



**LIST OF DECISIONS ANNOUNCED BY  
THE SUPREME COURT OF ALABAMA  
ON FRIDAY, SEPTEMBER 16, 2011**

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**Woodall, J.**

1100565 Robert S. Grant Construction, Inc., et al. v. Frontier Bank (Appeal from Shelby Circuit Court: CV-10-900457).

**Appeal Dismissed.**

Circuit Judge, Hewitt Lawrence Conwill, (205) 669-3800  
Apl. Atty., Lindsey Allison, (205) 991-6367  
Apl. Atty., Jim Pino, (205) 663-1581  
Aple. Atty., J. Frank Head, (205) 669-6783  
Aple. Atty., George Marion Neal, Jr, (205) 930-5252  
Aple. Atty., Clifford Lee Reeves, (205) 930-5183  
Aple. Atty., Anthony R. Smith, (205) 930-5100

**Stuart, J.**

1100927 Ex parte Dominique Ray. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Dominique Ray v. State of Alabama) (Dallas Circuit Court: CC-97-375.60; Criminal Appeals : CR-06-2143).

**Writ Denied.**

Circuit Judge, Thomas Roger Jones, (334) 874-2510  
Pet. Atty., Thomas Martele Goggans, (334) 834-2511  
Pet. Atty. - Pro Hac, Peter Michael Racher, (317) 637-0700  
Resp. Atty. General, Luther Strange, (334) 242-7447  
Resp. Asst. Atty. General, Richard D Anderson, (334) 353-2021

**Bolin, J.**

1101300 Ex parte James Luther Leathers. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: James Luther Leathers v. State of Alabama) (Morgan Circuit Court: CC-09-1231; Criminal Appeals : CR-09-1777).

**Writ Denied. No Opinion.**

Circuit Judge, Steven Ellis Haddock, (256) 351-4750  
Pet. Atty., James Timothy Kyle, (256) 353-7641  
Resp. Atty. General, Luther Strange, (334) 242-7447  
Resp. Asst. Atty. General, Robin Denise Scales, (334) 242-4275

## **Parker, J.**

- 1100066 Ex parte City of Hoover. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Tyrus Williams, a minor, by and through his natural mother and next friend Fenisha Slaughter, and Fenisha Slaughter individually v. The City of Hoover, Alabama) (Jefferson Circuit Court: CV-08-900582).

### **Petition Denied. No Opinion.**

Circuit Judge, Robert S. Vance, Jr., (205) 325-5035  
Pet. Atty., Mark S. Boardman, (205) 678-8000  
Pet. Atty., Katherine C Hortberg, (205) 678-8000  
Resp. Atty., Forrest L. Adams, II, (205) 298-8440  
Resp. Atty., John Michael Barclay, (205) 930-3091  
Resp. Atty., Keith T. Belt, Jr, (205) 933-1500  
Resp. Atty., R. Larry Bradford, (205) 623-5505  
Resp. Atty., Timothy P. Donahue, (205) 871-8858  
Resp. Atty., William T. Johnson, III, (205) 933-1500  
Resp. Atty., John M. Laney, Jr, (205) 298-8440  
Resp. Atty., Paul A Miller, (205) 326-0000  
Resp. Atty., Daniel R. Pickett, (205) 871-8858  
Amicus Pet. Atty., Lorelei Agar Lein, (334) 262-2566

## **Murdock, J.**

- 1100395 Sammy Thomas and Pam Thomas v. Sloan Homes, LLC, et al. (Appeal from Blount Circuit Court: CV-09-900170).

### **Affirmed.**

Circuit Judge, Steven David King, (205) 625-4145  
Apl. Atty., J Harry Blalock, (205) 823-8088  
Aple. Atty., Carl Dalton NeSmith, Jr.

- 1100768 Ex parte Ernest Larry Donaldson and Harris Huffman, Jr. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Marie Jemison v. Ernest Larry Donaldson et al.) (Dallas Circuit Court: CV-10-900111).

