



**LIST OF DECISIONS ANNOUNCED BY
THE SUPREME COURT OF ALABAMA
ON FRIDAY, OCTOBER 16, 2009**

Cobb, C.J.

1080212 Ex parte Anthony Lamar Henderson. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Anthony Lamar Henderson v. Beverly H. Henderson) (Lauderdale Circuit Court: DR-06-27; Civil Appeals : 2070108).

Writ Quashed. No Opinion.

Circuit Judge, Ned Michael Suttle, (256) 760-5820
Pet. Atty., Lindsey Mussleman Davis, (256) 766-0503
Resp. Atty., Robert H. McKenzie, (256) 757-3587

Lyons, J.

1080780 White Smile USA, Inc. and D'Markos, L.L.C. v. Board of Dental Examiners of Alabama (Appeal from Montgomery Circuit Court: CV-08-153).

Affirmed.

Circuit Judge, Tracy S. McCooley, (334) 832-1365
Aplt. Atty., Algert S. Agricola, Jr, (334) 834-5290
Aplt. Atty., Shannon L. Holliday, (334) 834-1180
Aplt. Atty., Robert D Segall, (334) 834-1180
Aple. Atty., Hendon Blaylock, (334) 240-2421
Amicus Aplt. Atty., Marcus Lee, (205) 326-6600
Amicus Aplt. Atty. - Pro Hac, William H. Mellor, (703) 682-9321
Amicus Aplt. Atty. - Pro Hac, Clark M. Neily, III, (703) 682-9320
Amicus Aplt. Atty. - Pro Hac, Paul M. Sherman, (703) 682-9320
Amicus Aple. Atty., Deborah Alley Smith, (205) 250-6627

Woodall, J.

1071704 Smithkline Beecham Corporation d/b/a Glaxosmithkline v. State of Alabama (Appeal from Montgomery Circuit Court: CV-05-219.68).

Reversed And Judgment Rendered.

Circuit Judge, Charles Price, (334) 832-1331
Aplt. Atty., Marc James Ayers, (205) 521-8598
Aplt. Atty., Andrew Lynn Brasher, (205) 521-8339
Aplt. Atty., Matthew Howard Lembke, (205) 521-8560
Aplt. Atty., Kevin C. Newsom, (205) 521-8803
Aplt. Atty. - Pro Hac, Chilton Davis Varner, (404) 572-4600
Aple. Atty. General, Troy R. King, (334) 242-7300
Aple. Atty., Roger L. Bates, (205) 324-4400
Aple. Atty., Jere L. Beasley, (334) 269-2343
Aple. Atty., Windy C Bitzer, (251) 694-6263

Aple. Atty., Clinton Chadwell Carter, (334) 269-2343
Aple. Atty., W. Daniel Miles, III, (334) 269-2343
Aple. Atty., Caine (nmn) O'Rear, III, (251) 694-6308
Aple. Atty., A. Clay Rankin, (251) 432-5511
Amicus Aplt. Atty., Helen Johnson Alford, (251) 415-9214
Amicus Aplt. Atty., Scott Samuel Brown, (205) .25-4.12
Amicus Aplt. Atty., Joana S. Ellis, (334) 834-7600
Amicus Aplt. Atty., Fournier J. Gale, III, (205) 254-1033
Amicus Aplt. Atty., Matthew C. McDonald, (251) 439-7514
Amicus Aplt. Atty., Kirkland E Reid, (251) 439-7513
Amicus Aplt. Atty. - Pro Hac, Richard A. Samp, (202) 588-0302
Amicus Aple. Atty. - Pro Hac, Kelly Bagby, (202) 434-2060
Amicus Aple. Atty. - Pro Hac, Stacy J. Canan, (202) 434-2060
Amicus Aple. Atty., Samuel N. Crosby, (251) 626-6696
Amicus Aple. Atty., George R. Irvine, III, (251) 626-6696
Amicus Aple. Atty. - Pro Hac, Frank D. Remington, (608) 266-3542
Amicus Aple. Atty. - Pro Hac, Michael Schuster, (202) 434-2060
Amicus Aple. Atty., Frank M Wilson, (334) .26-3.25

1071759 Novartis Pharmaceuticals Corporation v. State of Alabama (Appeal from Montgomery Circuit Court: CV-05-219.52).

Reversed And Judgment Rendered.

