



**LIST OF DECISIONS ANNOUNCED BY
COURT OF CIVIL APPEALS OF ALABAMA
ON FRIDAY, MAY 7, 2010**

PRESIDING JUDGE THOMPSON

2081110 Art Iron Works, Inc. v. Pat Casey (Appeal from Blount Circuit Court: CV-07-235)

Affirmed. No Opinion.

Circuit Judge, Steven King, (205) 625-4145
Aplt. Atty., Jonathan L. Berryhill, (205) 252-4441
Aple. Atty., James Mac Patton, (205) 933-8953

2090001 Kevin J. Knight v. Sarah J. Knight (Appeal from Lauderdale Circuit Court:
DR-08-307.01)

Affirmed.

Circuit Judge, Michael T. Jones, (256) 760-5831
Aplt. Atty., Lindsey Mussleman Davis, (256) 766-0503
Aple. Atty., Andrew Logan McGee, (256) 386-7090
Aple. Atty., Terry L. Mock, (256) 386-7090

2090172 J.M.M. v. J.C. (Appeal from Geneva Juvenile Court: JU-06-247.01)

Appeal Dismissed.

2090522 Wilburn Quarries, LLC, et al. v. State Department of Revenue (Appeal from
Cullman Circuit Court: CV-08-356)

Affirmed.

Circuit Judge, H. Frank Brunner, (256) 775-4653
Aplt. Atty., John Forrester De Buys, Jr, (205) 458-5290
Aple. Atty., Ronald J Bowden, (334) 242-9690
Aple. Atty., John J. Breckenridge, (334) 242-9690
Aple. Atty., Richard Rhett Owens, (205) 458-5278

JUDGE PITTMAN

2080455 Clinner Lee Nettles v. Hazel B. Nettles (Appeal from Conecuh Circuit Court: DR-07-65)

Affirmed. No Opinion.

Circuit Judge, Dawn Hare, (251) 743-3649
Aplt. Atty., Kelli F. McDaniel, (334) 269-5585
Aple. Atty., William R Stokes, Jr, (251) 867-7755

2080569 Deanne Laura Gilbert Pool v. Philip Gerald Gilbert (Appeal from Jefferson Circuit Court: DR-98-3901.01)

Affirmed. No Opinion.

Circuit Judge, J Gary Pate, (205) 325-5022
Aple. Atty., Tom S. Roper, (205) 428-8487
Aple. Atty., Jenny R. Ryan, (205) 349-1727

2080880 M & J Materials, Inc. v. Stanford D. Isbell (Appeal from Jefferson Circuit Court: CV-07-762)

Reversed And Remanded.

Circuit Judge, Michael G. Graffeo, (205) 325-5644
Aplt. Atty., Erskine R Funderburg, Jr., (205) 338-7273
Aplt. Atty., William Perry Webb, (205) 980-5000
Aple. Atty., David Madison Tidmore, (205) 980-6065

2080899 Alabama State Personnel Board v. Joseph Dueitt (Appeal from Washington Circuit Court: CV-07-000016)

Reversed And Remanded With Instructions.

Circuit Judge, Gaines C. McCorquodale, (251) 275-8363
Aplt. Atty., Tara Smelley Knee, (334) 353-0046
Aple. Atty., C Robert Montgomery, (251) 847-3541

2080991 Steve Chambless and Karen Chambless v. Robert J. Campbell (Appeal from Baldwin Circuit Court: CV-08-900013)

Affirmed. No Opinion.

Circuit Judge, James H Reid, (251) 937-0290
Aplt. Atty., David Michael Huggins, (251) 432-2855
Aple. Atty., Michael F. Braun, (334) 260-0529
Aple. Atty., Lowell Landis Sexton, (334) 396-5719

JUDGE BRYAN

2080912 Christopher Lee Tucker v. Amy Michelle Tucker (Appeal from Morgan Circuit Court: DR-07-944 and DR-07-949)

Affirmed In Part; Reversed In Part; And Remanded.

Circuit Judge, Sherrie W Paler, (256) 351-4751
Aplt. Atty., J Timothy Kyle, (256) 353-7641
Aple. Atty., Sharon A. Johnston, (256) 512-9990

2090189 State of Alabama ex rel. W.M.E. v. G.C. (Appeal from Montgomery Circuit Court: CS-90-476.04)

Affirmed. No Opinion.

JUDGE THOMAS

2090098 Diane Helen Allen v. Mark James Allen (Appeal from Colbert Circuit Court: DR-07-251)

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

Circuit Judge, Harold V. Hughston, Jr., (256) 386-8526
Aplt. Atty., Tim W. Milam, (256) 386-7888
Aple. Atty., Sheila Morgan, (256) 386-7090

2090280 T.L.D. v. X.H. and A.H. (Appeal from Madison Probate Court: 6524-A)
(Consolidated with 2090281.)

Affirmed. No Opinion.

