



**LIST OF DECISIONS ANNOUNCED BY
COURT OF CIVIL APPEALS OF ALABAMA
ON FRIDAY, MARCH 6, 2009**

PRESIDING JUDGE THOMPSON

2070892 Scott Hurst and Sheryl Diller v. Eagles Landing IV, Ltd. (Appeal from Baldwin Circuit Court: CV-06-1246)

Reversed And Remanded.

District Judge, Robert E Wilters, (251) 580-2570
Aplt. Atty., James Parrish Coleman, (251) 955-1572
Aplt. Atty., Linda L Howard, (251) 955-1572
Aplt. Atty., Chandra C Wright, (251) 955-1572
Aple. Atty., Marcus Edward McDowell, (251) 937-7024
Aple. Atty., Rosemary S Moore, (251) 981-8430
Aple. Atty., Bert P Taylor, (251) 981-8430

2070949 Jimmy Wiggins v. Tina Meek (Appeal from Montgomery Circuit Court: CV-08-344)

Affirmed. No Opinion.

Circuit Judge, Eugene W Reese, (334) 832-4950
Aplt. Atty., Joseph Keith Rodgers, (334) 262-0508

2071167 W. C. R. v. D. A. L. and D. L. (Appeal from Marion Circuit Court: CV-07-135)

Appeal Dismissed.

2080034 Willie J. Tabb v. Alabama Board of Pardons and Paroles et al. (Appeal from Montgomery Circuit Court: CV-08-268)

Affirmed. No Opinion.

Circuit Judge, Tracy McCooey, (334) 832-4950
Aple. Atty., Dana Lea Pittman, (334) 353-4495

JUDGE PITTMAN

2070659 H. R. H. v. M. E. H. (Appeal from Etowah Circuit Court: DR-06-1132)

Affirmed. No Opinion.

2070953 Tammy Renee Brown v. Jeffrey Mark Brown (Appeal from Shelby Circuit Court: DR 00-722.02)

Reversed And Remanded With Instructions

Circuit Judge, D Al Crowson, (205) 669-3800
Aplt. Atty., Mariellen Morrison, (205) 982-8515

JUDGE BRYAN

2070910 Yolanda Ewert v. Sandra F. Banks and Estate of Clyde Fleming (Appeal from Lamar Circuit Court: CV-07-42)

(Consolidated with 2070911, 2070912.)

Affirmed. No Opinion.

Circuit Judge, James W Moore, Jr, (205) 932-3169
Aplt. Atty., Timothy Ray Wadsworth, (205) 698-9118
Aple. Atty., John Allen Bivens, (205) 759-5401
Aple. Atty., Jonathan A Brown, (205) 695-7158
Aple. Atty., Glenn Carlyle Noe, (205) 695-7158
Aple. Atty., James Brent Thompson, (205) 921-9146

2070911 Yolanda Ewert v. Pine Oaks Land & Timber Co., LLC (Appeal from Lamar Circuit Court: CV-06-44)

(Consolidated with 2070910, 2070912.)

Affirmed. No Opinion.

Circuit Judge, James W Moore, Jr, (205) 932-3169
Aplt. Atty., Timothy Ray Wadsworth, (205) 698-9118
Aple. Atty., John Allen Bivens, (205) 759-5401
Aple. Atty., Jonathan A Brown, (205) 695-7158
Aple. Atty., Glenn Carlyle Noe, (205) 695-7158
Aple. Atty., James Brent Thompson, (205) 921-9146

2070912 Sandra Fleming Banks v. Pine Oaks Land & Timber Co., LLC et al. (Appeal from Lamar Circuit Court: CV-06-44)

(Consolidated with 2070910, 2070911.)

Affirmed. No Opinion.

Circuit Judge, James W Moore, Jr, (205) 932-3169
Aplt. Atty., John Allen Bivens, (205) 759-5401
Aplt. Atty., Timothy Ray Wadsworth, (205) 698-9118
Aple. Atty., Jonathan A Brown, (205) 695-7158
Aple. Atty., Glenn Carlyle Noe, (205) 695-7158
Aple. Atty., James Brent Thompson, (205) 921-9146

JUDGE THOMAS

2070933 James McConico, Jr. v. Prison Health Services, Inc., et al. (Appeal from St. Clair Circuit Court: CV-08-9)

Affirmed. No Opinion.

Circuit Judge, James E Hill, Jr., (205) 338-3869
Aple. Atty., Paul M. James, Jr, (334) 206-3148

JUDGE MOORE

2070627 Louis Frank Hollander, Jr. v. Vickie L. Barnes (Appeal from Lauderdale Circuit Court: DR-96-360.05)

Appeal Dismissed.

Circuit Judge, Ned Michael Suttle, (256) 760-5820
Aplt. Atty., Michael Levoy Weathers, (256) 764-1318
Aple. Atty., Elizabeth Gonce Messer, (256) 767-7411

2070871 Waters Brothers Contractors, Inc. v. George Wimberley (Appeal from Lawrence Circuit Court: CV-05-41)

Affirmed.

