



**LIST OF DECISIONS ANNOUNCED BY  
THE SUPREME COURT OF ALABAMA  
ON FRIDAY, SEPTEMBER 17, 2010**

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**Lyons, J.**

- 1091420 Ex parte Geico Casualty Company. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Aundrea Pritchett v. Clifford Paparella and Geico Casualty Company) (Clarke Circuit Court: CV-08-900104).

**Petition Granted. Writ Issued.**

Circuit Judge, Gaines C. McCorquodale, (251) 275-8363  
Pet. Atty., Kathryn W. Drey, (251) 338-2721  
Pet. Atty., Jason R. Watkins, (251) 338-2721  
Resp. Atty., Wyman Oscar Gilmore, Jr, (251) 275-3115  
Resp. Atty., Gordon Kevin Howell, (251) 847-2237  
Resp. Atty., K. Scott Stapp, (334) 289-1384

- 1081809 Gulf Beach Hotel, Inc. v. Gulf State Park Authority et al. (Appeal from Montgomery Circuit Court: CV-05-1409).

**Motion to Dismiss Appeal Denied; Affirmed.**

Circuit Judge, Eugene W. Reese, (334) 832-1360  
Apl. Atty., William J Baxley, (205) 271-1100  
Apl. Atty., Joel Evan Dillard, (205) 271-1100  
Apl. Atty., Shannon L. Holliday, (334) 834-1180  
Apl. Atty., Elizabeth Wood McElroy, (205) 271-1100  
Apl. Atty., Robert D Segall, (334) 834-1180  
Aple. Asst. Atty. General, J. Matt Bledsoe, (334) 242-7443  
Aple. Atty., Benjamin H. Albritton, (334) 242-7555  
Aple. Atty., William Adams Gunter, IV, (334) 242-3254  
Aple. Atty., Albert L. Jordan, (205) 870-0555  
Aple. Atty., A. Lee Miller, (334) 213-2323  
Aple. Atty., James L. North, (205) 251-0252  
Aple. Atty., Kirkland E Reid, (251) 439-7513

- 1081811 Gulf Beach Hotel, Inc. v. Gulf State Park Authority et al. (Appeal from Montgomery Circuit Court: CV-05-1804).

**Motion to Dismiss Appeal Denied; Affirmed.**

Circuit Judge, Eugene W. Reese, (334) 832-1360  
Apl. Atty., William J Baxley, (205) 271-1100  
Apl. Atty., Joel Evan Dillard, (205) 271-1100  
Apl. Atty., Shannon L. Holliday, (334) 834-1180  
Apl. Atty., Elizabeth Wood McElroy, (205) 271-1100  
Apl. Atty., Robert D Segall, (334) 834-1180  
Aple. Asst. Atty. General, J. Matt Bledsoe, (334) 242-7443  
Aple. Atty., Benjamin H. Albritton, (334) 242-7555  
Aple. Atty., William Adams Gunter, IV, (334) 242-3254

Aple. Atty., Albert L. Jordan, (205) 870-0555  
Aple. Atty., A. Lee Miller, (334) 213-2323  
Aple. Atty., James L. North, (205) 251-0252  
Aple. Atty., Kirkland E Reid, (251) 439-7513

## **Woodall, J.**

1090665 Bruce S. Payne v. Mutual Savings Life Insurance Company (Appeal from Morgan Circuit Court: CV-09-900336).

### **Affirmed.**

Circuit Judge, Steven Ellis Haddock, (256) 351-4750  
Aplt. Atty., Bert Allen, (205) 941-0356  
Aplt. Atty., Carl Chamblee, Jr, (205) 856-9111  
Aple. Atty., William H Brooks, (205) 581-0758  
Aple. Atty., Kevin E. Clark, (205) 581-0700

1091052 Ex parte Alfonzo Morris. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Alfonzo Morris v. State of Alabama) (Jefferson Circuit Court: CC97-5397; Criminal Appeals : CR-07-1997).

