



**LIST OF DECISIONS ANNOUNCED BY  
COURT OF CIVIL APPEALS OF ALABAMA  
ON FRIDAY, SEPTEMBER 4, 2009**

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**PRESIDING JUDGE THOMPSON**

2080330 Kilgore Development, Inc. v. Woodland Place, LLC (Appeal from Tuscaloosa Circuit Court: CV-07-431)

**Reversed And Remanded.**

Circuit Judge, Michael Bradley Almond, (205) 469-6352  
Aplt. Atty., Isaac P Espy, (205) 758-5591  
Aplt. Atty., Mark Andrew Scogin, (205) 758-5591  
Aple. Atty., Suzanne Hughes Mills, (205) 345-2800

2080397 Annie O. Cannon v. Utility Board of the City of Tuskegee (Appeal from Macon Circuit Court: CV-05-243)

**Reversed And Remanded.**

Circuit Judge, Thomas F. Young, Jr., (256) 234-7901  
Aplt. Atty., James B Douglas, Jr., (334) 821-1596  
Aple. Atty., Alex L Holtsford, Jr, (334) 215-8585  
Aple. Atty., Rick Howard, (334) 215-8585  
Aple. Atty., April Willis McKay, W., (334) 215-8585

2080401 David J. Rothbardt, RPh v. State Board of Pharmacy (Appeal from Baldwin Circuit Court: CV-08-154)

**Affirmed. No Opinion.**

Circuit Judge, J Langford Floyd, (251) 937-0235  
Aplt. Atty., Joshua P Myrick, (251) 928-0123  
Aplt. Atty., J Clark Stankoski, (251) 928-0123  
Aple. Atty., James S Ward, (205) 871-5404

**JUDGE BRYAN**

2080242 Jeffrey Tim Crosby v. Jolie Kay Crosby (Appeal from Madison Circuit Court: DR-07-325)

**Affirmed. No Opinion.**

Circuit Judge, William K Bell, (256) 532-3636  
Aplt. Atty., Fulton S Hamilton, (256) 533-7171  
Aple. Atty., Amy A. Slayden, (256) 288-1100

2080286 Richard Presley and Joy Presley v. B.I.C. Construction, Inc., Brandon Grant, and Michael Roberts (Appeal from Jefferson Circuit Court: CV-07-3137)

**Affirmed.**

Circuit Judge, Helen Shores Lee, (205) 325-5635  
Aplt. Atty., Douglas Hugh Bryant, (205) 639-5300  
Aplt. Atty., John F Whitaker, (205) 639-5300  
Aple. Atty., A Joe Peddy, (205) 251-5885  
Aple. Atty., Robert B Stewart, (205) 251-5885

2080309 Waller Construction, LLC v. Vicky Simmons and Tony Simmons (Appeal from Coffee Circuit Court: CV-08-19)

**Affirmed. No Opinion.**

Circuit Judge, Jeffrey W. Kelley, (334) 347-4785  
Aplt. Atty., J. E. Sawyer, Jr, (334) 347-6447  
Aple. Atty., R. Rainer Cotter, III, (334) 347-2626

2080563 KLW Enterprises, Inc. v. West Alabama Commercial Industries, Inc. (Appeal from Tuscaloosa Circuit Court: CV-08-900581)

**Affirmed.**

Circuit Judge, W Scott Donaldson, (205) 349-3870  
Aplt. Atty., Cynthia Lee Almond, (205) 345-8643  
Aple. Atty., Jeffrey C. Smith, (205) 344-5000  
Aple. Atty., Katie B Thompson, (205) 344-5000

2080611 Wayne Gatlin v. Marvin Joiner et al. (Appeal from Lauderdale Circuit Court: CV-02-503)

**Reversed And Remanded.**

Circuit Judge, Ned Michael Suttle, (256) 760-5820  
Aplt. Atty., M Scott Harwell, (205) 980-1445  
Aple. Atty., Debra H Coble, (256) 764-7142  
Aple. Atty., Frank B. Potts, (256) 764-7142

