



**LIST OF DECISIONS ANNOUNCED BY
COURT OF CIVIL APPEALS OF ALABAMA
ON FRIDAY, MARCH 27, 2009**

PRESIDING JUDGE THOMPSON

2070928 Otis L. Johnson v. Metro Land Company, L.L.C., and Gerald Prosch (Appeal from Mobile Circuit Court: CV-04-3405.51)

Appeal Dismissed In Part With Instructions; Affirmed In Part.

Circuit Judge, Sarah H Stewart, (251) 574-8457
Aplt. Atty., Charles Neville Reese, (334) 598-6321
Aple. Atty., Elizabeth Anne Citrin, (251) 626-8808
Aple. Atty., Douglas K Dunning, (251) 478-6031
Aple. Atty., Jubal Hamil, (251) 432-6020
Aple. Atty., Ishmael N/A Jaffree, (251) 694-9090
Aple. Atty., Andrew J. Rutens, (251) 476-4493
Aple. Atty., Lawrence M. Wettermark, (251) 476-4493

2070998 Renee A. Kincanon v. Citibank (South Dakota), N.A. (Appeal from Elmore Circuit Court: CV-07-279)

Affirmed. No Opinion.

Circuit Judge, Sibley G Reynolds, (205) 755-0311
Aple. Atty., Naomi C. Ivker, (205) 250-8437

JUDGE PITTMAN

2070680 Tri-State Service & Maintenance, Inc. v. Tim Pentecost (Appeal from Etowah Circuit Court: CV-06-449)

Affirmed. No Opinion.

Circuit Judge, Anthony Clark Hall, (256) 549-5370
Aplt. Atty., David L Dean, (205) 933-7090
Aple. Atty., Myron K. Allenstein, (256) 546-6314

2070681 Kenneth E. Gilliland et al. v. Alabama Self-Insured Workers Compensation Fund (Appeal from Jefferson Circuit Court: CV-06-3033)

Affirmed. No Opinion.

Circuit Judge, Tom King, Jr., (205) 325-5025
Aplt. Atty., jerry neil quick, (205) 655-7474
Aple. Atty., Jacob A. Maples, (205) 802-7455
Aple. Atty., Linda Winkler Pope, (205) 802-7455

JUDGE BRYAN

2071147 Joseph William Faulk v. Linda Diana Faulk (Appeal from Mobile Circuit Court: DR-05-501105.01)

Affirmed. No Opinion.

Circuit Judge, Rosemary D Chambers, (251) 690-8463
Aplt. Atty., William Gregory Hughes, (251) 433-3671
Aple. Atty., James D Brooks, (251) 343-1680
Aple. Atty., Andrew M Jones, (251) 432-6685

JUDGE THOMAS

2080192 Carol Mahoney v. Loma Alta Property Owners Association, Inc. (Appeal from Baldwin Circuit Court: CV-06-415)

Reversed And Remanded.

Circuit Judge, Robert E Wilters, (251) 580-2570
Aplt. Atty., Richard L Watters, (251) 433-3753
Aple. Atty., Jennifer Leigh Evans, (251) 626-7704
Aple. Atty., James B Pittman, Jr, (251) 626-7704

2071001 James McConico, Jr. v. Correctional Medical Services, Inc. (Appeal from Escambia Circuit Court: CV-00-443)
(Consolidated with 2080067.)

Appeal Dismissed.

Circuit Judge, Bradley E Byrne, (251) 867-0281
Aple. Atty., Philip G. Piggott, (205) 868-6086

2080067 James McConico, Jr. v. Correctional Medical Services, Inc. (Appeal from Escambia Circuit Court: CV-00-443)
(Consolidated with 2071001.)

Appeal--Affirmed; Petition For Writ Of Mandamus--Denied.

Circuit Judge, Bradley E Byrne, (251) 867-0281
Aple. Atty., Philip G. Piggott, (205) 868-6086

JUDGE MOORE

2071102 Beverly Renee Shewbart v. John Michael Shewbart (Appeal from Franklin Circuit Court: DR-07-03)

Affirmed In Part; Reversed In Part; And Remanded With Instructions.

Circuit Judge, Terry Lee Dempsey, (256) 332-8893
Aplt. Atty., Gary L Jester, (256) 764-3941
Aple. Atty., Eddie Beason, (256) 332-1660
Aple. Atty., Daniel Gray McDowell, (256) 332-1660

2071148 Richard Lee Schafer v. Lucy Ann Schafer (Appeal from Etowah Circuit Court: DR-07-852)

Affirmed. No Opinion.

Circuit Judge, David A. Kimberley, (256) 439-6011
Aplt. Atty., John Davis McCord, (256) 546-0448
Aple. Atty., Shannon L Millican, (256) 543-7610

2071218 Timothy Burleson v. Vicki A. Burleson (Appeal from Marion Circuit Court: DR-03-279.01 and DR-03-279.02)

Affirmed.

