



**LIST OF DECISIONS ANNOUNCED BY  
COURT OF CIVIL APPEALS OF ALABAMA  
ON FRIDAY, SEPTEMBER 16, 2011**

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**PRESIDING JUDGE THOMPSON**

2100550 Linda Lee Cochran v. Joseph P. Chapman (Appeal from Mobile Circuit Court: DR-07-500885)

**Reversed And Remanded With Instructions.**

Circuit Judge, Julian Donald Banks, (251) 574-8488  
Aplt. Atty., William Gregory Hughes, (251) 433-3671  
Aple. Atty., Grady R. Edmondson, (251) 432-7645

2100589 Austin Conner v. Alabama State Board of Pharmacy (Appeal from Montgomery Circuit Court: CV-10-900232)

**Affirmed.**

Circuit Judge, Charles Price, (334) 832-5331  
Aplt. Atty., Thomas Hart Benton, Jr, (251) 342-9172  
Aple. Atty., James S Ward, (205) 871-5404

2100665 Durwood Nelson v. James Nelson (Appeal from Coffee Circuit Court: CV-09-74)

**Affirmed. No Opinion.**

Circuit Judge, Thomas E Head, III, (334) 897-5525  
Aplt. Atty., Charles J Kettler, Jr, (334) 335-3262

2100711 Ex parte Everest National Insurance Company. PETITION FOR WRIT OF MANDAMUS (In re: Ronald D. Gray v. Danny Gray Flooring et al.) (Jefferson Circuit Court: CV-00-6240)

**Petition Denied.**

Circuit Judge, Elisabeth A. French  
Aplt. Atty., Michael I Fish, (205) 332-3430  
Resp. Atty., Cecelia Brown Freeman, (205) 322-2333  
Resp. Atty., Samuel Maples, (205) 322-2333

## JUDGE PITTMAN

2091159 Joseph L. Thomas v. Jeanette Menefield (Appeal from Montgomery Circuit Court: CV-09-666)

**Appeal Dismissed With Instructions.**

Circuit Judge, William A Shashy, (334) 832-4950  
Aplt. Atty., J. Carlton Taylor, (334) 244-0447  
Aple. Atty., Joseph L Fitzpatrick, Jr, (334) 201-6726

2100107 E & S, LLC v. City of Oxford (Appeal from Calhoun Circuit Court: CV-07-900131)

**Affirmed. No Opinion.**

Circuit Judge, John Thomason, (256) 231-1830  
Aplt. Atty., Donald Edward Blankenship, (205) 328-0996  
Aple. Atty., C. David Stubbs, (256) 835-5050

2100132 Scotty Smith v. Eric Novelli (Appeal from Chambers Circuit Court: CV-07-183)

**Affirmed. No Opinion.**

Circuit Judge, Ray D Martin, (256) 825-1084  
Aplt. Atty., Benjamin H Parr, (334) 745-3333  
Aple. Atty., James Boyd Douglas, Jr, (334) 821-1596

## JUDGE BRYAN

2100205 A.J. Brown v. Emily Brown (Appeal from DeKalb Circuit Court: CV-06-282)

**Appeal Dismissed In Part; Affirmed.**

Circuit Judge, Randall L Cole, (256) 845-8540  
Aplt. Atty., John F. Porter, III, (256) 574-5156  
Aple. Atty., Daryl R. Eustace, (256) 259-5900  
Aple. Atty., Jack Livingston, (256) 259-5900

2100251 Sabrina Bush v. Terry M. Bush et al. (Appeal from Russell Circuit Court: CV-08-114)

**Affirmed. No Opinion.**

Circuit Judge, George R. Greene, (334) 297-4567  
Aplt. Atty., Connie Jo Cooper, (334) 297-9442  
Aplt. Atty., Matthew Landreau, (334) 291-3080  
Aple. Atty., Russell C. Balch, (334) 887-0884  
Aple. Atty., Harold Scott Patrick, (334) 741-0809

2100545 Cathy L. Mason v. Johnny S. Mason (Appeal from Franklin Circuit Court: DR-10-132)

**Affirmed. No Opinion.**

Circuit Judge, Terry Lee Dempsey, (256) 332-8893  
Aplt. Atty., William L. Pfeifer, Jr, (800) 737-3702  
Aple. Atty., John A McReynolds, IV, (256) 332-2880

2100707 Evan J. Wolfe v. Regions Bank (Appeal from Mobile Circuit Court: CV-10-901039)

**Affirmed. No Opinion.**

Circuit Judge, Joseph S Johnston, (251) 574-8685  
Aple. Atty., William L. Longshore, III, (205) 252-7661

**JUDGE THOMAS**

2100713 Michael Joe Green, Johnny James Brown, and Aletha Johnson v. City of Montgomery, J.J. Allen, and Henry Davis (Appeal from Montgomery Circuit Court: CV-06-3237.80)

**Reversed And Remanded With Instructions.**

Circuit Judge, Eugene W Reese, (334) 832-4950  
Aplt. Atty., Joe M. Reed, (334) 834-2000  
Aple. Atty., Jason Cole Paulk, (334) 241-2050

2100743 James Sullivan v. RBC Enterprises, Inc. & Guarantee Insurance Company (Appeal from Cullman Circuit Court: CV-07-256)

**Affirmed. No Opinion.**

Circuit Judge, Don L Hardeman, (256) 739-3530  
Aplt. Atty., James Barton Warren, (256) 539-7575  
Aple. Atty., Finis Ewing St. John, IV, (256) 734-3542

2100745 Ex parte El Reposo Nursing Home Group, Inc. PETITION FOR WRIT OF MANDAMUS (In re: Carole Patterson v. El Reposo Nursing Home Group, Inc.) (Lauderdale Circuit Court: CV-07-205)

