

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

Monday, December 8, 2008

GRANTS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
Lincoln General Insurance Company v. Detroit Diesel Corporation, et al M2008-01427-SC-R23-CQ	United States District Court for the Middle District of Tennessee No. 3:08-CV-00368		Rule 23	Accepted - Does Tennessee Law recognize an exception to the economic loss doctrine under which recovery in tort is possible for damage to the defective product itself when the defect (1) renders the product unreasonably dangerous and (2) causes the damage by means of a sudden, calamitous event? Granted - Motions of Steven B. Epstein and Jeremy L. Jones to be admitted <i>pro hac vice</i> . (Order attached hereto)
Derrick Quintero and William Eugene Hall, Jr. v. State of Tennessee M2005-02959-SC-R11-PD	Humphreys County Circuit Court Judge Robert e. Burch Nos. 8849 and 8850	McLin, J., Affirmed	Rule 11	Granted - Application of William Eugene Hall, Jr. (Order attached hereto)

Holly Thrasher v. Riverbend Stables, LLC, et al M2007-01237-SC-R11-CV	Davidson County Circuit Court Judge Walter C. Kurtz No. 06C-97	Clement, J., Affirmed and Remanded	Rule 11	Granted and Remanded to Court of Appeals for Reconsideration - Application of Holly Thrasher (Order attached hereto)
<u>Knoxville</u>				
NONE				
<u>Jackson</u>				
NONE				

**SUPREME COURT OF TENNESSEE
SUPREME COURT DISCRETIONARY APPEALS**

Monday, December 8, 2008

DENIALS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
Mark Armstrong v. State of Tennessee M2007-01614-SC-R11-PC	Rutherford County Circuit Court Judge James K. Clayton, Jr. No. F58801	Tipton, J., Affirmed	Rule 11	Denied - Application of Mark Armstrong
William C. Brothers v. State of Tennessee M2007-01267-SC-R11-HC	Wayne County Circuit Court Judge Jim T. Hamilton No. 14162	Welles, J., Case Closed	Rule 11	Denied - Application of William C. Brothers; Granted - Motion of William C. Brothers to proceed in forma pauperis; Denied - Motion of William C. Brothers to admit documents as genuine
Daniel O. Cain v. Christopher Hyndman, et al M2008-01794-SC-S09-CV	Davidson County Circuit Court Judge Amanda McClendon No. 07C-3665	Per Curiam, Rule 9 Denied	Rule 11	Denied - Application of Christopher Hyndman

Gay N. Carr v. Scott McMillan M2007-00859-SC-R11-CV	Davidson County Circuit Court Judge Carol Soloman No. 06D1613	Clement, J., Affirmed in Part; Reversed in Part	Rule 11	Denied - Application of Scott McMillan; The opinion of the Court of Appeals is designated “Not for Citation” in accordance with Supreme Court Rule 4(E).
Carl Evans, et al v. David E. Danner, et al M2007-02690-SC-R11-CV	Davidson County Circuit Court Judge Tom Brothers No. 06C-1594	Per Curiam, Granted Motion to Dismiss of Board of Professional Responsibility; Denied Motion to Vacate of Danner	Rule 11	Denied - Application of David E. Danner; The opinion of the Court of Appeals is designated “Not for Citation” in accordance with Supreme Court Rule 4(E).
Ronald Eugene Hall v. State of Tennessee M2006-02726-SC-R11-PC	Davidson County Criminal Court Judge Cheryl Blackburn No. 2001-D-1974	Smith, J., Affirmed	Rule 11	Denied - Application of Ronald Eugene Hall
Jay S. Gorban v. David Harris M2007-01908-SC-R11-CV	Montgomery County Circuit Court Judge Ross Hicks No. 50400934	Bennett, J., Affirmed	Rule 11	Denied - Application of David Harris
James R. Hankins v. Cherry Lindamood M2007-02545-SC-R11-HC	Wayne County Circuit Court Judge Robert Holloway No. 14250	Ogle, J., Affirmed	Rule 11	Denied - Application of James R. Hankins
Atlanta Hardy v. State of Tennessee M2007-01498-SC-R11-PC	Davidson County Criminal Court Judge J. Randall Wyatt, Jr. No. 2002-D-1927	Wedemeyer, J., Affirmed	Rule 11	Denied - Application of Atlanta Hardy

