



**LIST OF DECISIONS ANNOUNCED BY  
THE SUPREME COURT OF ALABAMA  
ON FRIDAY, AUGUST 12, 2011**

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**Stuart, J.**

- 1100928 Ex parte Tamisha Cade. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Tamisha Cade v. State of Alabama) (Jefferson Circuit Court: CC-06-4073.60; Criminal Appeals : CR-09-1818).

**Writ Denied. No Opinion.**

Circuit Judge, Alfred Bahakel, (205) 325-5648  
Pet. Atty., Roger Charles Appell, (205) 252-9462  
Resp. Atty. General, Luther Strange, (334) 242-7447  
Resp. Asst. Atty. General, Kristi O Wilkerson, (334) 353-8563

**Bolin, J.**

- 1100717 Ex parte State of Alabama. PETITION FOR WRIT OF MANDAMUS: CRIMINAL (In re: State of Alabama v. Sherrie Campbell) (Montgomery Circuit Court: CC-10-461; Criminal Appeals : CR-10-0635).

**Petition Denied. No Opinion.**

Circuit Judge, William A. Shashy, (334) 832-1370  
Pet. Atty. General, Luther Strange, (334) 242-7447  
Pet. District Atty., Eleanor Idelle Brooks, (334) 832-2550  
Pet. Asst. District Atty., Ryan Wesley Shaw, (334) 834-5311  
Resp. Atty., Mark David Pratt, (205) 930-5900

**Parker, J.**

- 1091233 RCH IV-WB, LLC v. Wolf Bay Partners, L.L.C., et al. (Appeal from Baldwin Circuit Court: CV-09-900753).

**Reversed And Remanded.**

Circuit Judge, J. Langford Floyd, (251) 937-0237  
Apl. Atty., David R. Quittmeyer, (251) 694-6313  
Aple. Atty., Julian Byron Brackin, III, (251) 943-4040  
Aple. Atty., Allan R. Chason, (251) 937-2191  
Aple. Atty., Lee Brian Chunn, (251) 937-2417  
Aple. Atty., Stephen P. Johnson, (251) 943-4040

- 1100140 Ex parte Tony Lee Smith. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Tony Lee Smith v. State of Alabama) (Calhoun Circuit Court: CC-05-922.60; CC-05-2209.60; Criminal Appeals : CR-08-0716).

**Writ Denied. No Opinion.**

Circuit Judge, Malcolm B. Street, Jr., (256) 231-1820  
Resp. Atty. General, Luther Strange, (334) 242-7447

**Murdock, J.**

- 1091215 The Industrial Development Board of the City of Montgomery v. George Earl Russell et al. and Price McLemore et al. (Montgomery Circuit Court: CV-2004-3282; CV-2005-1728) (Appeal from Montgomery Circuit Court:

**Affirmed.**

Circuit Judge, William A. Shashy, (334) 832-1370  
Apt. Atty., Jesse P Evans, III, (205) 254-1431  
Pet. Atty., Thomas T. Gallion, III, (334) 265-8573  
Pet. Atty., Constance Caldwell Walker, (334) 265-8573  
Resp. Atty., Frank H. Hawthorne, Jr, (334) 269-5010  
Resp. Atty., Randy Myers, (334) 269-5010

- 1100173 Ex parte Branson Machinery, LLC. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Branson Machinery, LLC v. Hilltop Tractor, LLC, and Jeffery D. Williams) (Blount Circuit Court: CV-09-900134).

**Petition Granted; Writ Issued.**

Circuit Judge, Steven David King, (205) 625-4145  
Pet. Atty., Eric J. Breithaupt, (205) 795-6588  
Pet. Atty., Jeremy L. Carlson, (205) 795-6588  
Pet. Atty., Abbott Jones, (205) 795-6588  
Pet. Atty., Deborah Alley Smith, (205) 250-6627  
Resp. Atty., Herbie Brewer, (205) 384-1411

**Main, J.**

- 1101078 Ex parte M.H. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: M.H. v. B. F. and Lee County Department of Human Resources) (Lee Juvenile Court: JU-10-225.01, JU-10-226.01, JU-10-227.01, JU-10-228.01, and JU-10-229.01; Civil Appeals : 2100116).

**Writ Denied. No Opinion.**

**Wise, J.**

- 1100672 Ex parte Kim Thomas, Commissioner, Department of Corrections). PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Ross O'Neal Petty v. Richard Allen, as Commissioner of the Alabama Department of Corrections) (Montgomery Circuit Court: CV-09-727; Civil Appeals : 2080875).

**Writ Denied. No Opinion.**

Circuit Judge, Truman M. Hobbs, Jr., (334) 832-7147  
Pet. General Counsel, Anne Adams Hill, (334) 353-3877  
Pet. Atty. General, Luther Strange, (334) 242-7447  
Pet. Asst. Atty. General, Bart Gregory Harmon, (334) 353-3881  
Pet. Asst. Atty. General, John C. Neiman, Jr, (334) 353-2187

- 1100726 Ex parte Younus Ismail, M.D. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Randy Paradise and Joy Paradise v. Highlands Medical Center et al.) (Jackson Circuit Court: CV-08-00050).

