



**LIST OF DECISIONS ANNOUNCED BY
COURT OF CIVIL APPEALS OF ALABAMA
ON FRIDAY, DECEMBER 4, 2009**

PRESIDING JUDGE THOMPSON

2080758 Constance Estes v. Alabama Board of Nursing (Appeal from Montgomery Circuit Court: CV-09-292)

Affirmed. No Opinion.

Circuit Judge, Tracy McCooey, (334) 832-4950
Aple. Atty., Alice Miller Maples, (334) 242-4341

2080770 Glen P. Wilcoxson, M.D. v. Medical Licensure Commission of Alabama (Appeal from Medical Licensure Commission of Alabama: 08-030)

Affirmed. No Opinion.

Aplt. Atty., Don A. McGriff, (251) 928-7074
Aplt. Atty., Randolph P. Reaves, (334) 834-5345
Aple. Atty., Wayne Paulk Turner, (334) 420-6560

2080805 Kelli A. Reynolds v. Nathan A. Reynolds (Appeal from Shelby Circuit Court: DR-08-900436)

Appeal Dismissed. No Opinion.

Circuit Judge, J Michael Joiner, (205) 669-3861
Aple. Atty., James V. Green, Jr, (205) 621-0301

2080807 Ronald Lewis v. North Shelby County Fire District (Appeal from Shelby Circuit Court: CV-08-924)

Affirmed. No Opinion.

Circuit Judge, Hewitt L (Sonny) Conwill, (205) 669-3800
Aple. Atty., John Daugherty, (205) 822-6443

2080836 Bobby D. Lucky v. Deutsche Bank National Trust Company, as trustee of Ameriquest Mortgage Securities, Inc., Asset Backed Pass-Through Certificates, Quest Trust Series 2006-X1 under the Pooling & Servicing Agreement Dated as of March 1, 2006, without Recourse (Appeal from Limestone Circuit Court: CV-08-900149)

Appeal Dismissed.

Circuit Judge, Robert M Baker, (256) 233-8083
Aplt. Atty., Curtis L. Whitmore, (256) 534-8077
Aple. Atty., Robin L. Beardsley, (205) 930-5242
Aple. Atty., Gregory M. Deitsch, (205) 930-5225

Aple. Atty., Marcus M. Maples, (205) 930-5100
Aple. Atty., Kerry P McInerney, (205) 933-7111

2080865 Anthony Wayne Dunn v. Cynthia A. Dunn (Appeal from Fayette Circuit Court: DR-04-94)

Reversed And Remanded With Instructions.

Circuit Judge, Charles Robinson, (205) 594-2187
Aplt. Atty., Charles Alan Langley, (205) 932-3255
Aple. Atty., Charles E Harrison, (205) 366-0111
Aple. Atty., Clatus K Junkin, (205) 932-4300

2080948 Kimberlee D. Hogan v. Rankin Sneed, administrator ad litem for Horace Joe Bullion, deceased (Appeal from Madison Circuit Court: CV-05-2281)

Affirmed. No Opinion.

Circuit Judge, Tom King, Jr., (205) 325-5025
Aplt. Atty., Jonathan W. Pippin, (256) 533-3740
Aple. Atty., Edward E Wilson, Jr, (256) 535-1100

2080954 Gary P. Greene v. Dr. Mark Sonnier and Correctional Medical Services (Appeal from Mobile Circuit Court: CV-09-36)

Affirmed. No Opinion.

Circuit Judge, Charles A Graddick
Aple. Atty., Rudene B Crowe, (251) 433-8088

2080958 David Ray Coley and Sandra D. Coley v. Billy Fain, Alice F. Fain, and Nancy Miller (Appeal from Etowah Circuit Court: CV-06-407.80)

Affirmed. No Opinion.

Circuit Judge, David A. Kimberley, (256) 439-6011
Aplt. Atty., Joshua B Sullivan, (256) 543-9790
Aple. Atty., John Edward Cunningham, (256) 546-1953

2081003 Stephany Kizer-Byers v. John P. Byers (Appeal from Baldwin Circuit Court: DR-08-900290.01)

Affirmed. No Opinion.

Circuit Judge, Carmen Elena Bosch, (251) 937-0235
Aplt. Atty., Thomas Berry Norton, Jr., (251) 955-1579
Aple. Atty., David A. Horton, (251) 943-3860

2080819 Keith Wilson v. BioTech Limb & Brace, LLC (Appeal from Jefferson Circuit Court: CV-06-162)
(Consolidated with 2080862.)

Affirmed. No Opinion.

Circuit Judge, Joseph Boohaker, (205) 325-5753
Aplt. Atty., William Hancock, (205) 250-5000
Aple. Atty., Thomas A Davis, (205) 332-3100
Aple. Atty., Rhonda Steele Nabors, (205) 332-3113

2080862 BioTech Limb & Brace, LLC v. Keith Wilson (Appeal from Jefferson Circuit Court: CV-06-162)
(Consolidated with 2080819.)

Affirmed. No Opinion.

Circuit Judge, Joseph Boohaker, (205) 325-5753
Aplt. Atty., Thomas A Davis, (205) 332-3100
Aplt. Atty., Rhonda Steele Nabors, (205) 332-3113
Aple. Atty., William Hancock, (205) 250-5000

JUDGE PITTMAN

2071003 Tanya Harris v. Tuscaloosa Housing Authority (Appeal from Tuscaloosa Circuit Court: CV-08-444)

Affirmed. No Opinion. (Special Writing)

Circuit Judge, Charles R Malone, (205) 349-3870
Aplt. Atty., Ricky T. Chambless, (205) 758-7503
Aplt. Atty., Kenneth James Lay, (205) 397-6540
Aple. Atty., Dennis Steverson, Sr, (205) 345-1300

2080323 William Jason Clarke v. Estate of Vicky Lynne Clarke (Appeal from Jefferson Circuit Court: DR-03-1936.01)

Affirmed. No Opinion.

Circuit Judge, Ralph A (Sonny) Ferguson, Jr, (205) 325-5562
Aplt. Atty., Charles H Dunn, (205) 930-9000
Aple. Atty., Ann S. Derzis, (205) .98-0.0965

2080325 Billy C. McCollum v. Sharon D. McCollum (Appeal from Fayette Circuit Court: DR-07-168)

Affirmed. No Opinion.

District Judge, Jerry L Clary, (205) 932-4613
Aplt. Atty., Charles Alan Langley, (205) 932-3255
Aple. Atty., William A Grocholski, (205) 932-3500

JUDGE BRYAN

2080475 Central Alabama Community College and C.I.T.Y. Skills Training Consortium v. Hodtric C. Robinson et al. (Appeal from Montgomery Circuit Court: CV-07-1048)

Judgment Vacated In Part; Appeal Dismissed.

Circuit Judge, Truman Hobbs, Jr, (334) 832-7147
Aplt. Atty., Jeffrey Garrett Miller, (251) 432-1671
Aplt. Atty., Thomas Julian Motes, (251) 432-1671
Aplt. Atty., David M. O'Brien, (251) 432-1671
Aple. Atty., William F Patty, (334) 834-5311
Aple. Atty., Theron Stokes, (334) .83-4.9790

2080551 Lloyd M. Currier, et al. v. Margaret Lampi (Appeal from Jefferson Circuit Court: CV-06-7261)

Affirmed. No Opinion.

Circuit Judge, Robert S Vance, Jr, (205) 325-5035
Aplt. Atty., Raymond Lykins, (205) 212-1000
Aplt. Atty., Keith W. Veigas, Jr, (205) 212-1000

2080578 Katrenia Thompson v. Wachovia Bank, National Association (Appeal from Jefferson Circuit Court: CV-07-902090)

Reversed And Remanded.

Circuit Judge, Joseph Boohaker, (205) 325-5753
Aplt. Atty., Jessica Powers Davis, (205) 328-3540
Aplt. Atty., Kenneth James Lay, (205) 397-6540
Aple. Atty., Robert Ryan Daugherty, (205) 930-5390
Aple. Atty., Gregory M. Deitsch, (205) 930-5225
Aple. Atty., Jennifer M. Miller, (205) 930-5100

2080686 M.H. v. H.N.M. (Appeal from Walker Juvenile Court: JU-05-276.02)

Appeal Dismissed.

