



**LIST OF DECISIONS ANNOUNCED BY
THE SUPREME COURT OF ALABAMA
ON WEDNESDAY, NOVEMBER 25, 2009**

Cobb, C.J.

- 1071709 Ex parte Gary Cowley. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Gary Cowley v. City of Trussville) (Trussville Municipal Court: TR06-2937; Criminal Appeals : CR-07-0099).

Reversed And Remanded.

Municipal Ct. Judge, Carl E. Chamblee, Jr., (205) 856-9111
Pet. Atty., Mark David Erdberg, (205) 323-4500
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Atty., Burgin H. Kent, (205) 251-2881
Resp. Atty., Lucy Hester Sellers, (205) 251-2881

- 1080173 Ruby Wilkerson v. Harold L. Cole (Appeal from Jackson Circuit Court: CV-01-179).

Affirmed. No Opinion.

Circuit Judge, Jenifer C. Holt, (205) 574-9350
Apl. Atty., Stephen Paul Bussman, (256) 845-7900
Aple. Atty., John F. Porter, III, (256) 574-5156

- 1080622 Richard Lawley v. Danville Regional Health System (Appeal from Shelby Circuit Court: CV-08-900680).

Affirmed. No Opinion.

Circuit Judge, Hewitt Lawrence Conwill, (205) 669-3800
Apl. Atty., William Hancock, (205) 250-5000
Aple. Atty., Justin A Barkley, (205) 458-9400
Aple. Atty., David W. Proctor, (205) 458-9400

- 1081446 Ex parte George Braxton Green. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: George Braxton Green v. State of Alabama) (Mobile Circuit Court: CC01-730.61; Criminal Appeals : CR-07-2216).

Writ Denied. No Opinion.

Circuit Judge, James C. Wood, (251) 574-8475
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. Gen., Jack William Willis, (334) 242-7326

- 1081686 Ex parte Bennie McEarl Carter. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Bennie McEarl Carter v. State of Alabama) (Jefferson Circuit Court: CC99-6395.65; Criminal Appeals : CR-08-1202).

Writ Denied. No Opinion.

Circuit Judge, Teresa Tanner Pulliam, (205) 325-5329

Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Robin Denise Scales, (334) 242-4275

- 1080180 Ex parte Infirmiry Health System, Inc. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Pleasure Island Ambulatory Center and Gary Ellis v. State Health Planning and Development Agency et al.) (Montgomery Circuit Court: CV-06-900050; Civil Appeals : 2070404, 2070424).

Writ Quashed.

Circuit Judge, Charles Price, (334) 832-1331
Pet. Atty., C. Mark Bain, (334) 263-6621
Pet. Atty., Dana H. Billingsley, (334) 265-1500
Pet. Atty., Flynn Mozingo, (334) 263-6621
Pet. Atty., Mark D. Wilkerson, (334) 265-1500
Pet. Atty., James E. Williams, (334) 263-6621
Resp. Atty., Wanda J. Cochran, (251) 767-6795
Resp. Atty., James David Martin, (334) 834-1180
Resp. Atty., G. Dennis Nabors, (334) 262-2000
Resp. Atty., Robert D Segall, (334) 834-1180
Amicus Pet. Atty., Charles R. Driggars, (205) 930-5100
Amicus Pet. Atty., Gregg Brantley Everett, (334) 272-8781
Amicus Pet. Atty., Lenora W. Pate, (205) 930-5100

- 1080183 Ex parte State Health Planning and Development Agency et al. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Gulf Shores, Alabama and Orange Beach, Alabama v. State Health Planning and Development Agency et al.) (Montgomery Circuit Court: CV-06-900050; Civil Appeals : 2070404, 2070424).

Writ Quashed.

Circuit Judge, Charles Price, (334) 832-1331
Pet. Atty., C. Mark Bain, (334) 263-6621
Pet. Atty., Dana H. Billingsley, (334) 265-1500
Pet. Atty., Flynn Mozingo, (334) 263-6621
Pet. Atty., Mark D. Wilkerson, (334) 265-1500
Pet. Atty., James E. Williams, (334) 263-6621
Resp. Atty., Wanda J. Cochran, (251) 767-6795

Stuart, J.

- 1080852 Ex parte Directory Assistants, Inc. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Directory Assistants, Inc. v. Cooke, Cameron, Travis and Company, P.C.) (Jefferson Circuit Court: CV-07-902773; Civil Appeals : 2080256).

Reversed And Remanded.

Circuit Judge, Edward L. Ramsey, (205) 325-5280
Pet. Atty., Benjamin S. Goldman, (205) 502-0142
Resp. Atty., Douglas L. McCoy, (251) 694-6255
Resp. Atty., Robert W Shores, (205) 841-1842

Bolin, J.

1080445 Charles M. Fogarty and Jane C. Fogarty v. Confederate Money, LLC, et al. (Appeal from Baldwin Circuit Court: CV-04-68.80).

Affirmed. No Opinion.

Circuit Judge, James Harvey Reid, Jr., (251) 937-0290
Aplt. Atty., Jennifer Leigh Evans, (251) 626-7704
Aplt. Atty., James B. Pittman, Jr., (251) 626-7704
Aple. Atty., Julian B. Brackin, Jr., (251) 943-4040
Aple. Atty., Julian Byron Brackin, III, (251) 943-4040
Aple. Atty., Allan R. Chason, (251) 937-2191
Aple. Atty., Gerald A. McGill, (850) 432-6000
Aple. Atty., Lloyd E. Taylor, (251) 947-3331

1080463 Confederate Money, LLC and Gary Southworth v. Charles M. Fogarty and Jane C. Fogarty (Appeal from Baldwin Circuit Court: CV-04-68.80).

Affirmed. No Opinion.

Circuit Judge, James Harvey Reid, Jr., (251) 937-0290
Aplt. Atty., Lloyd E. Taylor, (251) 947-3331
Aple. Atty., Allan R. Chason, (251) 937-2191
Aple. Atty., James B. Pittman, Jr., (251) 626-7704

ON REHEARING

1071238 Frank K. Bynum v. Angel Barker and GMAC Mortgage, LLC (Appeal from Jefferson Circuit Court, Bessemer Division: CV-07-1052).

Application Overruled. No Opinion.

Circuit Judge, Eugene R. Verin, (205) 481-4170
Aplt. Atty., Jesse P Evans, III, (205) 254-1431
Aplt. Atty., Michael B. Odom, (205) 251-1000
Aple. Atty., Guy V. Martin, Jr, (205) 802-1100

1080247 Bradley Byrne et al. v. Blaine Galliher et al. (Appeal from Montgomery Circuit Court: CV-07-900586).

**Application Granted in Part and Denied in Part; Opinion Withdrawn;
Opinion Substituted; Reversed and Remanded.**

Circuit Judge, Johnny Hardwick, (334) 832-1380
Aplt. Atty., Marc James Ayers, (205) 521-8598
Aplt. Atty., Roger L. Bates, (205) 324-4400
Aplt. Atty., Stephen N. Fitts, III, (205) 324-4400
Aplt. Atty., David G. Hymer, (205) 521-8289
Aplt. Atty., Mark T. Waggoner, (205) 324-4400
Aple. Atty., Jesse Cecil Gardner, (251) 433-8100
Aple. Atty., Fred D. Gray, Jr, (334) 727-4830
Aple. Atty., Sam Heldman, (202) 965-8884
Aple. Atty., Shannon L. Holliday, (334) 834-1180
Aple. Atty., Robert D Segall, (334) 834-1180
Aple. Atty., Edward Still, (205) 320-2882

1070875 Henry Collins, as administrator of the estate of April Collins, deceased v. Scenic Homes, Inc. et al. (Appeal from Madison Circuit Court: CV-04-2677).

Application Overruled. No Opinion. (Special Writing)

Circuit Judge, Loyd H. Little, Jr., (256) 532-3440
Aplt. Atty., Derek W Simpson, (256) 539-7575

Aplt. Atty., J. Barton Warren, (256) 539-7575
Aplt. Atty., Everett Wess, (205) 458-1100
Aple. Atty., Davis Barlow, (205) 980-5888
Aple. Atty., William H Brooks, (205) 581-0758
Aple. Atty., Ivan B Cooper, (205) 581-0717
Aple. Atty., Stephen V. Hammond, (256) 353-7031
Aple. Atty., Daniel S. Wolter, (205) 980-5888
Amicus Aple. Atty., Joana S. Ellis, (334) 834-7600
Amicus Aple. Atty., Michael Leon Jackson, (205) 874-0315
Amicus Aple. Atty., Matthew C. McDonald, (251) 439-7514
Amicus Aple. Atty., Oscar M. Price, III, (205) 874-0370
Amicus Aple. Atty., Kenneth S. Steely, (251) 439-7535
Amicus Aple. Atty., H. Harold Stephens, (256) 517-5100

1070975 Kevin Kilgore v. Scenic Homes, Inc. et al. (Appeal from Madison Circuit Court: CV-04-2678).

Application Overruled. No Opinion. (Special Writing)

Circuit Judge, Loyd H. Little, Jr., (256) 532-3440
Aplt. Atty., Derek W Simpson, (256) 539-7575
Aplt. Atty., J. Barton Warren, (256) 539-7575
Aplt. Atty., Everett Wess, (205) 458-1100
Aple. Atty., Davis Barlow, (205) 980-5888
Aple. Atty., William H Brooks, (205) 581-0758
Aple. Atty., Ivan B Cooper, (205) 581-0717
Aple. Atty., Stephen V. Hammond, (256) 353-7031
Aple. Atty., Daniel S. Wolter, (205) 980-5888

1070976 Michael Hopkins et al. v. Scenic Homes, Inc. et al. (Appeal from Madison Circuit Court: CV-05-718).

Application Overruled. No Opinion. (Special Writing)

Circuit Judge, Loyd H. Little, Jr., (256) 532-3440
Aplt. Atty., Derek W Simpson, (256) 539-7575
Aplt. Atty., J. Barton Warren, (256) 539-7575
Aplt. Atty., Everett Wess, (205) 458-1100
Aple. Atty., Davis Barlow, (205) 980-5888
Aple. Atty., William H Brooks, (205) 581-0758
Aple. Atty., Ivan B Cooper, (205) 581-0717
Aple. Atty., Stephen V. Hammond, (256) 353-7031
Aple. Atty., Daniel S. Wolter, (205) 980-5888