**Petition Granted. Writ Issued.**

Circuit Judge, John Henninger Graham, (256) 574-9345  
Pet. Atty., Lee T. Clanton, (205) 980-5000  
Resp. Atty., Jasper P. Juliano, (205) 326-6600

Resp. Atty., Brent L. Parker, (256) 728-3579  
Resp. Atty., Deborah Ann Wakefield, (205) 326-6600

- 1100855 Ex parte Selby K. Rushing, Jr. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Susan Schein Chrysler Dodge, Inc. v. Selby K. Rushing, Jr.) (Shelby Circuit Court: CV-08-551; Civil Appeals : 2091112).

**Writ Denied. No Opinion.**

Circuit Judge, Hewitt Lawrence Conwill, (205) 669-3800  
Pet. Atty., Edwin L Brobston, (205) 425-4361  
Pet. Atty., Stan Brobston, (205) 425-4361  
Resp. Atty., Robert A. Huffaker, (334) 206-3217  
Resp. Atty., Robert Austin Huffaker, Jr, (334) 206-3126  
Resp. Atty., David M. Wilson, (205) 252-4441

- 1100957 Ex parte E.K. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: E.K. v. Madison County Department of Human Resources) (Madison Juvenile Court: JU-08-1584.02; Civil Appeals : 2100210).

**Writ Denied. No Opinion.**

- 1091582 MPQ, Inc. d/b/a Freedom Enterprises v. Birmingham Realty Company (Appeal from Shelby Circuit Court: CV-2010-130).

**Dismissed with instructions.**

Circuit Judge, Hub Harrington, (205) 669-3810  
Apl. Atty., Ralph Jeffrey Bolen, (205) 879-9493  
Aple. Atty., Ed R. Haden, (205) 226-8795  
Aple. Atty., Shannon D. Hutchings, (205) 873-0071  
Aple. Atty., Jason B. Tompkins, (205) 251-8100

- 1091583 Birmingham Realty Company v. MPQ, Inc. d/b/a Freedom Enterprises (Appeal from Shelby Circuit Court: CV-2010-130).

**Dismissed with instructions.**

Circuit Judge, Hub Harrington, (205) 669-3810  
Apl. Atty., Shannon D. Hutchings, (205) 873-0071  
Aple. Atty., Ralph Jeffrey Bolen, (205) 879-9493

**PER CURIAM**

- 1100393 Ex parte Tellabs Operations, Inc. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Tellabs Operations, Inc. v. City of Bessemer) (Montgomery Circuit Court: CV-10-1313).

**Petition granted; Writ issued.**

Circuit Judge, Michael Gerard Graffeo, (205) 325-5644  
Circuit Judge, William A. Shashy, (334) 832-1370  
Pet. Atty., Blake A Madison, (205) 344-5000  
Pet. Atty., David E. Rains, (205) 344-5000  
Resp. Atty., Ralph E. Coleman, Jr, (205) 447-0599  
Resp. Atty., J. Bentley Owens, III, (205) 868-6000  
Resp. Atty., Benjamin T. Presley, (205) 868-6000

## ON REHEARING

1081434 N.C. v. P.R. Caldwell (Appeal from Tallapoosa Circuit Court: CV-07-900015).

**Application Overruled. No Opinion.**

1091301 Town Of Boligee, Alabama v. Greene County Water & Sewer Authority (Appeal from Greene Circuit Court: CV-08-28).

**Application Overruled. No Opinion.**

Circuit Judge, Eddie Hardaway, Jr., (205) 652-6169

Aplt. Atty., Booker Forte, (205) 242-0718

Aple. Atty., Holly H Bazemore, (205) 980-5000

Aple. Atty., William Dudley Motlow, Jr, (205) 980-5000

Aple. Atty., Jason B. Tingle, (205) 980-5000

Amicus Aplt. Asst. District Atty., Tracy L. Roberts, (334) 262-2566

1100645 Ex parte Wachovia Bank, N.A. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Tameka Floyd and Unique Image Pro Car Care v. Wachovia Bank et al.) (Macon Circuit Court: CV-09-28).

**Application Overruled. No Opinion.**

Circuit Judge, Steven R. Perryman, (334) 756-3800

Pet. Atty., Marianne Combs, (205) 250-8339

Pet. Atty., Floyd D. Gaines, (205) 328-0480

Pet. Atty., W. Patton Hahn, (205) 250-8366

Resp. Atty., Fred David Gray, (334) 727-4830

Resp. Atty., Stanley F. Gray, (334) 727-4830

Resp. Atty., Charles James, II, (334) 727-0060