2080687 Luis Enriquez v. Kokomo Properties, LLC (Appeal from Montgomery Circuit Court: CV-08-900561)

Appeal--Affirmed. Cross-Appeal--Reversed And Remanded With Instructions.

Circuit Judge, William A Shashy, (334) 832-4950
Aplt. Atty., Richard Willis Holmes, (334) 303-3871
Aplt. Atty., Robert Troy Teague, (334) 262-8494
Aple. Atty., Nicholas Cole Hughes, (334) 279-0088

2080773 C.M. v. State Department of Human Resources (Appeal from Tuscaloosa Juvenile Court: JU-06-386.04)

Affirmed. No Opinion.

JUDGE THOMAS

2080594 Nancy H. Giardina v. Stewart H. Giardina (Appeal from Baldwin Circuit Court: DR-04-301 and DR-04-301.03)

Appeal Dismissed In Part; Judgment Affirmed In Part And Reversed In Part; And Cause Remanded.

Circuit Judge, Charles C Partin, (251) 937-0273
Aplt. Atty., William E. Scully, Jr, (251) 626-5052

2080596 Carlos Gomez and Daina Gomez, Intervenors v. Sara Maria Gomez Fry, Jason Donald Fry, Terry Fry, and Judy Fry (Appeal from Jefferson Circuit Court: DR-07-1682)

Affirmed. No Opinion.

Circuit Judge, J Gary Pate, (205) 325-5022
Aplt. Atty., Randall Wayne Nichols, (205) 838-9002
Aplt. Atty., Stephanie Lanier Weems, (205) 836-4586
Aple. Atty., Richard V. Baker
Aple. Atty., David P Dorn, (205) 877-3877
Aple. Atty., Tommy E Tucker, (205) 425-5711

2080858 Spencer Hawkins v. Tamara Hawkins (Appeal from DeKalb Circuit Court: DR-07-561)

Affirmed. No Opinion.

Circuit Judge, J Kevin Grimes, (256) 927-0500
Aplt. Atty., Walden M. Buttram, (256) 547-3111

2080901 David Richard Jenkins, M.D. v. Medical Licensure Commission of Alabama (Appeal from Medical Licensure Commission of Alabama: 08-027)

Affirmed. No Opinion.

Aplt. Atty., Robert E McDonald, Jr, (251) 478-9741
Aple. Atty., James Robert Cooper, Jr, (334) 262-4887
Aple. , Medical Licensure Com., (334) 242-4153

2080959 Kim Gallegly Wesson v. Wal-Mart Stores East, L.P., and Kyle Jack (Appeal from St. Clair Circuit Court: CV-05-108)

Affirmed.

Circuit Judge, James E Hill, Jr., (205) 338-3869
Aplt. Atty., Charles E. Robinson, Jr, (205) 594-5133
Aplt. Atty., Edwin M. Van Dall, Jr., (205) 338-1999
Aple. Atty., Dorothy A. Powell, (205) 326-6600
Aple. Atty., Marda W. Sydnor, (205) 326-6600

JUDGE MOORE

2080759 Lee L. Saad Construction Company, Inc. v. Ruffin Enterprises, Inc. (Appeal from Conecuh Circuit Court: CV-03-96)

Affirmed. No Opinion.

Circuit Judge, Dawn Hare, (251) 743-3649
Aplt. Atty., Matthew Andrews, (251) 660-0888
Aplt. Atty., E. J. Saad, (251) 660-0888
Aple. Atty., richard edward mather, (251) 432-2580

2080845 Wills Creek Management, Inc. v. Charles A. McGee (Appeal from DeKalb Circuit Court: CV-08-09)

Affirmed. No Opinion.

Circuit Judge, Randall L Cole, (256) 845-8540
Aplt. Atty., Robert Byrant French, Jr, (256) 845-2250
Aple. Atty., Ralph K Strawn, Jr, (256) 543-9790

PER CURIAM

2070797 Larry Wendell Blakey v. Sarah Irene Blakey (Appeal from Mobile Circuit Court: DR-93-501528.03)

Affirmed. No Opinion.