**JUDGE THOMAS**

2071208 Goodyear Tire and Rubber Company, Inc. v. Bobby Long (Appeal from Etowah Circuit Court: CV-07-225)

**Affirmed.**

Circuit Judge, Anthony Clark Hall, (256) 547-9992  
Aplt. Atty., Joseph H. Driver, (205) 822-2006  
Aple. Atty., Donald R Rhea, (256) 547-6801

## **JUDGE MOORE**

2080281 Wehadkee Yarn Mills v. Deborah Harris (Appeal from Talladega Circuit Court: CV-07-182)

### **Reversed And Remanded With Instructions.**

District Judge, George C Simpson, (256) 354-7633  
Aplt. Atty., John C Webb, V, (205) 967-8822  
Aple. Atty., Donald W. Lang, (256) 249-0394

2080340 Derotus Q. Nash and Allen K. Russell v. State of Alabama (Appeal from Morgan Circuit Court: CV-07-123)

### **Affirmed. No Opinion.**

Circuit Judge, Steven E Haddock, (256) 351-4750  
Aplt. Atty., Denise M. Learned, (256) .74-7.3477  
Aplt. Atty., C Michael Seibert, (256) 340-7277  
Aple. Atty., Stacy W Adams, (256) 351-4610  
Aple. Atty., Yvonne A.H. Saxon, (334) 242-7376

## **PER CURIAM**

2080274 Helen Myers v. R.A.W. Construction, LLC (Appeal from Mobile Circuit Court: CV-06-3038)

### **Affirmed. No Opinion.**

Circuit Judge, Joseph S Johnston, (251) 574-8685  
Aplt. Atty., Henry Harris Caddell, (251) 478-8880  
Aplt. Atty., Herndon NMN Inge, III, (251) 432-1444  
Aple. Atty., Stewart L Howard, (251) 431-9364

## **ON REHEARING**

2070959 Arthur Haynes v. Ron Coleman (Appeal from Mobile Circuit Court: CV-07-900949)

### **Application for Rehearing Overruled**

Circuit Judge, Joseph S Johnston, (251) 574-8685  
Aplt. Atty., Marcus E. McCrory, (251) 433-0730  
Aple. Atty., Mark S. Boardman, (205) 678-8000  
Aple. Atty., Dana J Bolden Hill, (205) 678-8000

2080103 Ophelia Quiroz, Salvadore Quiroz, and Morris Johnson v. Judith Gatgens, Progressive Specialty Insurance Company (Appeal from Etowah Circuit Court: CV-05-1122)

### **Application for Rehearing Overruled**

Circuit Judge, David A. Kimberley, (256) 439-6011  
Aplt. Atty., Myron K. Allenstein, (256) 546-6314  
Aplt. Atty., Rose Marie Allenstein, (256) 546-6314  
Aple. Atty., George P Ford, (256) 546-5432  
Aple. Atty., Paul A Miller, (205) 326-0000

2080219 Freddie Lansdell v. Charlie Borden (Appeal from Lawrence Circuit Court: CV-06-124)

**Application for Rehearing Overruled**

Circuit Judge, A Philip Reich, II, (256) 974-2444  
Aplt. Atty., Michael F Terry, (256) 974-8825  
Aple. Atty., William Jordan Underwood, (256) 383-1791

2080413 John Ashley v. Carla N. Maxwell (Appeal from Madison Circuit Court: DR-08-3350.01)

**Application for Rehearing Overruled**

Circuit Judge, James P Smith, (256) 532-3394  
Aplt. Atty., Lonzo Christopher Robinson, (256) 551-9015  
Aple. Atty., Shelly D. Thornton

2080461 S. T. W. v. Franklin County Department of Human Resources (Appeal from Franklin Juvenile Court: JU-06-130.03)

**On Rehearing Ex Mero Motu: Opinion of July 31, 2009, Withdrawn; Opinion Substituted; Affirmed.**