Judy L. Hawkins, et al v. Pamela Lynn Vermillion, Administratrix Ad Litem of the Estate of Roy James Vermillion M2008-01501-SC-S09-CV	Montgomery County Circuit Court Judge Ross Hicks No. MC-CC-CV-MA-06374	Per Curiam, Rule 9 Denied	Rule 9	Denied - Application of Pamela Lynn Vermillion
Anthony Darrell Hines v. State of Tennessee M2006-02447-SC-R11-PC	Cheatham County Circuit Court Judge Robert Burch No. 9852	Wedemeyer, J. Affirmed	Rule 11	Denied - Application of Anthony Darrell Hines
Ricky Thomas Hughes v. Roland Olson, Warden M2008-00931-SC-R11-HC	Davidson County Criminal Court Judge Thomas W. Brothers No. 08C-51	Wedemeyer, J. Affirmed - Rule 20	Rule 11	Denied - Application of Ricky Thomas Hughes
Mary Anne Marciante v. William Harold Perry M2006-02654-SC-R11-CV	Williamson County Chancery Court Judge Russ Heldman No. 32000	Highers, J., Affirmed and Modified	Rule 11	Denied - Application of Mary Anne Marciante
Johnny L. McGowan, Jr. v. State of Tennessee M2008-00530-SC-R11-PC	Rutherford County Circuit Court Judge Don R. Ash No. F-27902	Welles, J., Affirmed - Rule 20	Rule 11	Denied - Application of Johnny L. McGowan, Jr.; Denied - Motion for appointment of counsel behalf Johnny L. McGowan, Jr.
Marcie A. Murray v. Lolie Jones, Jr. M2007-01394-SC-R11-HC	Davidson County Criminal Court Judge Steve Dozier No. 94-C-1532	Thomas, J., Affirmed	Rule 11	Denied - Application of Marcie A. Murray
Derrick Quintero and William Eugene Hall, Jr. v. State of Tennessee M2005-02959-SC-R11-PD	Humphreys County Circuit Court Judge Robert E. Burch Nos. 8849 and 8850	McLin, J., Affirmed	Rule 11	Denied - Application of Derrick Quintero

State of Tennessee v. Dominic Lamar Blair M2007-00484-SC-R11-CD	Davidson County Criminal Court Judge Cheryl Blackburn No. 2006-C-2164	Glenn, J., Affirmed	Rule 11	Denied - Application of Dominic Lamar Blair
State of Tennessee v. Quincy Deangelo Gardner M2007-01081-SC-R11-CD	Davidson County Criminal Court Judge Cheryl Blackburn No. 2006-A-391	Welles, J., Affirmed	Rule 11	Denied - Application of Quincy Deangelo Gardner
State of Tennessee v. George Garner, Jr. M2007-02209-SC-R11-CC	Rutherford County Criminal Court Judge Jerry Scott No. 59613	Witt, J., Affirmed	Rule 11	Denied - Application of George Garner, Jr.
State of Tennessee v. Joe Gilbert M2007-00260-SC-R11-CD	Williamson County Circuit Court Judge Timothy L. Easter No. II-CR-3962	Williams, J., Affirmed	Rule 11	Denied - Application of Joe Gilbert Opinion of Court of Criminal Appeals Designated "Not for Citation" in accordance with Supreme Court Rule 4(E)
State of Tennessee v. Nabeeh Jameel Mateen M2006-02295-SC-R11-CD	Davidson County Criminal Court Judge Steve Dozier No. 2005-A-650	Tipton, J., Affirmed	Rule 11	Denied - Application of Nabeeh Jameel Mateen
State of Tennessee v. Jeremy W. Meeks M2007-01600-SC-R11-CD	Grundy County Circuit Court Judge Buddy Perry No. 3948	Witt, J., Reversed and Case Remanded	Rule 11	Denied - Application of Jeremy W. Meeks
State of Tennessee v. Kenneth W. Snell M2007-01531-SC-R11-CD	Rutherford County Circuit Court Judge Donald Harris No. F-57740	Hayes, J., Affirmed	Rule 11	Denied - Application of Kenneth W. Snell

State of Tennessee v. Julio Villasana M2007-01923-SC-R11-CD	Davidson County Criminal Court Judge Mark Fishburn No. 2006-D-3105	Welles, J., Affirmed	Rule 11	Denied - Application of Julio Villasana
State of Tennessee v. Joseph Dejuan Webster M2007-00050-SC-R11-CD	Davidson County Criminal Court Judge Steve Dozier No. 2005-B-1384	Smith, J., Affirmed	Rule 11	Denied - Application of Joseph Dejuan Webster
State of Tennessee v. Jamiel D. Williams M2007-01666-SC-R11-CD	Williamson County Circuit Court Judge Timothy L. Easter No. CR08129	Witt, J., Affirmed as Modified	Rule 11	Denied - Application of Jamiel D. Williams
Rodney Howard Wright v. Tennessee Peace Officer Standards and Training Commission M2006-00123-SC-R11-CV	Davidson County Chancery Court Chancellor Carol L. McCoy No. 03-3792-II	Susano, J., Reversed and Remanded	Rule 11	Denied - Application of Tennessee Peace Officer Standards and Training Commission
State of Tennessee v. Sentorya L. Young M2005-01873-SC-R11-CD	Davidson County Criminal Court Judge Mark J. Fishburn No. 2002-B-952	Welles, J., Affirmed	Rule 11	Denied - Application of Sentorya L. Young
<u>Knoxville</u>				
Catherine Smith Bowling, et al v. Todd Jones, et al E2007-01581-SC-R11-CV	Anderson County Circuit Court Judge Donald Elledge No. A4LA0513	Lee, J., Affirmed and Remanded	Rule 11	Denied - Application of Catherine Smith Bowling, et al (Lee, J., not participating)

