

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

Monday, October 3, 2005

**GRANTS**

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u><b>Nashville</b></u>				
Diane Button v. Mitchell Waite M2005-01553-SC-10-CV	Williamson Chancery Russ Heldman 31256	Koch, P.J., M.S. Cain, J Clement, J Vacated	Rule 11	<b>Granted</b> - Application of Diane Button *Birch, J., Dissenting  * Appellee's Motion for an extension to file response - Denied as Moot.*  *Appellee's Motion to Reconsider - Denied.*

USHA Haley v. University of Tennessee-Knoxville, et al. M2005-00998-SC-R23-CQ	U.S. District Court Eastern District 3:30-CV-292		Rule 23	<b>Granted</b> - Certification Accepted <sup>1</sup> <b>Filed</b> - 9/29/05
James A. Vaughn v. State of Tennessee M2004-00458-SC-R11-PC	Sumner Criminal Jane Wheatcraft 64-1999	Wedemeyer, J Affirmed	Rule 11	<b>Granted</b> - Application of James A. Vaughn
<b><u>Knoxville</u></b>				
State of Tennessee v. Ronald Allen E2004-01308-SC-R11-CD	Washington County Lynn W. Brown 27518	Wade, J Affirmed as Modified	Rule 11	<b>Granted</b> - Application of the State of Tennessee.  “For the purpose of remanding the case to the Court of Criminal Appeals for reconsideration in light of <u>State v. Gomez</u> , 163 S.W. 3d 632 (Tenn. 2005).  - And -  <b>Denied</b> - Application of Ronald Allen.
State of Tennessee v. Bruce Wayne Scarborough E2004-01332-SC-R11-CD	Knox Criminal Mary Beth Leibowitz 75589	Ogle, J Affirmed	Rule 11	<b>Granted</b> - Application of Bruce Wayne Scarborough.

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<sup>1</sup> . . . This Court accepts certification of the following question of law:

Does the withdrawal or voluntary non-suit of a claim filed with the Tennessee Claims Commission, done prior to any action being taken by the Claims Commission, still activate the waiver provision of Tennessee Code Annotated § 9-8-307(b) to require dismissal of a plaintiff’s federal and/or state cause of action arising from the same act or omission as the claim before the Claims Commission?

**Jackson**

Donna J. Overman v. Altama Delta Corporation W2005-00794-SC-R9-CV	Henderson Chancery James F. Butler 18722		Rule 9	<b>Granted</b> - Application of Altama Delta Corporation
State of Tennessee v. Gustavo Chavez W2004-01154-SC-R11-CD	Decatur County C. Creed McGinley 03-CR-140	McLin, J Affirmed as Modified; Sep. Dissent by Hayes, J	Rule 11	<b>Granted</b> - Application of the State of Tennessee. “For the purpose of remanding the case to the Court of Criminal Appeals. The Court of Criminal Appeals is directed to decide the case on its merits in accordance with this Court’s opinion in <u>State v. Gomez</u> , 163 S.W. 3d 632 (Tenn. 2005).
State of Tennessee v. Mack T. Transou W2004-01475-SC-R11-CD	Madison County Roy B. Morgan, Jr. 02-359	Witt, J Affirmed	Rule 11	<b>Granted</b> - Application of Mack T. Transou
State of Tennessee v. Mack T. Transou W2003-02966-SC-R11-CD	Madison County Roy B. Morgan, Jr. 02-360	Woodall, J Affirmed	Rule 11	<b>Granted</b> - Application of Mack T. Transou.

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**DENIALS**

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<b><u>Nashville</u></b>				
John Haws Burrell v. Tennessee Board of Probation and Parole M2005-00496-SC-R11-CV	Davidson Circuit Barbara N. Haynes 03C-3384	Cain, J Cottrell, J Clement, JJ Dismissed	Rule 11	<b>Denied</b> - Application of John Haws Burrell.
<b><u>Knoxville</u></b>				
Monica McPeek, et al. v. Melinda S. Lockhart E2004-01034-SC-R11-CV	Sullivan Circuit Richard E. Ladd C34130(L)	Swiney, J Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Eldridge McPeek
Patricia Robinson v. Frank Schriener, et al. E2005-01080-SC-S09-CV	Hamilton Circuit Jackie Schulten 03C1661	Susano, J Swiney, J Lee, JJ Denied	Rule 9	<b>Denied</b> - Application of Frank Schriener and Keith Sanford

Brett W. Woodroof v. Nathan E. Fisher, et al. E2004-00303-SC-R11-CV	Sullivan Chancery John S. McLellan, III 29888(M)	Lee, J Affirmed as Modified; Remanded	Rule 11	<b>Denied</b> - Application of Brett W. Woodroof
<b><u>Jackson</u></b>				
Stanley Harvell v. Glen Turner W2004-02643-SC-R11-HC	Hardeman County Blackwood, J 9753	Glenn, J Affirmed Pursuant to Rule 20	Rule 11	<b>Denied</b> - Application of Stanley Harvell.
In the Matter of: The Estate of Frances E. Milam, Deceased W2003-03061-SC-R11-CV	Shelby Probate Donn Southern C-7556	Highers, J Affirmed in Part, Reversed in Part, and Remanded	Rule 11	<b>Denied</b> - Application of J. Harvey Herring.
State of Tennessee v. Barbara Ann Bryant a/d/a Barbara Ann Fayne W2004-01245-SC-R11-CD	Tipton County Joseph H. Walker 4713	Witt, J Affirmed	Rule 11	<b>Denied</b> - Application of Barbara Ann Bryant.
State of Tennessee v. John H. Parker W2004-00911-SC-R11-CO	Madison Circuit Roy B. Morgan C-03-371	Williams, J Affirmed	Rule 11	<b>Denied</b> - Application of John H. Parker.