Circuit Judge, Charles Price, (334) 832-1331
Aplt. Atty., William D. Coleman, (334) 241-8000
Aplt. Atty. - Pro Hac, Mark Godler, (212) 836-8000
Aplt. Atty., Nikaa Baugh Jordan, (205) 581-0745
Aplt. Atty., M. Christian King, (205) 581-0700
Aplt. Atty. - Pro Hac, Samuel Lonergan, (212) 836-8000
Aplt. Atty. - Pro Hac, Saul P. Morgenstern, (212) 836-8000
Aplt. Atty. - Pro Hac, Jane W. Parver, (212) 836-8689
Aplt. Atty., Harlan I Prater, IV, (205) 581-0720
Aplt. Atty., Craig Neil Rosler, (205) 581-5806
Aplt. Atty., James Northcutt Walter, Jr, (334) 241-8066
Aple. Atty. General, Troy R. King, (334) 242-7300
Aple. Atty., Roger Bates, (205) 324-4400
Aple. Atty., Jere L. Beasley, (334) 269-2343
Aple. Atty., Windy C Bitzer, (251) 694-6263
Aple. Atty., Clinton Chadwell Carter, (334) 269-2343
Aple. Atty., Nikaa Baugh Jordan, (205) 581-0745
Aple. Atty., Caine (nmn) O'Rear, III, (251) 694-6308
Aple. Atty., A. Clay Rankin, (251) 432-5511
Amicus Aplt. Atty., Helen Johnson Alford, (251) 415-9214
Amicus Aplt. Atty., Scott Samuel Brown, (205) .25-4.12
Amicus Aplt. Atty., Joana S. Ellis, (334) 834-7600
Amicus Aplt. Atty., Fournier J. Gale, III, (205) 254-1033
Amicus Aple. Atty., Kelly Bagby, (202) 434-2060
Amicus Aple. Atty., Stacy J. Canan, (202) 434-2060
Amicus Aple. Atty., Samuel N. Crosby, (251) 626-6696
Amicus Aple. Atty., George R. Irvine, III, (251) 626-6696
Amicus Aple. Atty. - Pro Hac, Frank D. Remington, (608) 266-3542
Amicus Aple. Atty., Michael Schuster, (202) 434-2060
Amicus Aple. Atty., Frank M Wilson, (334) .26-3.25

1071439 AstraZeneca LP and Astrazeneca Pharmaceuticals LP v. The State of Alabama
(Appeal from Montgomery Circuit Court: CV-05-219.10).

Reversed And Judgment Rendered.

