

SUPREME COURT OF TENNESSEE
 SUPREME COURT DISCRETIONARY APPEALS
Grants & Denials List

Monday, April 16, 2007

GRANTS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
Marissa Miller, a minor, by and through her mother and next friend, Miranda Miller v. John Dacus, M.D. M2006-02728-SC-R23-CQ	U. S. District Court Western District of TN No. 03-2701-M1 Judge Jon Phipps McCalla U.S. District Court Sixth Circuit No. 05-5830		Rule 23 Certified Question	<p>Granted - this Court accepts certification of the following questions of law:</p> <ol style="list-style-type: none"> 1. Whether a child born alive has an independent cause of action for injuries allegedly caused by the failure of a physician to obtain informed consent from the child's mother during labor and delivery? 2. If the answer to Question 1 is 'Yes,' whether the minority provision of Tennessee's legal disability statute, Tenn. Code Ann. § 28-1-106, tolls the medical malpractice statute of repose, Tenn. Code Ann. § 29-26-116(a)(3), as applied to a fetus's lack of informed consent claim? <p style="text-align: right;">*Filed on April 12, 2007*</p>

Knoxville

None				
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Jackson

None				
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DENIALS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
Milburn L. Edwards v. State of Tennessee M2006-01092-SC-R11-HC	Wayne County Circuit Judge Robert Holloway No. 13971	Thomas, J. Affirmed	Rule 11	Denied - Application of Milburn L. Edwards
Charles Hampton's A-1 Signs, Inc. v. American States Insurance Company M2005-01720-SC-R11-CV	Dickson County Chancery Judge George Sexton No. 8012-02	Kirby, J. Reversed	Rule 11	Denied - Application of Charles Hampton's A-1 Signs, Inc.
Russell Jensen v. State of Tennessee M2006-00249-SC-R11-PC	Franklin County Circuit Judge Robert Crigler No. 14,477	Glenn, J. Affirmed	Rule 11	Denied - Application of Russell Jensen
John C. Kersey v. State of Tennessee M2005-02106-SC-R11-CV	Davidson County Circuit Judge Barbara Haynes No. 05C-1633	Cottrell, J. Affirmed in Part, Vacated in Part	Rule 11	Denied - Application of John C. Kersey
Zachary Rosenberg, M.D. and Dewayne P. Darby, et al. V. BlueCross BlueShield of Tennessee, Inc., et al. M2005-01070-SC-R11-CV	Davidson County Chancery Chancellor Ellen H. Lyle No. 02-1237-III	Cain, J. Affirmed and Remanded	Rule 11	Denied - Application of Zachary Rosenberg, M.D. and Dewayne P. Darby, M.D.

State of Tennessee v. Damien Tolson M2005-01085-SC-R11-CD	Lawrence County Circuit Judge Robert Jones No. 24282	McLin, J. Affirmed	Rule 11	Denied - Application of Damien Tolson
<u>Knoxville</u>				
Debra Jane Brooks (Grey) v. Bobby Lee Brooks E2006-00324-SC-R11-CV	Knox County Circuit Judge Bill Swann No. 16668	Franks, J. Affirmed & Remanded	Rule 11	Denied - Application of Bobby Lee Brooks
Floyd Layman, et al. v. Frank T. Hayes, Sr., et ux. E2006-00752-SC-R11-CV	Cocke County Chancery Judge Rex Henry Ogle No. 02-077-II	Franks, J. Affirmed	Rule 11	Denied - Application of Frank T. Hayes, Sr.
State of Tennessee v. Mario Antwan Fulgham E2005-02346-SC-R11-CD	Hamilton County Criminal Judge Jon Kerry Blackwood No. 244717	Glenn, J. Affirmed	Rule 11	Denied - Application of Mario Antwan Fulgham
State of Tennessee v. Demetrius Holmes E2006-00393-SC-R11-CD	Knox County Criminal Judge Richard Baumgartner No. 67734	McLin, J. Affirmed	Rule 11	Denied - Application of Demetrius Holmes
State of Tennessee v. Daniel Inman E2005-01010-SC-R11-CD	Blount County Circuit Judge D. Kelly Thomas No. C-14161	Tipton, J. Affirmed	Rule 11	Denied - Application of Daniel Inman
State of Tennessee v. Milton Moreno E2005-02567-SC-R11-CD	Hawkins County Circuit Judge James E. Beckner No. 04-CR-360	Glenn, J. Dismissed	Rule 11	Denied - Application of Milton Moreno
Chad Davis Trisdale v. State of Tennessee E2005-02498-SC-R11-PC	Cumberland County Circuit Judge Leon Burns No. 7157	McLin, J. Affirmed	Rule 11	Denied - Application of Chad Davis Trisdale