Circuit Judge, Julian Donald Banks, (251) 574-8488
Aplt. Atty., Lee Louis Hale, Jr., (251) 433-3671
Aplt. Atty., William Gregory Hughes, (251) 433-3671
Aple. Atty., A. Evans Crowe, (251) 431-6000
Aple. Atty., Michael T Murphy, (251) 431-6000

2080374 B. Wesley Jones v. Melissa M. Jones (Appeal from Jefferson Circuit Court: DR-04-2422.02)

Affirmed. No Opinion.

Circuit Judge, Suzanne S Childers, (205) 324-1038
Aplt. Atty., Bert S Allen, (205) 941-0356
Aple. Atty., LaBella Alvis, (205) 795-6588
Aple. Atty., Jonathan W Macklem, (205) 795-6588

2080811 Ex parte Laura Wilson. PETITION FOR WRIT OF MANDAMUS (In re: Madison County Board of Education v. Laura Wilson) (: FMCS 05-03316)

Petition/Writ Denied.

Pet. Atty., Annary Aytch Cheatham, (256) 851-1433
Resp. Atty., Mary Rebecca Hill, (256) 533-5770
Resp. Atty., Cynthia K. Thompson, (256) 533-5770

ON REHEARING

2070841 T. G. v. Houston County Department of Human Resources (Appeal from Houston Juvenile Court: JU-97-217, JU-97-218, and JU-98-333)

Application for Rehearing Overruled

2071028 Gordon, Dana, Still, Knight & Gilmore, LLC, as successor to Gordon & Associates, LLC v. Jefferson County (Appeal from Jefferson Circuit Court: CV-07-1563)

Application For Rehearing Overruled.

Circuit Judge, J Scott Vowell, (205) 325-5200
Aplt. Atty., John Gibbs Dana, (205) 874-7950
Aple. Atty., Carl Stanley Burkhalter, (205) 254-1000

Aple. Atty., Theodore A Lawson, II, (205) 325-5688
Aple. Atty., Keith Maddox, (334) 242-9690
Aple. Atty., Gregg M. McCormick, (205) 254-1846
Aple. Atty., Charles S Wagner, (205) 325-5688

2071180 George G. Spottswood and Amy H. Spottswood v. Henry E. Reimer, Sr., et al.
(Appeal from Baldwin Circuit Court: CV-05-710)

Application For Rehearing Overruled.

Circuit Judge, James H Reid, (251) 937-0290
Aplt. Atty., Daniel G. Blackburn, (251) 937-1750
Aplt. Atty., Rebecca Ann Gaines, (251) 937-1750
Aplt. Atty., William Alexander Gray, Jr, (251) 343-0800
Aple. Atty., Allan R. Chason, (251) 937-2191
Amicus Aplt. Atty., William Adams Gunter, IV, (334) 242-3254

2080821 Arthur Brennan Malloy v. Lowndes County Commission et al. (Appeal from
Lowndes Circuit Court: CV-08-24)

Application For Rehearing Overruled.

Circuit Judge, H Edward McFerrin, (334) 382-3621
Aple. Atty., A. Ted Bozeman, (334) 548-2244
Aple. Atty., Collins - Pettaway, Jr, (334) 875-9264

2080353 Vilma G. Romer v. John H. Romer (Appeal from Madison Circuit Court:
DR-06-1129)
(Consolidated with 2080498.)

**Application Overruled; Opinion of September 25, 2009, Withdrawn; Opinion
Substituted; Appeal Dismissed.**

Circuit Judge, William K Bell, (256) 532-3636
Aplt. Atty., Nancy S Gaines, (251) 965-3751
Aple. Atty., Joan Marie Kettell Dean, (256) 534-4557

2080498 Vilma G. Romer v. John H. Romer (Appeal from Madison Circuit Court:
DR-06-1129)
(Consolidated with 2080353.)

**Application Overruled; Opinion of September 25, 2009, Withdrawn; Opinion
Substituted; December 24, 2008, Order Reversed; January 26, 2009, Judgment
Vacated; And Cause Remanded.**

Circuit Judge, William K Bell, (256) 532-3636
Aplt. Atty., Nancy S Gaines, (251) 965-3751
Aple. Atty., Joan Marie Kettell Dean, (256) 534-4557