### **Writ Denied. No Opinion.**

Circuit Judge, Tommy Nail, (205) 327-8205  
Pet. Atty. - Pro Hac, Anna P. Engh, (202) 662-6000  
Pet. Atty. - Pro Hac, Gregory M. Lipper, (202) 662-6000  
Pet. Atty., Randall S. Susskind, (334) 269-1803  
Resp. Atty. General, Troy Robin King, (334) 242-7401  
Resp. Asst. District Atty., Joshua Bearden, (334) 242-7300

1090041 Gary A. Soutullo et al. v. Mobile County, Alabama (Appeal from Mobile Circuit Court: CV-06-3919).

### **Affirmed.**

Circuit Judge, Joseph S. Johnston, (251) 574-8685  
Aplt. Atty., Herndon NMN Inge, III, (251) 432-1444  
Aple. Atty., C. Mark Erwin, (251) 432-8120  
Aple. Atty., Deena Renee Tyler, (251) 432-8120

1090622 Gary A. Soutullo et al. v. Mobile County, Alabama (Appeal from Mobile Circuit Court: CV-06-3919).

### **Affirmed.**

Circuit Judge, Joseph S. Johnston, (251) 574-8685  
Aplt. Atty., Herndon NMN Inge, III, (251) 432-1444  
Aple. Atty., C. Mark Erwin, (251) 432-8120  
Aple. Atty., Deena Renee Tyler, (251) 432-8120

1090932 Gary A. Soutullo et al. v. Mobile County, Alabama (Appeal from Mobile Circuit Court: CV-06-3919).

### **Affirmed.**

Circuit Judge, Joseph S. Johnston, (251) 574-8685  
Aplt. Atty., Herndon NMN Inge, III, (251) 432-1444  
Aple. Atty., C. Mark Erwin, (251) 432-8120  
Aple. Atty., Deena Renee Tyler, (251) 432-8120

## Smith, J.

- 1090414 Kimberly R. Kiker, Administratrix of the Estate of Christopher A. Kiker, deceased v. Probate Court of Mobile County (Appeal from Mobile Probate Court: No. 06-2415).

### **Remanded With Directions.**

Probate Judge, Don Davis, (251) 574-8461  
Pet. Atty., Michael S McGlothren, (251) 928-9181  
Pet. Atty., Kevin Matthew Robson, (251) 648-8273  
Aple. Atty., J. Michael Druhan, Jr., (251) 432-0738  
Resp. Atty., Jason Hagmaier, (251) 432-0738  
Aple. Atty., James Crowell Johnston, (251) 432-0738  
Aple. G. A. L., Jean M. Powers, (251) 432-0043

## Parker, J.

- 1081697 Ex parte Ralph Tucker. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Ralph Tucker v. State of Alabama) (Jefferson Circuit Court: CC-92-5063.80; Criminal Appeals : CR-07-0434).

### **Writ Quashed. No Opinion.**

- 1090239 Ex parte State of Alabama. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Larry Richard Chavers v. State of Alabama) (Escambia Circuit Court: CC-04-320; Criminal Appeals : CR-06-0755).

### **Writ Denied. No Opinion.**

## Murdock, J.

- 1080915 Harlan Home Builders, Inc., et al. v. Chris W. Hayslip and The Townes of North River Development Company, LLC (Appeal from Tuscaloosa Circuit Court: CV-08-900045).

### **Dismissed.**

Circuit Judge, John England, (205) 349-3870  
Aplt. Atty., Gregory A. Brockwell, (205) 803-0051  
Aplt. Atty., Andrew P. Campbell, (205) 803-0051  
Aple. Atty., Victor L Hayslip, (205) 251-3000  
Aple. Atty., Brent D Hitson, (205) 251-3000  
Aple. Atty., William Eugene Rutledge, (205) 969-2868

- 1081478 Ex parte Kerry Spencer. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Kerry Spencer v. State of Alabama) (Jefferson Circuit Court: CC04-4129; CC04-4130; CC04-4131; CC04-4132; CC04-4383; Criminal Appeals : CR-04-2570).

### **Writ Denied. No Opinion.**

Circuit Judge, Tommy Nail, (205) 327-8205  
Pet. Atty., Charles Allen Flowers, (205) 933-5060  
Resp. Atty. General, Troy Robin King, (334) 242-7401  
Resp. Asst. Atty. Gen., Beth Jackson Hughes, (334) 242-7392

1091192 Ex parte American Resources Insurance Company, Inc. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: American Resources Insurance Company, Inc. v. Restoration Coatings & Sealants, Inc.) (Mobile Circuit Court: CV-10-900339).

**Petition Granted. Writ Issued.**

Circuit Judge, Charles A. Graddick, (251) 574-5639  
Pet. Atty., Micheal S. Jackson, (334) 834-5311  
Resp. Atty., Tom Burgess, (205) 715-4466

**PER CURIAM**

1080619 I.C.E. Contractors, Inc. v. Martin & Cobey Construction Company, Inc. (Appeal from Limestone Circuit Court: CV-08-900189).