Circuit Judge, Charles Price, (334) 832-1331
Aplt. Atty., William J Baxley, (205) 271-1100
Aplt. Atty., Thomas W. Christian, (205) 795-6588
Aplt. Atty., Lynn S Darty, (205) 795-6588
Aplt. Atty., Charles A. Dauphin, (205) 271-1100
Aplt. Atty., Joel Evan Dillard, (205) 271-1100
Pet. Atty. - Pro Hac, Mark E. Haddad
Aplt. Atty. - Pro Hac, Kimberly D. Harris
Pet. Atty. - Pro Hac, Paul K. Kalb
Pet. Atty. - Pro Hac, Carter G. Phillips, (202) 736-8270
Pet. Atty. - Pro Hac, Nitrin Reddy
Aplt. Atty., Deborah Alley Smith, (205) 250-6627
Aplt. Atty., Sharon D. Stuart
Aplt. Atty. - Pro Hac, D. Scott Wise, (212) 450-4000
Aplt. Atty. - Pro Hac, Paul J. Zidlicky, (202) 736-8000
Aple. Atty. General, Troy R. King, (334) 242-7300
Aple. Atty., Roger L. Bates, (205) 324-4400
Aple. Atty., Jere L. Beasley, (334) 269-2343
Aple. Atty., Windy C Bitzer, (251) 694-6263
Aple. Atty., Clinton Chadwell Carter, (334) 269-2343
Aple. Atty., W. Daniel Miles, III, (334) 269-2343
Aple. Atty., Caine (nmn) O'Rear, III, (251) 694-6308
Amicus Aplt. Atty., Helen Johnson Alford, (251) 415-9214
Amicus Aplt. Atty., Mary Margaret Bailey, (251) 431-6020
Amicus Aplt. Atty., David A. Balto, (202) 789-5424
Amicus Aplt. Atty. - Pro Hac, Mark A. Behrens, (202) 783-8400
Amicus Aplt. Atty., Joana S. Ellis, (334) 834-7600
Amicus Aplt. Atty., Gregory H. Hawley, (205) 323-1888
Amicus Aplt. Atty., Matthew C. McDonald, (251) 439-7514
Amicus Aplt. Atty., John Rector, (703) 683-8200
Amicus Aplt. Atty., Kirkland E Reid, (251) 439-7513
Amicus Aplt. Atty. - Pro Hac, Cary Silverman, (202) 783-8400
Amicus Aplt. Atty., William H. Webster, (334) 264-9472
Amicus Aple. Atty. - Pro Hac, Kelly Bagby, (202) 434-2060
Amicus Aple. Atty. - Pro Hac, Stacy J. Canan, (202) 434-2060
Amicus Aple. Atty., Samuel N. Crosby, (251) 626-6696
Amicus Aple. Atty., George R. Irvine, III, (251) 626-6696
Amicus Aple. Atty. - Pro Hac, Frank D. Remington, (608) 266-3542
Amicus Aple. Atty. - Pro Hac, Michael Schuster, (202) 434-2060
Amicus Aple. Atty., Frank M Wilson, (334) .26-3.25

1071440 AstraZeneca LP and Astrazeneca Pharmaceuticals LP v. The State of Alabama
(Appeal from Montgomery Circuit Court: CV-05-219.11).

Reversed And Judgment Rendered.

Circuit Judge, Charles Price, (334) 832-1331
Aplt. Atty., William J Baxley, (205) 271-1100
Aplt. Atty., Thomas W. Christian, (205) 795-6588
Aplt. Atty., Lynn S Darty, (205) 795-6588
Aplt. Atty., Charles A. Dauphin, (205) 271-1100
Aplt. Atty., Joel Evan Dillard, (205) 271-1100
Aplt. Atty., Kimberly D. Harris

Aplt. Atty., Sharon D. Stuart
Aplt. Atty., D. Scott Wise, (212) 450-4000
Aple. Atty., Roger Bates, (205) 324-4400
Aple. Atty., Jere L. Beasley, (334) 269-2343
Aple. Atty., Windy C Bitzer, (251) 694-6263
Aple. Atty., Clinton Chadwell Carter, (334) 269-2343
Aple. Atty., W. Daniel Miles, III, (334) 269-2343
Aple. Atty., Caine (nmn) O'Rear, III, (251) 694-6308

1080981 Ex parte Stan Simpson, individually and as mayor of the Town of Gurley. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: M&N Metals, Inc. v. Town of Gurley et al.) (Madison Circuit Court: CV-05-731).

Petition Granted In Part; Denied In Part. Writ Issued.

1081027 Ex parte Town of Gurley. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: M&N Materials, Inc. v. Town of Gurley et al.) (Madison Circuit Court: CV-05-731).

Petition Granted In Part; Denied In Part. Writ Issued.

Stuart, J.

1080443 StoneMor Alabama, LLC and StoneMor Alabama Supply Subsidiary, Inc. v. Michelle Summers (Appeal from Russell Circuit Court: CV-08-90009).

Reversed And Remanded.

Circuit Judge, Albert Johnson, (334) 297-1366
Aplt. Atty., C. Lee Reeves, (205) 930-5100
Aplt. Atty., Anthony R. Smith, (205) 930-5100
Aple. Atty., Richard L. Cross, Jr, (334) 298-4994
Aple. Atty., Richard E. Flowers, (706) 596-8100

1081084 Ex parte City of Prichard, Ron Davis and Darlene Lewis. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: L & J Dirt, Inc. v. City of Prichard, Ron Davis and Darlene Lewis) (Mobile Circuit Court: CV-08-900928).

Petition Denied. No Opinion.

Circuit Judge, Charles A. Graddick, (251) 574-5639
Pet. Atty., Mark L. Redditt, (251) 432-9772
Resp. Atty., Vaughan Drinkard, Jr, (251) 665-7200
Resp. Atty., C. Mark Erwin, (251) 432-8120
Resp. Atty., Michael M. Linder, Jr, (251) 665-7200
Resp. Atty., Brian Thomas Pugh, (251) 432-8120
Resp. Atty., Frank G. Taylor, (251) 665-7200

Smith, J.

1081678 Ex parte J. V. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: J. V. v. Mobile County Department of Human Resources) (Mobile Juvenile Court: JU-07-384.92 and JU-07-1783.92; Civil Appeals : 2071168).

Writ Denied. No Opinion.

Bolin, J.

1080559 Reginald Riggins v. Alabama Board of Pardons and Paroles (Appeal from Montgomery Circuit Court: CV-08-1462).

Affirmed. No Opinion.

Circuit Judge, William A. Shashy, (334) 832-1370
Aple. Asst. Gen. Counsel, Steven Mallette Sirmon, (334) 242-8714
Aple. Atty., Gregory O. Griffin, Sr., (334) 242-8700

1080616 Excel Health Services of Alabama, Inc. v. Leigh M. Hackney (Appeal from Talladega Circuit Court: CV-02-709).

Affirmed. No Opinion.

Circuit Judge, Jack W. Meigs, (205) 926-3120
Apl. Atty., Richard M Kemmer, Jr, (205) 926-5304
Aple. Atty., Stephen R. Arnold, (205) 323-1888
Aple. Atty., Mark D. Owsley, (256) 362-1821

1081281 Ex parte Gary Lamont Sampson. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Gary Lamont Sampson v. State of Alabama) (Henry Circuit Court: CC08-94; Criminal Appeals : CR-08-0525).

Writ Denied. No Opinion.

Circuit Judge, S. Edward Jackson, (334) 677-4854
Pet. Atty., Warren "Bo" Burke, Jr, (205) 980-4733
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Michael G. Dean, (334) 353-0415

1081294 Ex parte Joseph Benjamin Willis. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Joseph Benjamin Willis v. State of Alabama) (Houston Circuit Court: CC-06-826; Criminal Appeals : CR-07-1622).

Writ Denied. No Opinion.

1081300 Ex parte Christopher S. Hatch. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Christopher S. Hatch v. NTW Incorporated d/b/a National Tire and Battery Company) (Jefferson Circuit Court: CV-06-6255; Civil Appeals : 2080029).

Writ Denied. No Opinion.

Circuit Judge, Robert S. Vance, Jr., (205) 325-5035
Pet. Atty., David Madison Tidmore, (205) 980-6065
Resp. Atty., Marion F. Walker, (205) 244-5900

1081367 Ex parte Mark W. Stemler. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Mark W. Stemler v. Heather Stemler) (Lee Circuit Court: DR-06-501; Civil Appeals : 2080021).

Writ Denied. No Opinion.

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

1081392 Ex parte Robert H. Hendon. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Robert H. Hendon v. State of Alabama) (Walker Circuit Court: CC97-252.61; Criminal Appeals : 080226).

Writ Denied. No Opinion.

Circuit Judge, Hugh D. Farris, (205) 384-7234

Resp. Atty. General, Troy King, (334) 242-7300
Resp. Asst. Atty. General, William Duncan Little, (334) 242-4162

- 1081414 Ex parte Bishop State Community College. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Bishop State Community College v. Henry R. Douglas) (: FMCS: 08-00835; Civil Appeals : 2071097).

Writ Denied. No Opinion.

Pet. Atty., Jeffrey Garrett Miller, (251) 432-1671
Pet. Atty., David M. O'Brien, (251) 432-1671
Resp. Atty., Henry Harris Caddell, (251) 478-8880
Resp. Atty., Sam Heldman, (202) 965-8884

Parker, J.

- 1050833 Quality of Life Health Services, Inc. v. Carol A. Herrmann et al. (Appeal from Montgomery Circuit Court: CV-05-1823).

Affirmed. No Opinion.

Circuit Judge, Eugene W. Reese, (334) 832-1360
Apl. Atty., Carla Cole Gilmore, (334) 244-1111
Apl. Atty., Simeon F. Penton, (334) 244-1111
Aple. Asst. Atty. General, Stephanie McGee Azar, (334) 242-5740
Aple. Dep. Atty. General, William O. Butler, (334) 242-5740
Aple. Asst. Atty. General, Mose Stuart, (334) 242-4516
Aple. Atty., C. Lee Reeves, (205) 930-5100

Murdock, J.

- 1081488 Ex parte Charles Barnett Craig. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Charles Barnett Craig v. State of Alabama) (Jefferson Circuit Court: CC04-2230.60; Criminal Appeals : CR-07-0627).

Writ Denied. No Opinion.

Circuit Judge, Teresa Tanner Pulliam, (205) 325-5329
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. Gen., Yvonne A.H. Saxon, (334) 242-7376

PER CURIAM

- 1061725 Christopher S. Chiepalich and Elizabeth W. Chiepalich v. Harwell E. Coale, Jr. (Appeal from Mobile Circuit Court: CV-06-3617).

Reversed And Remanded.

Circuit Judge, Robert Herschel Smith, (251) 574-8485
Apl. Atty., John Ronald Spencer, (251) 445-0590
Aple. Atty., Christopher A. Bailey, (251) 246-9015
Aple. Atty., Joseph C. McCorquodale, III, (251) 246-9015
Aple. Atty., Joseph David Steadman, (251) 690-9300

ON REHEARING

1051429 Faye B. Gilmer v. Crestview Memorial Funeral Home, Inc., et al. (Appeal from Jefferson Circuit Court: CV-03-7980).

Application Overruled. No Opinion.

Circuit Judge, Helen Shores Lee, (205) 325-5635
Aplt. Atty., Chris Cochran, (205) 322-8880
Aple. Atty., Franklin L. Bell
Aple. Atty., Robert Larry Bradford, (205) 871-7733
Aple. Atty., John Martin Galese, (205) 870-0663
Aple. Atty., Jeffrey Ingram, (205) 870-0663
Aple. Atty., Allan Sidney Jones, (205) 822-2006
Aple. Atty., Shane T. Sears, (205) 871-7733
Aple. Atty., Bert P. Taylor, (251) 981-8430

1070296 Brasfield & Gorrie, LLC v. Soho Partners, LLC (Appeal from Jefferson Circuit Court: CV-07-900648).

Application Overruled. No Opinion.

Circuit Judge, Houston Brown, (205) 325-5367
Aplt. Atty., Marc James Ayers, (205) 521-8598
Aplt. Atty., Joseph B. Mays, Jr., (205) 521-8000
Aplt. Atty., Darrell Clay Tucker, II, (205) 521-8356
Aple. Atty., Nicole Mapp Hardee, (205) 871-5777
Aple. Atty., James A. Harris, III, (205) 871-5777

1071690 City of Montgomery, Alabama v. Town of Pike Road and Gordon Stone, in his official capacity as mayor of the Town of Pike Road (Appeal from Montgomery Circuit Court: CV-07-900684).

Application Overruled. No Opinion.

Circuit Judge, William A. Shashy, (334) 832-1370
Aplt. Atty., Walter R. Byars, (334) 832-8800
Aplt. Atty., Joseph C. Espy, III, (334) 263-6621
Aplt. Atty., Kim Fehl, (334) 241-2050
Aplt. Atty., Flynn Mazingo, (334) 263-6621
Aple. Atty., Susan G. Copeland, (334) 270-0020
Aple. Atty., James Doyle Fuller, (334) 270-0020