Probate Judge, Tommy Ragland, (256) 532-3330
Aplt. Atty., Charles L Brinkley, (256) 533-4534
Aple. Atty., James Barry Abston, (256) 534-3336

2090281 T.L.D. v. X.H. and A.H. (Appeal from Madison Probate Court: 6523-A)
(Consolidated with 2090280.)

Affirmed. No Opinion.

Probate Judge, Tommy Ragland, (256) 532-3330
Aplt. Atty., Charles L Brinkley, (256) 533-4534
Aple. Atty., James Barry Abston, (256) 534-3336

JUDGE MOORE

2081073 QHG of Gadsden, Inc., d/b/a Gadsden Regional Medical Center v. Rebecca Beck
(Appeal from Etowah Circuit Court: CV-08-900104)

Affirmed. No Opinion.

Circuit Judge, David A. Kimberley, (256) 439-6011
Aplt. Atty., Daniel P Avery, (205) 822-2006
Aplt. Atty., Joseph H. Driver, (205) 822-2006
Aplt. Atty., Donald B Kirkpatrick, II, (205) 822-2006
Aple. Atty., Donald R Rhea, (256) 547-6801

2090005 Lorenzo Watkins v. Billy Mitchem et al. (Appeal from Montgomery Circuit Court: CV-09-970)

Affirmed In Part; Reversed In Part; And Remanded.

Circuit Judge, William A Shashy, (334) 832-4950
Aple. Atty., Todd E. Hughes, (334) 242-7374

ON REHEARING

2080037 A. S. and C. S. v. N. E. F. and C. F. (Appeal from Etowah Circuit Court: DR-06-811)

Application For Rehearing Overruled.

Circuit Judge, William H Rhea, III, (256) 549-5317
Aplt. Atty., John Davis McCord, (256) 546-0448
Aple. Atty., Laura Lloyd, (256) 543-3664
Aple. G. A. L., Emily Hawk Raley, (256) 543-0400

2080299 Walter L. Patrick v. Larry Frith (Appeal from Washington Circuit Court: CV-03-77)

Application For Rehearing Overruled.

Circuit Judge, James T. Baxter, (251) 847-2304
Aplt. Atty., Philip G Perkins, (251) 246-4279
Aple. Atty., Sammy Joe Laurie, (251) 847-2567

2080537 James Roberson and Penhall Company, Inc. v. C.P. Allen Construction Company, Inc., d/b/a ABC Cutting Contractors (Appeal from Jefferson Circuit Court: CV-05-1126)

Application Overruled; Opinion Of January 29, 2010, Withdrawn; Opinion Substituted; Affirmed In Part; Reversed In Part; And Remanded.

Circuit Judge, Helen Shores Lee, (205) 325-5635
Aplt. Atty., Robert W Shores, (205) 841-1842
Aple. Atty., John R Bowles, (205) 328-4600
Aple. Atty., Wendy N Hardegree, (205) 328-4600
Aple. Atty., Jonathan Elliott Raulston, (205) 328-4600

2080634 James E. Prince, Jr. v. State Department of Revenue (Appeal from Montgomery Circuit Court: CV-06-2766)

Application Overruled; Opinion Of January 22, 2010, Withdrawn; Opinion Substituted; Affirmed.

Circuit Judge, Charles Price, (334) 832-1331
Aplt. Atty. - Pro Hac, Richard C. Litwin, (678) 990-0600
Aplt. Atty., Jeffrey Earl Patterson, (334) 215-4446
Aple. Atty., Gwendolyn Bulger Garner, (334) 242-9690

2080670 Juan A. Payne v. Pamela C. Payne (Appeal from Baldwin Circuit Court: DR-07-900219)

Application For Rehearing Overruled.

District Judge, Michelle M Thomason, (251) 972-8573
Aplt. Atty., Thomas H Nolan, Jr, (251) 344-7744
Aple. Atty., Marcus E. McDowell, (251) 937-7024

2080864 Benjamin Larkin and Sharon Easton v. American Western Insurance Company (Appeal from Montgomery Circuit Court: CV-06-959.80)

Application For Rehearing Overruled.

Circuit Judge, Robert W Barr, (334) 566-1307
Aple. Atty., J. Evans Bailey, (334) 206-3114
Aple. Atty., R. Mac Freeman, Jr., Jr, (334) 206-3114

2081148 Danny L. Smith v. Brandi M. Smith (Deerman) (Appeal from Etowah Circuit Court: DR-07-253.01)

Application For Rehearing Overruled.

Circuit Judge, William H Rhea, III, (256) 549-5317

2090141 M.L.G. v. Etowah County Department of Human Resources (Appeal from Etowah Juvenile Court: JU-08-235.02)

Application For Rehearing Overruled.