



**LIST OF DECISIONS ANNOUNCED BY  
COURT OF CIVIL APPEALS OF ALABAMA  
ON THURSDAY, JULY 2, 2009**

---

**PRESIDING JUDGE THOMPSON**

2071211 Jennifer Dyas Reed v. Matthew Dyas (Appeal from Mobile Circuit Court:  
DR-04-501158.01)

**Reversed And Remanded.**

Circuit Judge, Julian Donald Banks, (251) 574-8488  
Aplt. Atty., Richard L Watters, (251) 433-3753  
Aple. Atty., James W Bodiford, Jr, (251) 432-7300

2080041 M&H Valve Company v. John S. Martin (Appeal from Calhoun Circuit Court:  
CV-06-924)

**Affirmed. No Opinion.**

Circuit Judge, John Thomason, (256) 231-1830  
Aplt. Atty., Stuart D Roberts, (205) 254-1000  
Aple. Atty., Donald R Rhea, (256) 547-6801

2080155 Mickele Jenkins Collier v. Robert Brandon Collier (Appeal from Etowah Circuit  
Court: DR-06-37)

**Affirmed. No Opinion.**

Circuit Judge, William H Rhea, III, (256) 549-5317  
Aplt. Atty., James V. Green, Jr, (205) 621-0301  
Aple. Atty., Willis H. Clay, (256) 543-1446  
Aple. Atty., Ralph K Strawn, Jr, (256) 543-9790

**JUDGE BRYAN**

2071124 Jacqueline Wilson v. David Wayne Wilson (Appeal from Bessemer Circuit Court:  
DR-07-255)

**Affirmed. No Opinion.**

Circuit Judge, Dan C. King, III, (205) 481-4175  
Aplt. Atty., Stan Brobston, (205) 425-4361  
Aple. Atty., Mariellen Morrison, (205) 982-8515

## JUDGE THOMAS

2070889 Dollar General Corporation v. Patricia R. Nelson (Appeal from Escambia Circuit Court: CV-01-315)

**Reversed.**

Circuit Judge, Bert W Rice, (251) 867-0253  
Aplt. Atty., Robert S. Lamar, Jr, (205) 326-0000  
Aplt. Atty., Rick Norris, Jr, (205) 326-0000  
Aplt. Atty., Lynn B Randall, (205) 326-0000  
Aple. Atty., Charles R Godwin, (251) 368-1417  
Aple. Atty., Gordon Godwin, B., (251) 368-1417  
Aple. Atty., Timothy J. Godwin, (251) 368-1417

2070936 Robert Jeffrey Redden v. Marnie Lane Redden (Appeal from Tallapoosa Circuit Court: DR-06-114)

**Reversed And Remanded With Instructions.**

District Judge, Ray D Martin, (256) 825-1084  
Aplt. Atty., James T Sasser, (706) 653-6109  
Aple. Atty., Thomas E Jones, (334) 826-6707

2071149 Frederick Brent Miller v. Karen Tade Miller (Appeal from Montgomery Circuit Court: DR-99-1050.01)

**Reversed And Remanded.**

Circuit Judge, Patricia D. Warner, (334) 832-4950  
Aplt. Atty., Roianne Houlton Conner, (334) 215-1988  
Aple. Atty., John Lawrence Olszewski, (334) 265-6200

2080021 Mark W. Stemler v. Heather Stemler (Appeal from Lee Circuit Court: DR-06-501)

**Affirmed.**

Circuit Judge, Richard D Lane, (334) 749-7141  
Aplt. Atty., Johnnie Branham Smith, (334) 265-3493  
Aple. Atty., Robert T Meadows, III, (334) 501-1540

2080033 Christopher Scott Miller, Mary J. Miller, Gary Anderson, and Patricia Anderson v. Miller's Landing, L.L.C., Christopher Miller, James A. Robeson, and J. Ryan Conner (Appeal from Dale Circuit Court: CV-07-129)

**Affirmed.**

Circuit Judge, Kenneth W. Quattlebaum, (334) 774-3726  
Aplt. Atty., Robert H. Brogden, (334) 774-5171  
Aple. Atty., Dow T Huskey, (334) 794-3366

2080044 John A. King, D.O., a/k/a Christopher W. Martin, D.O. v. Medical Licensure Commission of Alabama (Appeal from Montgomery : 08-001)

**Affirmed. No Opinion.**

Aplt. Atty., Richard E. Crum, (334) 677-3000  
Aple. Atty., Wayne Paulk Turner, (334) 420-6560

2080114 Edwin M. Williams v. St. Paul Travelers Insurance Company and Dobbs Brothers Management (Appeal from Morgan Circuit Court: CV-07-463)

**Affirmed. No Opinion.**

Circuit Judge, Sherrie W Paler, (256) 351-4751  
Aple. Atty., Danny Wayne Rogers, Jr., (205) 982-4620  
Aple. Atty., Paige H. Sykes, (205) 982-4634

2080235 Paul W. Klotz and Elaine Klotz v. James R. Spires, M.D., et al. (Appeal from Mobile Circuit Court: CV-06-1021)

**Affirmed. No Opinion.**

Circuit Judge, Charles A Graddick  
Aplt. Atty., Stephen D. Heninger, (205) 326-3336  
Aple. Atty., Charles Clayton Bromberg, Jr., (205) 868-6000  
Aple. Atty., W Christian Hines, III, (251) 433-6049  
Aple. Atty., Robert P MacKenzie, III, (205) 868-6000  
Aple. Atty., John Peter Crook McCall, (251) 433-6049

2080544 D. P. v. Limestone County Department of Human Resources (Appeal from Limestone Juvenile Court: JU-08-182.01)

**Affirmed.**

2080314 B. J. K. A. v. Cleburne County Department of Human Resources (Appeal from Cleburne Juvenile Court: JU-03-86)  
(Consolidated with 2080315, 2080316.)

