



**LIST OF DECISIONS ANNOUNCED BY  
THE SUPREME COURT OF ALABAMA  
ON FRIDAY, SEPTEMBER 27, 2013**

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**Moore, C.J.**

1110105 Deidre W. Lee and Samuel G. McKerall v. Charles Houser and Robert C. Holk (Appeal from Baldwin Circuit Court: CV-07-900627).

**Affirmed.**

1110505 Town of Magnolia Springs and Magnolia Springs Planning Commission v. Deidre W. Lee and Samuel G. McKerall (Appeal from Baldwin Circuit Court: CV-07-900627).

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

1111117 State Farm Fire and Casualty Company v. Shawn Brechbill (Appeal from Morgan Circuit Court: CV-10-900034).

**Reversed And Remanded.**

**Stuart, J.**

1120531 Ex parte George Mason. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Kola Oyedepo, individually and as grandfather and next friend of Joshua Dosunmu, a minor v. Janie Pearson Sellers et al.) (Macon Circuit Court: CV-09-900140).

**Petition Granted. Writ Issued.**

1120603 Sandra Bell v. Luther Strange, as Attorney General of the State of Alabama, et al. (Appeal from Montgomery Circuit Court: CV-12-1146).

**Affirmed. No Opinion. (Special Writing)**

1121325 Ex parte Jennifer Lynn Smith Jones. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Jennifer Lynn Smith Jones, alias v. State of Alabama) (Tuscaloosa Circuit Court: CC-11-608; Criminal Appeals : CR-11-1578).

**Writ Denied. No Opinion.**

**Bolin, J.**

1120920 Ex parte Foundation Bank. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: CMC Properties, LLC v. Emerald Falls, LLC et al.) (Autauga Circuit Court: CV-11-900023; Civil Appeals : 2120567).

**Petition Granted. Writ Issued.**

1111232 Terminix International Company, L.P., and Terminix International, Inc. v. Walter F. Scott III and Paige M. Scott (Appeal from Jefferson Circuit Court: CV-10-903755).

**Reversed And Remanded With Instructions.**

1111360 Terminix International Company, L.P., and Terminix International, Inc. v. Walter F. Scott III and Paige M. Scott (Appeal from Jefferson Circuit Court: CV-10-903755).

**Appeal Dismissed.**

### **Parker, J.**

1120958 Ex parte Carlos Hernandez. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Carlos Hernandez v. State of Alabama) (Jefferson Circuit Court: CC-10-904; Criminal Appeals : CR-11-1732).

**Writ Denied. No Opinion. (Special Writing)**

### **Murdock, J.**

1111335 Ex parte John Valloze et al. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Tiffin Motor Homes, Inc. v. John Valloze et al.) (Franklin Circuit Court: CV-12-005).

**Petition Granted; Writ Issued.**

1111337 Ex parte Freightliner Custom Chassis Corporation et al. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Tiffin Motor Homes, Inc. v. John Valloze et al.) (Franklin Circuit Court: CV-12-005).

**Petition Granted; Writ Issued.**

1111368 Ex parte State Farm Mutual Auto Insurance Company. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Tiffin Motor Homes, Inc. v. State Farm Mutual Auto Insurance Company et al.) (Franklin Circuit Court: CV-12-0026).

**Petition Granted; Writ Issued.**

1111378 Ex parte Freightliner Custom Chassis Corporation. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Tiffin Motor Homes, Inc. v. State Farm Mutual Auto Insurance Company et al.) (Franklin Circuit Court: CV-12-0026).

**Petition Granted; Writ Issued.**

### **Main, J.**

1120534 Ted J. Allen and Ellen S. Allen v. Delmer D. Peppers and Allan Peppers (Appeal from Madison Circuit Court: CV-12-0038).

**Affirmed. No Opinion.**

1121148 Ex parte Jackson Hospital & Clinic, Inc. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Mattie Henderson v. Jackson Hospital & Clinic, Inc.) (Montgomery Circuit Court: CV-11-900016).

**Petition Denied. No Opinion.**

1121149 Ex parte Jackson Hospital & Clinic, Inc. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Wheatton K. Pynes, as Executor of the Estate of Houston Earl Pynes, deceased v. Jackson Hospital & Clinic, Inc. et al.) (Montgomery Circuit Court: CV-09-0366).

**Petition Denied. No Opinion.**

1121150 Ex parte Jackson Hospital & Clinic, Inc. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Edward Thomas, as Administrator Ad Litem of the Estate of Ann C. Thomas v. Jackson Hospital & Clinic, Inc. et al.) (Montgomery Circuit Court: CV-13-900688).

**Petition Denied. No Opinion.**

1121151 Ex parte Thomas S. Moore, M. D. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Nancy O'Shields v. Pamela L. Strickland et al.) (Montgomery Circuit Court: CV-12-901145).

**Petition Denied. No Opinion.**

### **Wise, J.**

1120385 Ex parte Derek Jermaine Baker. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Derek Jermaine Baker v. State of Alabama) (Morgan Circuit Court: CC-10-504; Criminal Appeals : CR-11-0267).

**Reversed And Remanded.**

1120577 Ex parte State of Alabama. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Curtis Maurice Sanders, alias v. State of Alabama) (Jefferson Circuit Court: CC-10-1961; Criminal Appeals : CR-10-1091).

**Reversed And Remanded.**

### **Bryan, J.**

1111494 Ex parte Alabama Educational Television Commission et al. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Allan Pizzato and Pauline Howland v. Alabama Educational Television Commission et al.) (Jefferson Circuit Court: CV-12-0937).

**Petition Granted. Writ Issued.**

1120103 Sandra Chavers v. City of Mobile (Appeal from Mobile Circuit Court: CV-07-118).

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

1120251 Ex parte Schnitzer Steel Industries, Inc. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Jason Jackson and Latonya Jackson v. Schnitzer Steel Industries, Inc., et al.) (Jefferson Circuit Court: CV-10-903286).

**Petition Granted. Writ Issued.**

## PER CURIAM

1111627 Barron Fan Technology, Inc. v. Pell City Industrial Services, Inc. (Appeal from St. Clair Circuit Court, Pell City Division: CV-10-900226).

**Affirmed. No Opinion. (Special Writing)**

1120395 Tammi L. Boyles, as mother and next friend of Colton Elijah Powell Boyles, a minor v. Denise Dougherty, R.N. (Appeal from Jefferson Circuit Court: CV-11-900633).

**Reversed And Remanded.**

1120536 Ex parte F.V.O. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: F.V.O. v. Coffee County Department of Human Resources) (Coffee Juvenile Court: JU-09-149.01, JU-09-150.01, and JU-09-151.01; Civil Appeals : 2110398).

**Reversed And Remanded.**

## ON REHEARING

1110439 Town of Gurley v. M & N Materials, Inc. (Appeal from Madison Circuit Court: CV-05-731).

**Application Overruled; Opinion of December 21, 2012, modified [by substitution of pages 26 through 36 for pages 26 through 35 of the original opinion to add footnote 6 and to renumber the remaining footnotes accordingly]. (Special Writing)**

1110507 M & N Materials, Inc. v. Stan Simpson, individually and as mayor of the Town of Gurley, and Town of Gurley (Appeal from Madison Circuit Court: CV-05-731).

**Application Overruled; Opinion of December 21, 2012, modified [by substitution of pages 26 through 36 for pages 26 through 35 of the original opinion to add footnote 6 and to renumber the remaining footnotes accordingly]. (Special Writing)**