### **Petition Granted. Writ Issued.**

Circuit Judge, Thomas Roger Jones, (334) 874-2510  
Pet. Atty., Kathryn W. Drey, (251) 338-2721  
Pet. Atty., Charles Winston Sheehan, Jr, (334) 387-7680  
Resp. Atty., Paul Patterson, (205) 507-9091

## **Main, J.**

- 1100245 Ex parte Stenum Hospital et al. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Elizabeth Duncan and John Duncan v. Madison Square Associates, Ltd., et al.) (Madison Circuit Court: CV-07-1383).

### **Petition Granted. Writ Issued.**

Circuit Judge, Caryl P. Privett, (205) 325-5388  
Pet. Atty., P. Scott Arnston, (256) 535-1100  
Pet. Atty., Jeffrey Todd Kelly, (256) 535-1100  
Resp. Atty. - Pro Hac, Lucy R. Atkinson  
Resp. Atty., Earl Thomas Forbes, (256) 533-0202  
Resp. Atty., Tara L. Helms, (256) 539-1990  
Resp. Atty. - Pro Hac, Stephen W. Mooney  
Resp. Atty., Terrance C. Sullivan  
Resp. Atty., Laura Lynne Voght, (404) 832-9574

1101031 Ex parte Ashley Rich, District Attorney of Mobile County. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Jesse Griffin et al. v. Robert Bentley et al.) (Montgomery Circuit Court: CV-10-900248).

**Petition Granted. Writ Issued.**

Circuit Judge, Johnny Hardwick, (334) 832-1380  
Pet. Asst. District Atty., Ashley M Rich, (251) 574-8400  
Pet. Atty., Martha Adrienne Tierney, (251) 574-3307  
Resp. Atty., James Ernest Bridges, III, (251) 968-3025  
Resp. Atty., Donald Rush Jones, Jr, (334) 277-3939

1101033 Ex parte State of Alabama. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Jesse Griffin et al. v. Robert Bentley et al.) (Montgomery Circuit Court: CV-10-900248).

**Petition Granted. Writ Issued.**

Circuit Judge, Johnny Hardwick, (334) 832-1380  
Pet. Atty. General, Luther Strange, (334) 242-7447  
Pet. Asst. Atty. General, John C. Neiman, Jr, (334) 353-2187  
Pet. Atty., Henry Theodore Reagan, II, (334) 242-7300  
Resp. Asst. District Atty., Ashley M Rich, (251) 574-8400  
Resp. Atty., James Ernest Bridges, III, (251) 968-3025  
Resp. Atty., Donald Rush Jones, Jr, (334) 277-3939  
Resp. Atty., Martha Adrienne Tierney, (251) 574-3307

**Wise, J.**

1101135 Ex parte Florala Pharmacy, Inc. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Florala Pharmacy, Inc. v. City of Andalusia et al.) (Montgomery Circuit Court: CV-08-917; Civil Appeals : 2090840; 2090841).

**Writ Denied. No Opinion.**

Circuit Judge, Eugene W. Reese, (334) 832-1360  
Pet. Atty., T. Charles Fry, Jr., (205) 458-9500  
Pet. Atty., R. Brent Irby, (205) 824-7767  
Pet. Atty., Marion Dale Marsh, (334) 347-2626  
Pet. Atty., Charles A. McCallum, III, (205) 824-7767  
Resp. Atty., Thomas Bynum Albritton, (334) 222-3177  
Resp. Atty., J. Evans Bailey, (334) 206-3114  
Resp. Atty., Robert A. Huffaker, (334) 206-3217  
Resp. Atty., John M Peek, (334) 427-8082  
Resp. Atty., Joseph Paul Schilleci, Jr, (205) 968-5300

**PER CURIAM**

1100376 Ex parte A.H. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: A.H. v. Madison County Department of Human Resources) (Madison Juvenile Court: JU-06-1778.02 and JU-07-1789.02; Civil Appeals : 2090605).

**Writ Quashed. No Opinion.**

## ON REHEARING

1090018 Alabama Furniture Market, LLC v. City of Alabaster et al. (Appeal from Shelby Circuit Court: CV-08-1151).

### **Application Overruled. No Opinion.**

Circuit Judge, Hewitt Lawrence Conwill, (205) 669-3800  
Apl. Atty., Joshua B Sullivan, (256) 543-9790  
Aple. Atty., Kyle Craig Barrentine, (256) 240-3163  
Aple. Atty., Jeffrey W Brumlow, (205) 661-3643  
Aple. Atty., Whit Colvin, (205) 251-2881  
Aple. Atty., Frank Corley Ellis, Jr., (205) 669-6783  
Aple. Atty., Frank Corley Ellis, Jr., (205) 669-6783  
Aple. Atty., Art Elsner  
Aple. Atty., Thomas T. Gallion, III, (334) 265-8573  
Aple. Atty., Heath S Holden, (205) 343-0340  
Aple. Atty., William R. Justice, (205) 669-6783  
Aple. Atty., David A. McDowell, (334) 365-5924  
Aple. Atty., Herbert M. Newell, III, (205) 343-0340  
Aple. Atty., J. Bentley Owens, III, (205) 868-6000  
Aple. Atty., Robert Spence, (205) 344-5000  
Aple. Atty., Shannon Clay Staggs, (205) 752-6287  
Aple. Atty., Jon B. Terry, (205) 425-1606  
Aple. Atty., Constance Caldwell Walker, (334) 265-8573  
Aple. Atty., Billy Ray Weathington, Jr, (205) 640-2000

1080735 Public Building Authority of the City of Huntsville v. Dawson Building Contractors, Inc. (Appeal from Madison Circuit Court: CV-06-1887).

### **Application Overruled. No Opinion.**

Circuit Judge, Robert S. Vance, Jr., (205) 325-5035  
Pet. Atty., Marcus Allen Huff, (256) 533-0202  
Pet. Atty. - Pro Hac, Michael I Less, (901) 525-8700  
Pet. Atty., Edward P. Meyerson, (205) 328-0480  
Pet. Atty., Donald J. Nettles, (205) 244-3828  
Resp. Atty., C. Peter Bolvig, (205) 251-8143  
Aple. Atty., Gregory A. Brockwell, (205) 803-0051  
Aple. Atty., Andrew P. Campbell, (205) 251-5900  
Resp. Atty. - Pro Hac, David A. Dial, (404) 832-9513  
Resp. Atty., Joseph A Fawal, (205) 939-1330  
Resp. Atty., Scott P. Fitzsimmons, (703) 749-1000  
Resp. Atty., Mark D. Herbert  
Resp. Atty., Joseph Lister Hubbard, (334) 241-8035  
Resp. Atty., R. Scott Jenkins, (504) 582-8174  
Resp. Atty., Joseph A. Jimmerson, (256) 533-0202  
Resp. Atty., Kay S. Kelly, (205) 939-0033  
Resp. Atty., John M. Laney, Jr, (205) 298-8440  
Resp. Atty., R. Brooke Lawson, (334) 241-8031  
Resp. Atty., Robert C. Lockwood, (256) 533-0202  
Resp. Atty., Samuel Robert McCord  
Resp. Atty., E. Ann McMahan, (205) 933-2010  
Resp. Atty. - Pro Hac, Nicholas P. Panayotopoulos, (404) 876-2700  
Resp. Atty., Oscar Monfort Price, III, (205) 874-0370  
Resp. Atty., Richard J.R. Raleigh, Jr, (256) 533-0202  
Resp. Atty., James P. Rea, (205) 939-0033  
Resp. Atty., April Reeves

Resp. Atty., Carter Reid, (703) 749-1000  
Resp. Atty., F. Brady Rigdon, (205) 352-5252  
Resp. Atty., S. Dagnal Rowe, (256) 533-0202  
Resp. Atty., Andrew J. Sinor, Jr, (205) 324-4400  
Resp. Atty., Luther Graves Stiff, III, (205) 868-6000  
Resp. Atty., Thomas C. Tankersley, (334) 819-7890  
Resp. Atty., Kile T. Turner, (205) 328-6643  
Aple. Atty. - Pro Hac, Laura Lynne Voght, (404) 832-9574  
Amicus Aple. Atty., Oscar M. Price, IV, (205) 250-6675  
Amicus Aple. Atty., Richard E. Smith, (205) 795-6588

1080736 Public Building Authority of the City of Huntsville v. Dawson Building Contractors, Inc. (Appeal from Madison Circuit Court: CV-06-1943).

**Application Overruled. No Opinion.**

1080737 Dawson Building Contractors, Inc. v. Public Building Authority of the City of Huntsville (Appeal from Madison Circuit Court: CV-06-1887).

