Jr, (251) 433-1866  
Aple. Atty., Robert H Mudd, Jr, (251) 432-6124  
Aple. Atty., S Wesley Pipes, (251) 432-8910  
Aple. Atty., William E Shreve, Jr, (251) 432-4481

2070847 Ricky J. Seagle and Terri Seagle v. Karon Tubbs d/b/a Tubbs Realty and Bryan McCay (Appeal from Bessemer Circuit Court: CV-07-749)

**Affirmed. No Opinion.**

Circuit Judge, Eugene R Verin, (205) 481-4198  
Aplt. Atty., Douglas Phillip Corretti, (205) 251-1164  
Aple. Atty., Robert M Girardeau, (205) 297-8822  
Aple. Atty., Michelle Kirby Pieroni, (205) 251-1193

## JUDGE THOMAS

2070679 Steven Michael Deberry v. Teresa Deberry (Appeal from St. Clair Circuit Court: DR-06-229)

**Affirmed. No Opinion.**

Circuit Judge, James E Hill, Jr., (205) 338-3869  
Aplt. Atty., Horace V. O'Neal, Jr, (205) 879-0000  
Aple. Atty., Alexander M. Smith, (205) 625-5505

2070856 Eric V. Lazzari v. Mary P. Lazzari (Appeal from Baldwin Circuit Court: DR-06-1188)

**Affirmed. No Opinion.**

Circuit Judge, Michelle M Hart, (251) 972-8573  
Aplt. Atty., Julian B Brackin, Jr, (251) 943-4040  
Aplt. Atty., Stephen P. Johnson, (251) 943-4040  
Aple. Atty., David A Simon, (251) 937-2411

2071223 J. M. v. C. M. (Appeal from Montgomery Juvenile Court: JU-08-111.01)

**Reversed And Remanded.**

## JUDGE MOORE

2070984 Ida Jennings-Jones v. Hiram D. Crittenden et al. (Appeal from Montgomery Circuit Court: CV-06-2656)

**Affirmed. No Opinion.**

Circuit Judge, S A Watson, Jr, (256) 650-5500  
Aple. Atty., John Scott Hooper, (334) 271-1555  
Aple. Atty., Darryl Avon Parker, (334) 834-2000  
Aple. Atty., Christopher B Pitts, (334) 356-9995  
Aple. Atty., Joseph E. Scott, (205) 967-9675

2071014 Brenda Kay Hall Smith v. Robert Burton Smith, Jr. (Appeal from Houston Circuit Court: DR-03-48.80)

**Affirmed. No Opinion.**

2071043 W. R. and J. R. v. L. S. (Appeal from Crenshaw Circuit Court: JU-06-46.02)

**Affirmed. No Opinion.**

2071101 Rachel McCoy Hayes v. Justin Steve Hayes (Appeal from Etowah Circuit Court: DR-07-827)

(Consolidated with 2071206.)

**Appeal Dismissed With Instructions.**

Circuit Judge, Anthony Clark Hall, (256) 549-5370  
Aplt. Atty., John Davis McCord, (256) 546-5882  
Aple. Atty., Thomas A King, (256) 547-1117

2071206 Rachel McCoy Hayes v. Justin Steve Hayes (Appeal from Etowah Circuit Court: DR-07-827)  
(Consolidated with 2071101.)

**Appeal Dismissed With Instructions.**

Circuit Judge, Anthony Clark Hall, (256) 549-5370  
Apl. Atty., John Davis McCord, (256) 546-5882  
Aple. Atty., Thomas A King, (256) 547-1117

**PER CURIAM**

2071207 Jerry Hammond v. Charles D. Decker and Cheryl L. Rankin (Appeal from Houston Circuit Court: CV-07-73)

**Affirmed. No Opinion.**

District Judge, James D. Peterson, (334) 585-5712

**ON REHEARING**

2070514 Robert L. Milloy v. H. H. Woods and Woods & Sons Construction (Appeal from Bessemer Circuit Court: CV-04-804)

**Opinion Of October 3, 2008, Withdrawn; Opinion Substituted; Application for Rehearing Overruled; Reversed And Remanded.**

Circuit Judge, Dan C. King, III, (205) 481-4175  
Apl. Atty., Gregory A. Kennemer, (205) 879-2999  
Aple. Atty., Tyrone None Townsend, (205) 252-3999

2070583 Joyce T. Lambert v. Raymond A. Lambert (Appeal from Mobile Circuit Court: DR-95-500412.02)

**Application for Rehearing Overruled**

Circuit Judge, Julian Donald Banks, (251) 574-8488  
Apl. Atty., Grady R. Edmondson, (251) 432-7645  
Aple. Atty., William Gregory Hughes, (251) 433-3671  
Aple. Atty., Kenneth Allen Nixon, (251) 432-4481