



**LIST OF DECISIONS ANNOUNCED BY  
COURT OF CIVIL APPEALS OF ALABAMA  
ON FRIDAY, APRIL 16, 2010**

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**PRESIDING JUDGE THOMPSON**

2081156 Howard Wells v. Roger Wells, as administrator of the estate of Sarah Frances Wells  
(Appeal from Etowah Circuit Court: CV-07-893)

**Reversed And Remanded.**

Circuit Judge, David A. Kimberley, (256) 439-6011  
Aplt. Atty., Misty Ledbetter, (256) 237-3615  
Aple. Atty., Dani Victor Bone, (256) 547-1005

2090048 James F. Neidhardt v. William K. Smith et al. (Appeal from Mobile Circuit Court:  
CV-07-1124)

**Affirmed. No Opinion.**

Circuit Judge, Joseph S Johnston, (251) 574-8685  
Aplt. Atty., John W. Parker, (251) 621-2216  
Aple. Atty., Mack B Binion, III, (251) 433-7600  
Aple. Atty., Christ N. Coumanis, (251) 433-7600  
Aple. Atty., Margaret McDowell Miller, (251) 433-7600

**JUDGE PITTMAN**

2080093 Fontaine Trailer Co., Inc., v. Steve M. Boyles (Appeal from Winston Circuit Court:  
CV-07-59)

**Affirmed. No Opinion.**

Circuit Judge, John H Bentley, (205) 921-2200  
Aplt. Atty., Robert Paul Fann, (205) 991-5045  
Aple. Atty., Matthew LeDuke, (205) 486-5296  
Aple. Atty., Jonathan Blake Lowe, (205) 486-5296

2080905 Lamiaa Lee v. Kenneth L. Lee, Jr. (Appeal from Etowah Circuit Court: DR-08-877)

**Affirmed In Part; Reversed In Part; And Remanded.**

Circuit Judge, William H Rhea, III, (256) 549-5317  
Aplt. Atty., Heather M. Bussey, (205) 322-6008  
Aple. Atty., Thomas A King, (256) 547-1117

2080256 Directory Assistants, Inc. v. Cooke, Cameron, Travis and Company, P.C. (Appeal from Jefferson Circuit Court: CV-07-902773)  
(Consolidated with 2081186.)

**Appeal Dismissed With Instructions After Remand From The Alabama Supreme Court.**

Circuit Judge, Edward L Ramsey, (205) 325-5280  
Aplt. Atty., Amelia T. Driscoll, (251) 432-5300  
Aplt. Atty., Richard M. Gaal, (251) 432-5300  
Aple. Atty., Robert W Shores, (205) 841-1842

2081186 Cooke, Cameron, Travis and Company, P.C. v. Directory Assistants, Inc. (Appeal from Jefferson Circuit Court: CV-09-1775)  
(Consolidated with 2080256.)

**Affirmed.**

Circuit Judge, G William Noble, (205) 325-5020  
Aplt. Atty., Robert W Shores, (205) 841-1842  
Aple. Atty., Amelia T. Driscoll, (251) 432-5300  
Aple. Atty., Richard M. Gaal, (251) 432-5300

**JUDGE BRYAN**

2080850 C.A.H. v. J.B.S. (Appeal from Talladega Juvenile Court: CV-09-79 and CS-06-100175.02)

**Reversed And Remanded With Instructions.**

2080953 Pleasure Island Ambulatory Surgery Center, LLC v. Alabama State Health Planning and Development Agency et al. (Appeal from Montgomery Circuit Court: CV-08-900782)

**Affirmed. No Opinion.**

Circuit Judge, Tracy McCooey, (334) 832-4950  
Aplt. Atty., Shannon L. Holliday, (334) 834-1180  
Aplt. Atty., James David Martin, (334) 834-1180  
Aplt. Atty., Robert D Segall, (334) 834-1180  
Aple. Atty., C. Mark Bain, (334) 263-6621  
Aple. Atty., Dana H Billingsley, (334) 265-1500  
Aple. Atty., Ray A. Carle, (205) 250-5003  
Aple. Atty., Laurence J. McDuff, (205) 250-5000  
Aple. Atty., James Flynn Mazingo, (334) 263-6621  
Aple. Atty., Mark D Wilkerson, (334) 265-1500  
Aple. Atty., James E. Williams, (334) 263-6621

2080996 Linda Susan Perry v. Michael Ledet (Appeal from Baldwin Circuit Court: DR-08-900093)

**Affirmed. No Opinion.**

District Judge, Michelle M Thomason, (251) 972-8573  
Aplt. Atty., William Gregory Hughes, (251) 433-3671  
Aple. Atty., David A Simon, (251) 937-2411

2081010 David A. Ladden v. Judith H. Ladden (Appeal from Jefferson Circuit Court: DR-96-3445.03)

**Affirmed.**

Circuit Judge, Ralph A (Sonny) Ferguson, Jr, (205) 325-5562  
Aplt. Atty., Jason E. Gilmore, (205) 874-7959  
Aplt. Atty., Bruce L. Gordon, (205) 874-7950  
Aple. Atty., Charles H Dunn, (205) 930-9000  
Aple. Atty., George R Fernambucq, (205) 930-9000

2081195 Linda Bogus and James Bogus v. Bank of New York, as trustee for the Certificate Holders CWALT, Inc. Alternative Loan Trust 2005-77T1 Mortgage Pass-Through Certificates, Series 2005-77T1 (Appeal from Shelby Circuit Court: CV-08-900504)

**Reversed And Remanded.**

Circuit Judge, Hub Harrington, (205) 669-3810  
Aplt. Atty., Henry L. Penick, (205) 252-2538  
Aple. Atty., Robert Ryan Daugherty, (205) 930-5390  
Aple. Atty., Gregory M. Deitsch, (205) 930-5225

2090221 S.P. v. Alabama Department of Human Resources (Appeal from Houston Juvenile Court: JU-06-51, JU-07-600, and JU-07-601)  
(Consolidated with 2090222.)

**Affirmed. No Opinion.**

2090222 A.P. v. Alabama Department of Human Resources (Appeal from Houston Juvenile Court: JU-06-51, JU-07-600, JU-07-601)  
(Consolidated with 2090221.)

**Affirmed. No Opinion.**

**JUDGE THOMAS**

2080897 Jeffrey R. Wicks v. Jeanette R. Wicks (Appeal from Colbert Circuit Court: DR-06-104)

**Reversed And Remanded.**

Circuit Judge, Harold V. Hughston, Jr., (256) 386-8526  
Aplt. Atty., William D. Cornelius, IV, (256) 314-4551  
Aple. Atty., Johnnie Lynn Franks, (256) 768-2825  
Aple. Atty., Terrinell Lyons, (256) 768-0340

## ON REHEARING

2080693 M.H. and D.H. v. Jer. W. and Jes. W. (Appeal from Limestone Juvenile Court: JU-07-322.01)

**Application Granted; Opinion Of January 15, 2010, Withdrawn; Opinion Substituted; Appeal Dismissed.**

2080812 Keystone Foods v. Sadalia Jones (Appeal from Etowah Circuit Court: CV-07-167)

**Application For Rehearing Overruled.**

Circuit Judge, Anthony Clark Hall, (256) 547-9992

Aplt. Atty., Eric D. Bonner, (205) 397-2900

Aplt. Atty., John W Clark, Jr, (205) 397-2900

Aple. Atty., Myron K. Allenstein, (256) 546-6314