Paul David Bryant, et al v. Peter Demetriades, et al E2007-00786-SC-R11-CV	Sullivan County Circuit Court Judge John S. McLellan, III No. C12586(M)	Susano, J., Appeal Dismissed	Rule 11	Denied - Application of Michele Demetriades (Lee, J., not participating)
David Copeland v. Kent Copeland, et al E2008-01406-SC-S09-CV	Knox County Chancery Court Chancellor Michael W. Moyers No. 17074-3	Franks, J., Swiney, J. and Lee, J., Rule 9 Denied	Rule 11	Denied - Application of David Copeland (Lee, J., not participating)
Jackie F. Curry v. Howard Carlton, Warden E2007-02526-SC-R11-HC	Johnson County Criminal Court Judge Robert Cupp No. 5035	Smith, J., Affirmed	Rule 11	Denied - Application of Jackie F. Curry
Darrell Lamar Fritts v. Howard Carlton, Warden E2007-01965-SC-R11-HC	Johnson County Circuit Court Judge Robert Cupp No. 5067	Ogle, J., Affirmed	Rule 11	Denied - Application of Darrell Fritts
William C. Holcomb and Holcomb Company v. Edgar Cagle, Jr. E2007-01892-SC-R11-CV	Hamilton County Chancery Court Chancellor Howell Peoples No. 06-0923	Franks, J., Affirmed	Rule 11	Denied - Application of William C. Holcomb, et al (Lee, J., not participating)
Eric Matthew Kesterson v. State of Tennessee E2007-02001-SC-R11-PC	Hamblen County Circuit Court Judge John Dugger, Jr. No. 06CR415	McLin, J., Affirmed	Rule 11	Denied - Application of Eric Matthew Kesterson
Audrey L. Linkous, et al v. Hawkins County, Tennessee E2007-01054-SC-R11-CV	Hawkins County Circuit Court Judge Tom Wright No. 05CV462	Franks, J., Affirmed	Rule 11	Denied - Application of Audrey L. Linkous (Lee, J., not participating)

State of Tennessee v. Mitchell Eads E2006-02793-SC-R11-CD	Claiborne County Criminal Court Judge E. Shayne Sexton No. 12019	Glenn, J., Affirmed	Rule 11	Denied - Application of Mitchell Eads
State of Tennessee v. Mitchell Richardson, et al E2006-01580-SC-R11-CD	Bledsoe County Circuit Court Judge Thomas Graham No. 57-2004	Tipton, J., Affirmed in Part, Sentences of Defendants Modified	Rule 11	Denied - Applications of Mitchell Richardson and John Travis Richardson
State of Tennessee v. Debra Elaine Kirk Moore E2007-00533-SC-R11-CD	Cocke County Circuit Court Judge Ben Hooper No. 9080	Williams, J., Affirmed	Rule 11	Denied - Application of Debra Elaine Kirk Moore
Rodney L. Tipton v. Howard Carlton, Warden E2007-02625-SC-R11-HC	Johnson County Criminal Court Judge Robert E. Cupp No. 5040	Tipton, J., Affirmed	Rule 11	Denied - Application of Rodney Tipton
<u>Jackson</u>				
Robert B. Clark v. State of Tennessee W2007-01440-SC-R11-PC	Shelby County Criminal Court Judge Lee V. Coffee No. 01-05153	Hayes, J., Affirmed	Rule 11	Denied - Application of Robert B. Clark
Jordan Ashton Danelz v. John Gayden W2008-01451-SC-S09-CV	Shelby County Juvenile Court Judge Herbert J. Lane No. N6141	Highers, J. and Farmer, J., Rule 9 Denied	Rule 9	Denied - Application of John Gayden
Vincent Howard v. State of Tennessee W2007-00322-SC-R11-PC	Shelby County Criminal Court Judge Chris Craft No. 99-04351	Tipton, J., Affirmed	Rule 11	Denied - Application of Vincent Howard

Larry C. Pittman v. State of Tennessee W2007-02442-SC-R11-HC	Lauderdale County Circuit Court Judge Joseph H. Walker, III No. 6183	Williams, J., Affirmed - Rule 20	Rule 11	Denied - Application of Larry C. Pittman
Max Shelton, