

Rel: March 2, 2018

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# SUPREME COURT OF ALABAMA

OCTOBER TERM, 2017-2018

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1160706

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Ex parte Tombigbee Healthcare Authority d/b/a Bryan W.  
Whitfield Memorial Hospital

PETITION FOR WRIT OF MANDAMUS

(In re: T.N., an individual; A.V., an individual; O.J., an individual; and I.P., an individual v. Leland Bert Taylor, Jr., and Tombigbee Healthcare Authority d/b/a Bryan W. Whitfield Memorial Hospital)

(Marengo Circuit Court, CV-15-900137)

On Application for Rehearing

SELLERS, Justice.

APPLICATION OVERRULED. NO OPINION.

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Stuart, C.J., and Bolin, Parker, Main, Wise, and Bryan,  
JJ., concur.

Shaw and Mendheim, JJ., dissent.

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MENDHEIM, Justice (dissenting).

The original opinion in this case was released on December 15, 2017, before my appointment to the Court. I have reviewed the materials filed on original submission, along with the filings made in connection with the application for a rehearing filed by Tombigbee Healthcare Authority d/b/a Bryan W. Whitfield Memorial Hospital. I agree with the Court's opinion with the exception of its denial of the Authority's request for a protective order pursuant to § 22-21-8(b), Ala. Code 1975. As to that issue, I agree with Justice Shaw's dissent. Accordingly, I would grant the application for a rehearing and issue a writ of mandamus directing the circuit court to issue a protective order.