



**LIST OF DECISIONS ANNOUNCED BY
THE SUPREME COURT OF ALABAMA
ON FRIDAY, NOVEMBER 20, 2009**

Lyons, J.

- 1080654 States Resources Corporation v. Bobby J. Creps et al. (Appeal from Baldwin Circuit Court: CV-07-900625).

Affirmed. No Opinion.

Circuit Judge, Robert E. Wilters, (251) 580-2570
Apl. Atty., James Ballard McNeill, Jr, (334) 874-6683
Apl. Atty., John T. Bender, (251) 342-9172
Apl. Atty., William Alexander Gray, Jr, (251) 343-0800
Apl. Atty., John W. Parker, (251) 621-2216
Apl. Atty., Russell J Watson, (251) 937-2303

- 1080935 Robert H. Ford v. Ness, Motley, Loadholt, Richardson & Poole et al. (Appeal from Jackson Circuit Court: CV-98-319).

Affirmed. No Opinion.

Circuit Judge, Jenifer C. Holt, (205) 574-9350
Apl. Atty., Robert H Ford, (205) 414-7556
Apl. Atty., Angie Denise Hubbard Ingram, (205) 945-2202
Apl. Atty., Wayne (NMN) Morse, Jr, (205) 327-8376
Apl. Atty., Susan Jane Walker, (205) 254-3216

- 1081777 Ex parte Jason Lee McNeal. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Jason Lee McNeal v. State of Alabama) (Houston Circuit Court: CC-07-117; 07-118; Criminal Appeals : CR-08-0644).

Writ Denied. No Opinion.

Woodall, J.

- 1080466 Macon County Greyhound Park, Inc., d/b/a Victoryland v. Sherry Knowles (Appeal from Macon Circuit Court: CV-06-99).

Reversed And Remanded.

- 1081043 Nadejda N. Barrett v. Oleg Radjabin-Mougadam (Appeal from Madison Circuit Court: CV-06-1083).

Reversed And Remanded.

Circuit Judge, Laura W. Hamilton, (256) 532-3631
Apl. Atty., James T Baxter, III, (256) 533-3740
Apl. , Judith Thompson, (256) 880-2217
Apl. Atty., Randy W. Ferguson, (256) 534-3435

Smith, J.

- 1080269 John O. Swanstrom, individually and as personal representative of the estate of John E. Swanstrom, Jr., et al. v. Teledyne Continental Motors, Inc., et al. (Appeal from Mobile Circuit Court: CV-04-730).

Affirmed In Part; Reversed In Part; Remanded.

Circuit Judge, John Ray Lockett, (251) 574-8477
Aplt. Atty., Michael Leon Jackson, (205) 874-0315
Aplt. Atty. - Pro Hac, Casey F. Schaden, (303) 465-3663
Aplt. Atty. - Pro Hac, Richard F. Schaden, (303) 465-3663
Aple. Atty. - Pro Hac, Patrick E. Bradley, (609) 987-0050
Aple. Atty., Banks Sewell, III, (205) 581-0760
Aple. Atty., Lacey Daughdrill Smith, (251) 405-1300
Aple. Atty. - Pro Hac, Thomas J. Strueber, (404) 876-2700
Aple. Atty., Norman E. Waldrop, Jr, (251) 405-1300

Bolin, J.

- 1071413 Ex parte Robert F. Dailey. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Lisa R. Mills v. Robert F. Dailey) (Baldwin Circuit Court: DR-05-1062; Civil Appeals : 2060807).

Writ Quashed.

District Judge, Carmen E. Bosch, (251) 937-0235
Pet. Atty., D. Robert Stankoski, Jr, (251) 928-0123
Resp. Atty., David Perry Shepherd, (251) 928-4400

- 1071681 Ex parte M. Greg McCabe. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: M. Greg McCabe v. Deanna McCabe) (Montgomery Circuit Court: DR-02-488.02; Civil Appeals : 2070004).

Writ Quashed. No Opinion.