**Affirmed.**

2080315 B. J. K. A. v. Cleburne County Department of Human Resources (Appeal from Cleburne Juvenile Court: JU-03-84)  
(Consolidated with 2080314, 2080316.)

**Affirmed.**

2080316 B. J. K. A. v. Cleburne County Department of Human Resources (Appeal from Cleburne Juvenile Court: JU-03-85)  
(Consolidated with 2080314, 2080315.)

**Affirmed.**

2080476 B. Z. v. State Department of Human Resources (Appeal from Limestone Juvenile Court: JU-07-160.02)  
(Consolidated with 2080477, 2080478.)

**Affirmed. No Opinion.**

2080477 B. Z. v. State Department of Human Resources (Appeal from Limestone Juvenile Court: JU-07-162.02)  
(Consolidated with 2080476, 2080478.)

**Affirmed. No Opinion.**

2080478 B. Z. v. State Department of Human Resources (Appeal from Limestone Juvenile Court: JU-07-163.02)  
(Consolidated with 2080476, 2080477.)

**Affirmed. No Opinion.**

## **JUDGE MOORE**

2080449 Geneva Rodgers, as mother and legal guardian of Brittany Rodgers v. Rhonda Turberville (Appeal from Pike Circuit Court: CV-06-134)

**Reversed And Remanded.**

Circuit Judge, Thomas E Head, III, (334) 897-5525  
Aplt. Atty., Robert Aaron Gartlan, (334) 762-2356  
Aplt. Atty., Raymond Matthew Glover, (205) 345-1234  
Aple. Atty., Alex L Holtsford, Jr, (334) 215-8585  
Aple. Atty., Jeffrey G Hunter, (334) 215-8585

## **PER CURIAM**

2080031 Bobby Herrick v. Bayou Construction Company, Inc. (Appeal from Mobile Circuit Court: CV-06-3287)

**Affirmed. No Opinion.**

Circuit Judge, Charles A Graddick  
Aplt. Atty., Richard L Thiry, (251) 478-8880  
Aple. Atty., Stewart Howard, (251) 431-9364  
Aple. Atty., Jason D Miller, (251) 431-9364

2080388 Heidi Rader, et al. v. Exxon Discount Food Mart, Store #222, et al. (Appeal from Lauderdale Circuit Court: CV-06-414)

**Affirmed. No Opinion.**

Circuit Judge, Ned Michael Suttle, (256) 760-5820  
Aplt. Atty., Janice Keeton, (256) 740-8276  
Aple. Atty., Kimberly E. Linville, (256) 718-6040

## **ON REHEARING**

2070765 Ex parte Tim Russell, acting commissioner, Alabama Department of Revenue. PETITION FOR WRIT OF MANDAMUS (In re: Christina Meyers, individually and as representative of the Plaintiffs' class v. Tim Russell, acting commissioner, Alabama Department of Revenue; Kay Ivey, treasurer for the State of Alabama; and Jefferson County Board of Equalization) (Jefferson Circuit Court: CV-08-133)

**Application For Rehearing Overruled.**

Circuit Judge, Charles Price, (334) 832-1331  
Aplt. Atty., Troy King, (334) 242-7300  
Aplt. Atty., Keith Maddox, (334) 242-9690  
Aplt. Atty., Lionel C Williams, (334) 242-9690  
Aple. Atty., William J Baxley, (205) 271-1100

Resp. Atty., S Joshua Briskman, (205) 271-1100  
Resp. Atty., Joel Evan Dillard, (205) 271-1100

2071234 Ralph Eustace and Martha Haislip v. Sandra Browning, as personal representative of the estate of Eula Cleo Eustace Styles, deceased (Appeal from Madison Circuit Court: CV-05-2164)

**Application Granted; Opinion of April 17, 2009, Withdrawn; Opinion Substituted; Appeal Dismissed In Part; Affirmed In Part.**

Circuit Judge, Karen K. Hall, (256) 532-3455  
Aplt. Atty., Gary W Lackey, (256) 259-3929  
Aple. Atty., Thomas K Jefferson, (256) 881-0079  
Aple. Atty., John F. Porter, III, (256) 574-5156

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

**Application Granted; Opinion of March 6, 2009, Withdrawn; Opinion Substituted; Affirmed.**

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

2070867 DeWayne Woods v. Federated Mutual Insurance Co. (Appeal from Dallas Circuit Court: CV-07-181)  
(Consolidated with 2070872.)

**Application For Rehearing Overruled.**

Circuit Judge, Jack W Meigs, (205) 926-3120  
Aplt. Atty., Robert D. Bryant, (334) 683-4111  
Aple. Atty., Walter L Blocker, III, (205) 879-9595  
Aple. Atty., Jay S Tuley, (334) 215-8585

2070872 DeWayne Woods v. Plumbing Contractors, LLC, and Timothy M. Sims (Appeal from Dallas Circuit Court: CV-07-132)  
(Consolidated with 2070867.)

**Application For Rehearing Overruled.**

Circuit Judge, Jack W Meigs, (205) 926-3120  
Aplt. Atty., Robert D. Bryant, (334) 683-4111  
Aple. Atty., Walter L Blocker, III, (205) 879-9595  
Aple. Atty., Jay S Tuley, (334) 215-8585