**Petition Denied.**

Circuit Judge, Michael T. Jones, (256) 760-5831  
Pet. Atty., Tom Burgess, (205) 251-5885  
Pet. Atty., Ethan Richard Dettling, (205) 251-5885  
Resp. Atty., William L Middleton, (256) 353-6761  
Resp. Atty., Terry B. Rochester, (256) 766-4490

**JUDGE MOORE**

2100516 Susan Rayford Daniels v. Rodney K. Rayford (Appeal from Shelby Circuit Court: DR-99-533.02)

**Reversed And Remanded With Instructions.**

Circuit Judge, G. Daniel Reeves, (205) 669-3760  
Aplt. Atty., Jim Pino, (205) 663-1581  
Aple. Atty., Candace B. Crenshaw, (205) 640-2000  
Aple. Atty., James E. Hill, III, (205) 640-2000

2100611 K.S. v. Limestone County Department of Human Resources (Appeal from Limestone Juvenile Court: JU-08-111.03; JU-09-260.02; and JU-08-525.02) (Consolidated with 2100612.)

**Affirmed. No Opinion.**

2100612 C.W. v. Limestone County Department of Human Resources (Appeal from Limestone Juvenile Court: JU-08-111.03 and JU-08-525.02) (Consolidated with 2100611.)

**Affirmed. No Opinion.**

## **PER CURIAM**

2100778 Marvin Hudson v. Kairy Crum, et al. (Appeal from Montgomery Circuit Court: CV-10-1194)

**Affirmed. No Opinion.**

Circuit Judge, Tracy McCooey, (334) 832-4950  
Aple. Atty., Bart Gregory Harmon, (334) 353-3881

## **ON REHEARING**

2090445 Freddie Glenn v. Joyce J. Nottingham, et al. (Appeal from Houston Circuit Court: CV-06-736)

**Application For Rehearing Overruled.**

Circuit Judge, Charles L Little, (334) 677-4889  
Aple. Atty., Herman W Cobb, (334) 677-3000  
Aple. Atty., R. Todd Derrick, (334) 793-3610

2090880 Balyn Parker v. State of Alabama Personnel Board et al. (Appeal from Montgomery Circuit Court: CV-10-421)

**Application For Rehearing Overruled.**

Circuit Judge, Tracy McCooey, (334) 832-4950  
Apl. Atty., Julian Lenwood McPhillips, Jr, (334) 262-1911  
Aple. Atty., Lisa Darnley Cooper, (251) 694-6266  
Aple. Atty., Tara Smelley Knee, (334) 353-0046

2100083 T.O. v. State Department of Human Resources (Appeal from Mobile Juvenile Court: JU-07-1194.01, JU-07-1195.92, JU-07-1196.92, JU-07-1197.92, JU-07-1198.92, and JU-07-1199.92)

**Application For Rehearing Overruled.**

2100313 A.K. v. Henry County Department of Human Resources (Appeal from Henry Juvenile Court: JU-09-49.02)

**Application For Rehearing Overruled.**

2090627 Vivian Marsheila Woods, individually and as the personal representative of the estate of Vernon H. Gilchrist, deceased v. SunTrust Bank (Appeal from Lauderdale Circuit Court: CV-06-151)

(Consolidated with 2100034, 2100089.)

**Application For Rehearing Granted; Opinion Of June 24, 2011, Withdrawn; Opinion Substituted; Affirmed In Part; Appeal Dismissed In Part.**

Circuit Judge, Gilbert Porterfield Self, (256) 760-5820

Aplt. Atty., Robert M Hill, Jr, (256) 767-0700

Aplt. Atty., Steven Tipler, (205) 328-6800

Aple. Atty., Michael T. Scivley, (205) 868-6039

Aple. Atty., John P. Scott, Jr, (205) 868-6000

Aple. Atty., Preston S Trousdale, Jr, (256) 767-0333

2100034 Ex parte Vivian Marsheila Woods, as personal representative of the estate of Vernon H. Gilchrist, deceased. PETITION FOR WRIT OF MANDAMUS (In re: Vivian Marsheila Woods, individually and as the personal representative of the estate of Vernon H. Gilchrist, deceased v. SunTrust Bank) (Lauderdale Circuit Court: CV-06-151)

(Consolidated with 2090627, 2100089.)

**On Application For Rehearing In Case No. 2090627: Opinion Of June 24, 2011, Withdrawn; Opinion Substituted. Petition Granted; Writ Issued.**

Circuit Judge, Gilbert Porterfield Self, (256) 760-5820

Aplt. Atty., Robert M Hill, Jr, (256) 767-0700

Pet. Atty., Steven Tipler, (205) 328-6800

Aple. Atty., Michael T. Scivley, (205) 868-6039

Resp. Atty., John P. Scott, Jr, (205) 868-6000

Resp. Atty., Preston S Trousdale, Jr, (256) 767-0333

2100089 Vivian Marsheila Woods, as the personal representative of the estate of Vernon H. Gilchrist, deceased. v. SunTrust Bank (Appeal from Lauderdale Circuit Court: CV-06-151)

(Consolidated with 2090627, 2100034.)

**On Application For Rehearing In Case No. 2090627: Opinion Of June 24, 2011, Withdrawn; Opinion Substituted. Appeal Dismissed.**

Circuit Judge, Gilbert Porterfield Self, (256) 760-5820

Aplt. Atty., Robert M Hill, Jr, (256) 767-0700

Aple. Atty., Michael T. Scivley, (205) 868-6039

Aple. Atty., John P. Scott, Jr, (205) 868-6000

Aple. Atty., Preston S Trousdale, Jr, (256) 767-0333