Circuit Judge, Patricia Warner, (334) 832-4950
Pet. Atty., Randall Wayne Nichols, (205) 838-9002
Resp. Atty., Judy H. Barganier, (334) 271-7110
Resp. Atty., J Floyd Minor, (334) 265-6200
Resp. Atty., John Lawrence Olszewski, (334) 265-6200

Parker, J.

- 1051033 Richard A. Diamond v. Bank of Alabama (Appeal from Jefferson Circuit Court: CV-04-4920).

Affirmed.

Circuit Judge, Robert S. Vance, Jr., (205) 325-5035
Aplt. Atty., W. Scott Simpson, (205) 876-1600
Aple. Atty., Rachel J. Moore, (205) 250-8400
Aple. Atty., Romaine Samples Scott, III, (205) 254-1439

- 1051034 Bank of Alabama v. Premier Business Centers, Inc., Richard Diamond and O. William Evans (Appeal from Jefferson Circuit Court: CV-04-4920).

Affirmed in Part and Remanded

Circuit Judge, Robert S. Vance, Jr., (205) 325-5035
Aplt. Atty., Romaine Samples Scott, III, (205) 254-1439
Aple. Atty., W. Scott Simpson, (205) 876-1600

Shaw, J.

1071478 James H. Henderson and Roberta Henderson v. Helen Crump Wells and Rushton, Stakely, Johnston & Garrett, P.A. (Appeal from Montgomery Circuit Court: CV-05-3291).

Affirmed. No Opinion.

Circuit Judge, Jeff W. Kelley, (334) 347-4785
Apl. Atty., Clarence Leslie McDorman, (205) 871-3800
Aple. Atty., Joseph C. Espy, III, (334) 263-6621
Aple. Atty., Flynn Mozingo, (334) 263-6621

ON REHEARING

1071143 Greg Groover and Melinda Groover, as parents and next friends of Lennon Groover, a minor v. William H. Johnston, Jr., M.D., and Birmingham Pediatric Associates, Inc. (Appeal from Jefferson Circuit Court: CV-06-1917).

Application Overruled. No Opinion.

Circuit Judge, Joseph L. Boohaker, (205) 325-5753
Apl. Atty., Elbert Smith Allen, (205) 941-0356
Apl. Atty., Jonathan W. Gathings, (205) 324-4418
Aple. Atty., Michael Florie, (205) 795-6588
Aple. Atty., Alicia M. Harrison, (205) 868-6000
Aple. Atty., Joseph S. Miller, (205) 868-6000
Aple. Atty., Sybil Vogtle Newton, (205) 868-6000

1071528 Ex parte State of Alabama. PETITION FOR WRIT OF MANDAMUS: CRIMINAL (In re: State of Alabama v. Jason Murphy) (Elmore Circuit Court: CC03-444; Criminal Appeals : CR-07-1265).

Application Granted; Opinion Withdrawn And Substituted; Petition Denied.

Circuit Judge, Sibley G. Reynolds, (205) 755-0311
Pet. Atty. General, Troy R. King, (334) 242-7300
Pet. Dep. Atty. General, William A. Lisenby, Jr., (334) 242-7300
Pet. Atty., Pamela Lynn Casey, (334) 353-3915
Resp. District Atty., Randall V. Houston, (334) 567-2237
Resp. Atty., Clifford W Cleveland, (334) 365-1500
Resp. Atty., Donald Rush Jones, Jr, (334) 277-3939
Resp. , Callie Dietz

1071635 Ex parte William Franklin Hill, alias. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: William Franklin Hill, alias v. State of Alabama) (Montgomery Circuit Court: CC07-255; Criminal Appeals : CR-06-1839).

Application Overruled. No Opinion.

Circuit Judge, Eugene W. Reese, (334) 832-1360
Pet. Atty., George L. Beck, Jr, (334) 241-8091
Pet. Atty., Terrie S. Biggs, (334) 241-8000
Pet. Atty., Todd H. Cox, (334) 241-8000
Pet. Atty., Allen Sheehan, (334) 241-8049
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Michael G. Dean, (334) 353-0415

1080014 Pelham Q, LLC v. Richard A. Brugge et al. (Appeal from Winston Circuit Court: CV-07-900018).

Application Overruled. No Opinion.