**Application Overruled. No Opinion.**

Circuit Judge, Robert S. Vance, Jr., (205) 325-5035  
Aplt. Atty., Gregory A. Brockwell, (205) 803-0051  
Aplt. Atty., Andrew P. Campbell, (205) 251-5900  
Pet. Atty. - Pro Hac, David A. Dial, (404) 832-9513  
Pet. Atty. - Pro Hac, Nicholas P. Panayotopoulos, (404) 876-2700  
Pet. Atty., Laura Lynne Voght, (404) 832-9574  
Resp. Atty., C. Peter Bolvig, (205) 251-8143  
Resp. Atty., C. Gregory Burgess, (256) 536-0095  
Resp. Atty., Gerald L. Burnett, (318) 929-4290  
Resp. Atty., Joseph A Fawal, (205) 939-1330  
Resp. Atty., C. Anthony Graffeo, (256) 536-8373  
Resp. Atty., Joseph Lister Hubbard, (334) 241-8035  
Resp. Atty., R. Scott Jenkins, (504) 582-8174  
Resp. Atty., Kay S. Kelly, (205) 939-0033  
Resp. Atty., John M. Laney, Jr, (205) 298-8440  
Resp. Atty., John M. Laney, Jr, (205) 298-8440  
Resp. Atty., R. Brooke Lawson, (334) 241-8031  
Resp. Atty., R. Brooke Lawson, (334) 241-8031  
Aple. Atty. - Pro Hac, Michael I Less, (901) 525-8700  
Resp. Atty., Samuel Robert McCord  
Resp. Atty., David Whittington McDowell, (205) 250-8312  
Resp. Atty., E. Ann McMahan, (205) 933-2010  
Resp. Atty., Edward P. Meyerson, (205) 328-0480  
Resp. Atty., Donald J. Nettles, (205) 244-3828  
Resp. Atty., A. Joe Peddy, (205) 251-5885  
Resp. Atty., James P. Rea, (205) 939-0033  
Resp. Atty., April Reeves  
Resp. Atty., Carter Reid, (703) 749-1000  
Resp. Atty., F. Brady Rigdon, (205) 352-5252  
Resp. Atty., Andrew J. Sinor, Jr, (205) 324-4400  
Resp. Atty., Luther Graves Stiff, III, (205) 868-6000  
Resp. Atty., Thomas C. Tankersley, (334) 819-7890  
Resp. Atty., Kile T. Turner, (205) 328-6643  
Resp. Atty., Scott Ives Zucker, (404) 364-4626

1080738 Dawson Building Contractors, Inc. v. Public Building Authority of the City of Huntsville (Appeal from Madison Circuit Court: CV-06-1943).

**Application Overruled. No Opinion.**

1091642 Alabama Title Loans, Inc. v. Kimberly C. White (Appeal from Mobile Circuit Court: CV-10-900820).

**Application Overruled. No Opinion.**

Circuit Judge, James C. Wood, (251) 574-8475  
Apl. Atty., Sarah Cross Blackwood, (251) 626-9340  
Apl. Atty., Craig W. Goolsby, (251) 626-9340  
Apl. Atty., Caroline Pryor, (251) 626-9340  
Aple. Atty., Gregory B. Breedlove, (251) 471-6191  
Aple. Atty., Lucy Elizabeth Tufts, (251) 471-6191  
Aple. Atty., David G. Wirtes, Jr, (251) 471-6191

1091677 Accurate Adjustments, LLC and Kevin Scott Sanders v. Kimberly C. White (Appeal from Mobile Circuit Court: CV-10-900820).

**Application Overruled. No Opinion.**

Circuit Judge, James C. Wood, (251) 574-8475  
Apl. Atty., Sarah Cross Blackwood, (251) 626-9340  
Apl. Atty., Dorothy A. Powell, (205) 326-6600  
Apl. Atty., Caroline Pryor, (251) 626-9340  
Aple. Atty., Gregory B. Breedlove, (251) 471-6191  
Aple. Atty., Lucy Elizabeth Tufts, (251) 471-6191  
Aple. Atty., David G. Wirtes, Jr, (251) 471-6191