Jackson

Antonio Bonds v. State of Tennessee W2006-00343-SC-R11-CO	Shelby County Criminal Judge Paula Skahan No. 98-08055	Hayes, J. Affirmed	Rule 11	Denied - Application of Antonio Bonds
Jacory Clark, a minor, by and through natural guardian and next friend, Alberta Clark v. Clarence T. Gooch, M.D. et al. W2006-02667-SC-R11-CV	Madison County Circuit Judge Roger Page No. C-03-356	Kirby, J. Crawford, J. Application Denied	Rule 11	Denied - Application of Clarence T. Gooch, M.D.
Donna Kay Brister Davis v. John W. Davis W2005-01304-SC-R11-CV	Shelby County Circuit Judge Karen R. Williams No. CT-002379-02	Kirby, J. Affirmed	Rule 11	Denied - Application of Donna Kay Brister Davis
Anthony H. Dean v. State of Tennessee W2005-02319-SC-R11-PC	Shelby County Criminal Judge Chris Craft No. P-26821	Welles, J. Affirmed	Rule 11	Denied - Application of Anthony H. Dean
Willie Johnson v. State of Tennessee W2005-01722-SC-R11-PC	Madison County Circuit Judge Donald Allen No. C03-462	Williams, J. Affirmed	Rule 11	Denied - Application of Willie Johnson
Richard John Jolly v. Lynette Suzanne Jolly W2005-01845-SC-R11-CV	McNairy County Chancery Judge Martha Brasfield No. 7471	Crawford, J. Affirmed	Rule 11	Denied - Application of Richard John Jolly
In Re: Estate of Eva Friedman Weisberger Phillip J. Cooper v. Estate of Eva Friedman Weisberger W2005-01847-SC-R11-CV	Shelby County Probate Judge Robert Benham No. C-0005251	Kirby, J. Affirmed	Rule 11	Denied - Application of the Estate of Eva Friedman Weisberger

Jerry Peterson, et al. v. Henry County General Hospital District, et al. W2006-01393-SC-R11-CV	Henry County Circuit Judge Charles C. McGinley No. 2524	Crawford, J. Affirmed	Rule 11	Denied - Application of Jerry Peterson and Jean Peterson
Jeanne L. Schuett v. Egon Horst Schuett, Jr. W2005-02482-SC-R11-CV	Shelby County Circuit Judge Rita Stotts No. CT-00-1433-02	Kirby, J. Affirmed	Rule 11	Denied - Application of Egon Horst Schuett, Jr.
State of Tennessee v. Robert Barnett W2005-02681-SC-R11-CD	Shelby County Criminal Judge Mark Ward No. 04-01699	Witt, J. Affirmed	Rule 11	Denied - Application of Robert Barnett
State of Tennessee v. Stephen D. Lamb W2005-02953-SC-R11-CD	Madison County Circuit Judge Roger A. Page No. 05-309	Hayes, J. Affirmed	Rule 11	Denied - Application of Stephen D. Lamb
Heck Van Tran v. State of Tennessee W2005-01334-SC-R11-PC	Shelby County Criminal Judge John Colton No. P-14409	Williams, J. Affirmed	Rule 11	Denied - Application Heck Van Tran