



**LIST OF DECISIONS ANNOUNCED BY
THE SUPREME COURT OF ALABAMA
ON FRIDAY, MARCH 12, 2010**

Lyons, J.

- 1081436 Ex parte State Personnel Board. PETITION FOR WRIT OF MANDAMUS: CIVIL
(In re: Ruth A. Gwin et al. v. Nationwide Life Insurance Company et al.)
(Jefferson Circuit Court: CV-07-4052).

Petition Dismissed.

Circuit Judge, Howard F. Bryan, IV, (334) 864-4328
Pet. Atty., Alice Ann Byrne, (334) 242-3451
Pet. Atty., Larry B. Childs, (205) 226-5701
Pet. Atty., Heath Alan Fite, (205) 214-6380
Resp. Atty., Andrew C. Allen, (205) 323-1888
Resp. Atty., James Sturgeon Christie, Jr, (205) 521-8000
Resp. Atty., Rebecca G. DePalma, (205) 323-1888
Resp. Atty., Augusta S. Dowd, (205) 323-1888
Resp. Atty., Joe Espy, III, (334) 263-6621
Resp. Atty., William Martin Espy, (334) 263-6621
Resp. Atty., JAMES FLYNN MOZINGO, (334) 263-6621
Resp. Atty., Charles C. Platt
Resp. Atty., Sharon D. Stuart
Resp. Atty., J. Mark White, (205) 323-1888

- 1081462 State Personnel Board and the State of Alabama by and through the State
Personnel Board v. Ruth A. Gwin et al. (Appeal from Jefferson Circuit Court:
CV-07-4052).

July 16, 2009, Order Reversed and Case Remanded.

Circuit Judge, Howard F. Bryan, IV, (334) 864-4328
Apl. Atty., Alice Ann Byrne, (334) 242-3451
Apl. Atty., Larry B. Childs, (205) 226-5701
Apl. Atty., Heath Alan Fite, (205) 214-6380
Apl. Atty., Andrew C. Allen, (205) 323-1888
Apl. Atty., James Sturgeon Christie, Jr, (205) 521-8000
Apl. Atty., Rebecca G. DePalma, (205) 323-1888
Apl. Atty., Kathryn Lee Dietrich, (205) 521-8000
Apl. Atty., Augusta S. Dowd, (205) 323-1888
Apl. Atty., Joe Espy, III, (334) 263-6621
Apl. Atty., William Martin Espy, (334) 263-6621
Apl. Atty., John Kirkman Garrett, (251) 867-6063
Apl. Atty., Hope Shemikka Marshall, (205) 323-1888
Apl. Atty., Charles C. Platt
Apl. Atty., Sharon D. Stuart
Apl. Atty., J. Mark White, (205) 323-1888

Woodall, J.

- 1090563 Ex parte Kenneth Thornton. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Kenneth Thornton v. State of Alabama) (Jefferson Circuit Court: CC84-19.62; CC84-21.62; CC84-22.62; Criminal Appeals : CR-08-1554).

Writ Denied. No Opinion.

Circuit Judge, Teresa Tanner Pulliam, (205) 325-5329
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. Gen., Jean Alexandra Therkelsen, (334) 242-7300

Stuart, J.

- 1080648 Charles H. Stephens v. First Commercial Bank (Appeal from Jefferson Circuit Court: CV-08-902973).

Affirmed.

Circuit Judge, Micheal Gerard Graffeo, (205) 325-5644
Apl. Atty., John William Clark, IV, (205) 879-1100
Apl. Atty., Bruce F. Rogers, (205) 879-1100
Aple. Atty., Courtney Lee Saad, (205) 250-6648
Aple. Atty., Daniel Sparks, (205) 795-6588

- 1081615 Angela Young Purser v. Solid Ground Development, LLC (Appeal from Shelby Circuit Court: CV-07-277).

Affirmed.