Circuit Judge, A Philip Reich, II, (256) 974-2444
Aplt. Atty., Heather N. Hudson, (256) 353-6761
Aplt. Atty., William L Middleton, III, (256) 353-6761
Aple. Atty., David L Martin, III, (256) 974-9200

2070919 R. T. B. v. Calhoun County Department of Human Resources (Appeal from Calhoun Juvenile Court: JU-05-622.02; JU-05-623.02; JU-05-624.02; and JU-05-625.02)

Affirmed.

2071170 Oakfair Riverview Estates Homeowners Association, Inc. v. Mark Butler, Abra Butler, Mark Kirkham, and Wynelle Kirkham (Appeal from Lauderdale Circuit Court: CV-04-295)

Affirmed. No Opinion.

Circuit Judge, Ned Michael Suttle, (256) 760-5820
Aplt. Atty., Angela S. Ary, (256) 535-0817
Aplt. Atty., Kevin D. Heard, (256) 535-0817
Aple. Atty., R. Garry Clem, (256) 233-1920
Aple. Atty., Donald Ben Mansell, (256) 230-9080

2071237 Shirley P. Hale v. Kroger Limited Partnership I (Appeal from Madison Circuit Court: CV-07-610)

Affirmed.

Circuit Judge, Bruce E Williams, (256) 532-3754
Aplt. Atty., Patrick O Miller, (256) 564-7317
Aple. Atty., John P. Burbach, (256) 536-1711
Aple. Atty., Travis S. Jackson, (256) 536-1711

PER CURIAM

2071034 K. S. v. H. S. (Appeal from Autauga Juvenile Court: JU-02-127.03)

Appeal Dismissed With Instructions.

ON REHEARING

2070284 Chester E. Williams and Rita K. Williams v. Katherine G. Moore (Appeal from Clarke Circuit Court: CV-02-81)

Application for Rehearing Overruled

District Judge, J Thomas Baxter, (251) 847-2304
Aplt. Atty., William S Poole, Jr., (334) 289-2006
Aple. Atty., Dennis R Bailey, (334) 206-3100
Aple. Atty., J Milton Coxwell, Jr, (251) 575-2146
Aple. Atty., Martin R. Pearson, (251) 847-2237
Aple. Atty., E Tatum Turner, (251) 847-2237
Aple. Atty., Edward P Turner, Jr., (251) 847-2237

2070436 Montgomery County Board of Education v. Cedrick Webb (Appeal from Montgomery : FMCS No. 07-02131)

Application for Rehearing Overruled

Aplt. Atty., Terry G. Davis, (334) .27-0.0592
Aple. Atty., Jesse Cecil Gardner, (251) 433-8100
Aple. Atty., William Roger Gordon, Jr, (334) 834-5311
Aple. Atty., Sam H Heldman, (202) 965-8884
Aple. Atty., William F Patty, (334) 834-5311

2070541 Linda Lee Cochran v. Joseph P. Chapman (Appeal from Mobile Circuit Court: DR-07-500885)

Application for Rehearing Overruled

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

2070603 Phillip Limbaugh Lackey v. Lisa Faye Lackey (Appeal from Jefferson Circuit Court: DR-06-2690)

Application for Rehearing Overruled; Opinion of January 9, 2009, Modified [By Substitution Of Page 21].

District Judge, Suzanne S Childers, (205) 324-1038
Aplt. Atty., Oscar Price, IV, (205) 250-6675
Aplt. Atty., Maxwell H Pulliam, (205) 795-6588
Aplt. Atty., Stephen W. Shaw, (205) 322-0457
Aple. Atty., Ernest F. Bates, (205) 874-8680
Aple. Atty., Judith S Crittenden, (205) 874-8680

2070622 Cheapest Bail Bonds, Inc., and Christopher Scott Putnam v. State of Alabama
(Appeal from Madison Circuit Court: CV-08-431)

Application for Rehearing Overruled

Circuit Judge, William K Bell, (256) 532-3636
Aplt. Atty., Carl Michael Seibert, (256) 650-0078
Aple. Atty., J. Matt Bledsoe, (334) 242-7443
Aple. Atty., Jeannie Bennett Cole, (256) 532-3460

2070684 Betty G. Eldridge v. Rebecca Eldridge and Martin Eldridge, in their capacities as
co-executors of the estate of Robert L. Eldridge (Appeal from Autauga Circuit
Court: CV-07-20)

Application for Rehearing Overruled

Circuit Judge, Ben A Fuller, (334) 361-3766
Probate Judge, Alfred Q Booth, (334) 361-3728
Aplt. Atty., Eric A. Bowen, (334) 263-4800
Aple. Atty., W. Stanley Gregory, (334) 956-7700

2070896 Wendell Dwayne O'Neal v. Riviera Fitness Center of Huntsville, Inc. (Appeal from
Madison Circuit Court: CV-07-1091)

Application for Rehearing Overruled

Circuit Judge, James P Smith, (256) 532-3394
Aple. Atty., Gary K. Grace, (256) 534-0491

2070968 McArthur Melton v. City of Birmingham (Appeal from Jefferson Circuit Court:
CV-07-900643)

Application for Rehearing Overruled

Circuit Judge, G William Noble, (205) 325-5020
Aplt. Atty., Donald Ed Blankenship, (205) 328-0996
Aple. Atty., Frederick Fullerton, (205) 254-2369
Aple. Atty., Nicole E King, (205) 254-2369