Circuit Judge, Talmage Lee Carter, (205) 486-9522
Aplt. Atty., Andrew P. Campbell, (205) 803-0051
Aplt. Atty., M. Clayborn Williams, (205) 803-0051
Aple. Atty., LaBella Alvis, (205) 795-6588
Aple. Atty., Mano DeAyala
Aple. Atty., Arthur F. Fite, III, (256) 231-9330
Aple. Atty., Greer B. Mallette, (205) 795-6588
Aple. Atty., Deborah Alley Smith, (205) 250-6627

1080291 F.L.C. v. Alabama State Bar (Appeal from 05-225(A)).

Application Overruled. No Opinion.

1080711 Ex parte Cedrick Webb. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Montgomery County Board of Education v. Cedrick Webb) (Montgomery : FMCS No. 07-02131; Civil Appeals : 2070436).

Applications Overruled. No Opinion.

Pet. Atty., Jesse Cecil Gardner, (251) 433-8100
Pet. Atty., William Roger Gordon, Jr, (334) 834-5311
Pet. Atty., Sam H Heldman, (202) 965-8884
Pet. Atty., William F Patty, (334) 834-5311
Resp. Atty., Terry G. Davis, (334) .27-0.05
Amicus Pet. Atty., Gregory B. Stein, (251) 433-2002
Amicus Resp. Atty., David R. Boyd, (334) 269-3132
Amicus Resp. Atty., JoClaudia Moore, (334) 269-3148
Amicus Resp. Atty., Dorman Walker, (334) 269-3138

1071553 Jeffery Chandler v. James H. Blizzard (Appeal from Jackson Circuit Court: CV-00-259).

Application Overruled. No Opinion.

Circuit Judge, Jenifer C. Holt, (205) 574-9350
Aplt. Atty., Daryl R. Eustace, (256) 259-5900
Aplt. Atty., Jack Livingston, (256) 259-5900
Aple. Atty., Thomas W. Christian, (205) 795-6588
Aple. Atty., Deborah Alley Smith, (205) 250-6627
Aple. Atty., Michael Anthony Vercher, (205) 250-6621

1071584 Vulcan Materials Company v. James H. Blizzard (Appeal from Jackson Circuit Court: CV-00-259).

Application Overruled. No Opinion.

Circuit Judge, Jenifer C. Holt, (205) 574-9350
Aplt. Atty., Matthew Howard Lembke, (205) 521-8560
Aplt. Atty., Joseph B. Mays, Jr., (205) 521-8000
Aplt. Atty., Gerald R. Paulk, (256) 574-6060
Aple. Atty., Thomas W. Christian, (205) 795-6588
Aple. Atty., J. David Dodd, (256) 845-5932
Aple. Atty., Deborah Alley Smith, (205) 250-6627
Aple. Atty., Michael Anthony Vercher, (205) 250-6621
Amicus Aplt. Atty., Marcie P. Braswell, (205) 254-1000
Amicus Aplt. Atty., Edward A. Hosp, (205) 254-1000
Amicus Aplt. Atty., Drayton Nabers, Jr., (205) 254-1118

1071479 Gerald W. Crews v. Otto M. McLing and Sandy M. McLing (Appeal from Elmore Circuit Court: CV-06-19).

Application Overruled. No Opinion.

Circuit Judge, Sibley G. Reynolds, (205) 755-0311
Apl. Atty., Barry W. Hair, (205) 397-2900
Apl. Atty., Bradley J. Smith, (205) 397-2900
Aple. Atty., G. Houston Howard, II, (334) 567-4356

1071691 Crews Homes, Inc. v. Otto M. McLing and Sandy M. McLing (Appeal from Elmore Circuit Court: CV-07-191).

Application Overruled. No Opinion.

Circuit Judge, Sibley G. Reynolds, (205) 755-0311
Apl. Atty., Barry W. Hair, (205) 397-2900
Apl. Atty., Bradley J. Smith, (205) 397-2900
Aple. Atty., G. Houston Howard, II, (334) 567-4356