District Judge, Michael E Newell, (205) 486-9554
Aplt. Atty., Matthew LeDuke, (205) 486-5296
Aple. Atty., Jerry F Guyton, (205) 921-7878

2080063 Mark Allbritton and Kristie Allbritton v. Robert Dawkins, Jr. (Appeal from Walker Circuit Court: CV-08-24)

Reversed And Remanded With Instructions.

Circuit Judge, Jerry Selman, (205) 384-7237
Aplt. Atty., Ronald R. Crook, (205) 324-8910
Aple. Atty., Russell B Robertson, (205) 221-5601

2080087 Bard Porter v. Anette Porter (Appeal from Jefferson Circuit Court: DR-03-2773.01)

Affirmed. No Opinion.

Circuit Judge, Suzanne S Childers, (205) 324-1038
Aplt. Atty., Richard E. Sandefer, (205) 681-6323
Aple. Atty., Hugh C Henderson, (205) 979-3624

2080129 T. W. v. P. W. and A. W. (Appeal from Talladega Juvenile Court: JU-06-100141.04)

Affirmed. No Opinion.

2080137 Kevin Lee Galloway v. Ozark Striping, Inc., and Alabama Barricade, Inc. (Appeal from Calhoun Circuit Court: CV-06-676)

Affirmed In Part; Reversed In Part; And Remanded.

Circuit Judge, Malcolm B Street, Jr, (256) 231-1820
Aplt. Atty., Keith T. Belt, Jr, (205) 933-1500
Aplt. Atty., William T. Johnson, III, (205) 933-1500
Aple. Atty., Joseph H. Driver, (205) 822-2006
Aple. Atty., Nicole L Schroer, (256) 533-0202
Aple. Atty., Thomas S Thornton, III, (205) 822-2006
Aple. Atty., Robert V Wood, Jr, (256) 533-0202

2080182 Jacqueline S. Campton v. Frederick Lynn Miller (Appeal from Montgomery Circuit Court: DR-06-250.01)

Petition Denied.

Circuit Judge, William G. O'Rear, (334) 240-7367
Aplt. Atty., James F Hampton, (334) 213-0213
Aple. Atty., William D Letford, (334) 262-2021

PER CURIAM

2070336 Colleen Connolly v. Martin Connolly (Appeal from Coffee Circuit Court: DR-06-55)

Affirmed. No Opinion.

Circuit Judge, Jeffrey W. Kelley, (334) 347-4785
Aplt. Atty., Thomas E. Harrison, (251) 433-1819
Aple. Atty., J. E. Sawyer, Jr, (334) 347-6447
Aple. G. A. L., John L. McClung, (334) 393-3660

2080254 Hector E. Alvarez v. Calhoun County et al. (Appeal from Calhoun Circuit Court: CV-08-410)

Affirmed. No Opinion.

Circuit Judge, Brian P Howell, (256) 231-1821
Aple. Atty., Joseph L Hubbard, Jr, (334) 262-1850

2070908 Ronald D. Veteto v. James E. Hill, Jr., and Richard J. Minor (Appeal from St. Clair Circuit Court: CV-08-23)
(Consolidated with 2071123.)

Affirmed. No Opinion.

Circuit Judge, Charles Robinson, (205) 594-2187
Aple. Atty., Benjamin H. Albritton, (334) 242-7555
Aple. Atty., Kim T. Thomas, (334) 353-3885

2071123 Ronald D. Veteto v. James E. Hill, Jr., and Richard J. Minor (Appeal from St. Clair Circuit Court: CV-08-23)
(Consolidated with 2070908.)

Affirmed. No Opinion.

Circuit Judge, Charles Robinson, (205) 594-2187
Aple. Atty., Kim T. Thomas, (334) 353-3885

ON REHEARING

2070097 Romar Village Condominium Owners Association, Inc. v. The estate of Carolyn Dempsey, deceased (Appeal from Baldwin Circuit Court: CV-96-85)

Application for Rehearing Overruled.

Circuit Judge, Charles C Partin, (251) 937-0273
Aplt. Atty., James Lynn Perry, (251) 625-0046
Aple. Atty., Wade B. Perry, Jr, (251) 441-9238

2070434 Gary Hicks and Peggy Hicks v. Madison Homes Holding Company, LLC (Appeal from Madison Circuit Court: CV-06-1935)

Application for Rehearing Overruled.

District Judge, Karen K. Hall, (256) 532-3455
Aplt. Atty., Cheryl Baswell-Guthrie, (256) 288-0130
Aple. Atty., Michael Lawrence Fees, (256) 536-0095
Aple. Atty., Stacy L. Moon, (256) 536-0095

2070753 E. S., Jr. v. A. B. (Appeal from Madison Juvenile Court: CS-04-233.03)

Application for Rehearing Overruled.