Circuit Judge, Hub Harrington, (205) 669-3810
Apl. Atty., Richard Charles Shuleva, (205) 986-0090
Aple. Atty., A. Joe Peddy, (205) 251-5885
Aple. Atty., Robert B Stewart, (205) 251-5885

- 1081705 Ex parte State of Alabama. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Shunta Vile Sams v. State of Alabama) (Coffee Circuit Court, Elba Division: CC06-17.70; Criminal Appeals : CR-08-0884).

Reversed And Remanded.

Circuit Judge, Thomas E. Head, III, (334) 897-5525
Pet. Atty. General, Troy Robin King, (334) 242-7401
Pet. Asst. Atty. Gen., Jack William Willis, (334) 242-7326
Resp. Atty., Thadius William Morgan, Jr, (334) 347-8130

Smith, J.

- 1080607 J. Gregory Kennedy v. Boles Investment, Inc., and Ian Boles (Appeal from Baldwin Circuit Court: CV-05-788).

Affirmed.

Circuit Judge, James Harvey Reid, Jr., (251) 937-0290
Apl. Atty., Richard Eugene Davis, (251) 621-1555
Apl. Atty., Paul Bradley Murray, (251) 621-1555
Apl. Atty., Joseph David Steadman, (251) 690-9300
Aple. Atty., Walter Cook, (251) 432-4481
Aple. Atty., Bradley Robert Sanders, Jr, (251) 432-4481
Aple. Atty., William E. Shreve, Jr, (251) 441-8224
Aple. Atty., Taylor D Wilkins, Jr, (251) 937-7024

1081317 Ex parte Loube Consulting International, Inc., et al. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Partridge Smith, P.C., on its behalf and on behalf of others similarly situated v. Loube Consulting International, Inc., et al.) (Mobile Circuit Court: CV-08-9011611).

Petition Granted. Writ Issued.

Circuit Judge, James C. Wood, (251) 574-8475
Pet. Atty., William M. Cunningham, Jr, (251) 432-0612
Pet. Atty., Troy T. Schwant, (251) 432-0612
Resp. Atty., R. Tucker Yance, (251) 432-8003

1090172 Ex parte Melvin Davis. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Melvin Davis v. State of Alabama) (Montgomery Circuit Court: CC98-131.61; Criminal Appeals : CR-05-2050).

Writ Denied. No Opinion.

Circuit Judge, Eugene W. Reese, (334) 832-1360
Pet. Atty. - Pro Hac, William F. Abrams, (650) 849-4880
Pet. Atty. - Pro Hac, Geoffrey S. Beckham, (650) 849-4818
Pet. Atty., Hope T Cannon, (205) 521-8722
Pet. Atty. - Pro Hac, Jack L. Lahr, (202) 672-5300
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. General, Jon Brennan Hayden, (334) 353-3123

1090093 April Ann Archer, by and through her mother and next friend, Regina Leigh Archer v. The estate of Mark Russell Archer, deceased (Appeal from Lauderdale Circuit Court: CV-08-353).

Affirmed In Part; Reversed In Part; Remanded With Directions.

Circuit Judge, Michael T. Jones, (256) 760-5831
Aplt. Atty., Debra H Coble, (256) 764-7142
Aple. Atty., Gregory K Burdine, (256) 767-5930
Aple. Atty., Robert Lowery Gonce, (256) 767-7411
Aple. Atty., James Edwards Hall, II, (256) 766-0984
Aple. Atty., James Irby, (256) .76-6.77

1090094 April Ann Archer, by and through her mother and next friend, Regina Leigh Archer v. The estate of Mark Russell Archer, deceased (Appeal from Lauderdale Circuit Court: CV-06-123).

Affirmed In Part; Reversed In Part; Remanded With Directions.

Circuit Judge, Michael T. Jones, (256) 760-5831
Aplt. Atty., Debra H Coble, (256) 764-7142
Aple. Atty., Gregory K Burdine, (256) 767-5930
Aple. Atty., Robert Lowery Gonce, (256) 767-7411
Aple. Atty., James Edwards Hall, II, (256) 766-0984
Aple. Atty., James Irby, (256) .76-6.77

1090096 April Ann Archer, by and through her mother and next friend, Regina Leigh Archer v. The estate of Mark Russell Archer, deceased (Appeal from Lauderdale Circuit Court: CV-06-150).

Affirmed In Part; Reversed In Part; Remanded With Directions.

Aplt. Atty., Debra H Coble, (256) 764-7142
Aplt. Atty., Frank B. Potts, (256) 764-7142
Aple. Atty., Gregory K Burdine, (256) 767-5930
Aple. Atty., Robert Lowery Gonce, (256) 767-7411
Aple. Atty., James Edwards Hall, II, (256) 766-0984
Aple. Atty., James Irby, (256) .76-6.77

Bolin, J.

- 1081783 Ex parte Charles Bitel et al. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Linda Sanders, as next friend and parent of S.E. v. Kerry Horton et al.) (Perry Circuit Court: CV-08-38).

Petition Denied.

Circuit Judge, Marvin Wayne Wiggins, (334) 624-5620
Pet. Atty., Tim McCollum, (334) 241-2050
Resp. Atty., Patrick S Arrington, (334) 624-5777
Resp. Atty., William Dawson, (205) 323-6170
Resp. Atty., Robert H. Turner, Sr, (334) 683-4111

Murdock, J.

- 1080300 Intergraph Corporation et al. v. Bentley Systems Incorporated and Bentley Systems Europe B.V. (Appeal from Madison Circuit Court: CV-02-2850.80).

Affirmed In Part; Reversed In Part; and Remanded.

Circuit Judge, Karen K. Hall, (256) 532-3455
Aplt. Atty., Walter A. Dodgen, Jr., (256) 551-0171
Aplt. Atty., Christopher S. Kuffner, (256) 551-0171
Aplt. Atty., G. Bartley Loftin, III, (256) 551-0171
Aplt. Atty., David Vance Lucas, (256) 730-2032
Aplt. Atty., Anthony P. Zana, (256) 730-3262
Aple. Atty., William H Brooks, (205) 581-0758
Aple. Atty., Ivan B Cooper, (205) 581-0717
Aple. Atty., M. Christian King, (205) 581-0700
Aple. Atty. - Pro Hac, Barry F. Refsin
Aple. Atty., Rodney Wayne Wolfe, (256) 534-2205

- 1080405 Bentley Systems Incorporated and Bentley Systems Europe B.V. v. Intergraph Corporation et al. (Appeal from Madison Circuit Court: CV-02-2850.80).

Affirmed In Part; Reversed In Part; and Remanded.

Circuit Judge, Karen K. Hall, (256) 532-3455
Aplt. Atty., William H Brooks, (205) 581-0758
Aplt. Atty., M. Christian King, (205) 581-0700
Aplt. Atty. - Pro Hac, Barry F. Refsin
Aple. Atty., G. Bartley Loftin, III, (256) 551-0171

Shaw, J.

- 1090329 Ex parte Greenetrack, Inc. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Joe Estano v. Greenetrack, Inc.) (Pickens Circuit Court: CV-06-900005).

Petition Denied. No Opinion.

Circuit Judge, James W. Moore, Jr., (205) 932-3169
Pet. Atty., John M. Bolton, III, (334) 834-7600
Pet. Atty., Robert Ryan Daugherty, (205) 930-5390
Pet. Atty., J. Mason Davis, (205) 930-5100
Pet. Atty., Charles R. Driggars, (205) 930-5100
Pet. Atty., John A. Owens, (205) 750-0750
Pet. Atty., Charlanna W. Spencer, (334) 834-7600
Resp. Atty., James E. Fleenor, Jr., (205) 397-8162
Resp. Atty., Wilson F. Green, (205) 722-1018

Resp. Atty., Clatus K. Junkin, (205) 366-0111
Resp. Atty., Samuel W. Junkin, (205) 932-4300