**Reversed And Remanded.**

Circuit Judge, James W. Woodroof, (256) 233-6410  
Apl. Atty., John R. Baggette, (256) 536-1711  
Aple. Atty., Allen L. Anderson, (256) 536-0095  
Aple. Atty., Walter A. Dodgen, (256) 551-0171  
Aple. Atty., Michael L. Fees, (256) 536-0095  
Aple. Atty., Stacy L. Moon, (256) 536-0095

1081387 Ex parte Moses Jackson, Jr. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Moses Jackson, Jr. v. State of Alabama) (Elmore Circuit Court: CC02-255.61; Criminal Appeals : 071535).

**Writ Quashed. No Opinion.**

Circuit Judge, Ben A. Fuller, (334) 361-3766  
Resp. Atty. General, Troy Robin King, (334) 242-7401  
Resp. Asst. Gen. Counsel, John J. Davis, (334) 353-9131

1090565 Ex parte L.E.O. and P.O. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: L.E.O. and P.O. v. A.L. and J.I.P.) (Madison Juvenile Court: JU-07-1751.01; Civil Appeals : 2080395).

**Reversed And Remanded.**

1090891 Ex parte M & F Bank. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: M & F Bank v. First American Title Insurance Company) (Jefferson Circuit Court: CV-08-903787).

**Petition Denied.**

Circuit Judge, Tom King, Jr., (205) 325-5025  
Pet. Atty., Burt W. Newsome, (205) 747-1970  
Resp. Atty., Steven D. Altmann, (205) 250-8400  
Resp. Atty., Jesse P Evans, III, (205) 254-1431  
Resp. Atty., Michael Odom, (205) 254-1480  
Resp. Atty., Stephen Barganier Porterfield, (205) 930-5278  
Resp. Atty., Andre' Marcel Toffel, (205) 252-7115

1090986 Ex parte Dale Lester Weaver. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Dale Lester Weaver v. State of Alabama) (Mobile Circuit Court: CC80-1416.63; Criminal Appeals : CR-08-1946).

**Writ Denied. No Opinion.**

Circuit Judge, Roderick P. Stout, (251) 574-8482  
Resp. Atty. General, Troy Robin King, (334) 242-7401  
Resp. Asst. Atty. General, Robin Denise Scales, (334) 242-4275

## ON REHEARING

1070925 Ex parte Alabama Department of Revenue. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Kimberly-Clark Corporation and Kimberly-Clark Worldwide, Inc. v. Alabama Department of Revenue) (Montgomery Circuit Court: CV-03-994 and CV-03-2157; Civil Appeals : 2061117).

**Application Overruled; Opinion of February 26, 2010, Modified [by substitution of page 5]. No Opinion.**

Circuit Judge, Johnny Hardwick, (334) 832-1380  
Pet. Atty. General, Troy Robin King, (334) 242-7401  
Pet. Asst. Atty. General, Mark Douglas Griffin, (334) 242-9690  
Pet. Atty., Ron Bowden, (334) 242-9690  
Pet. Atty., Jeffrey Earl Patterson, (334) 215-4446  
Resp. Atty., Marc James Ayers, (205) 521-8598  
Resp. Atty., Bruce P. Ely, (205) 521-8000  
Resp. Atty., Christopher R. Grissom, (205) 521-8000  
Resp. Atty., Joseph B. Mays, Jr, (205) 521-8433  
Amicus Resp. Atty., Matthew Clay McDonald, (251) 432-1414

1081428 A.W., a minor child, by and through her next friend Kelli Hogeland, and W.B., a minor child, by and through his next friend Shara Fortenberry v. J. Walter Wood, Jr., in his capacity as executive director of the Department of Youth Services, et al. (Appeal from Montgomery Circuit Court: CV-08-900530).

**Application Overruled. No Opinion.**

1090875 Ex parte Hazel Stutts. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Hazel M. Stutts, individually, and Hazel M. Stutts, by Virginia L. Gester, her attorney-in-fact v. Joshua D. Vacik, M.D, et al.) (Colbert Circuit Court: CV-07-102).

**Application Overruled. No Opinion.**

Special TC Judge, Harold V. Hughston, Jr., (256) 386-8526  
Pet. Atty., Robert J Harris, (256) 275-4852  
Pet. Atty., Stephen Shay Samples, (205) 328-5330  
Resp. Atty., Joseph L. Reese, Jr, (205) 868-6000  
Resp. Atty., Randall H. Sellers, (205) 868-6000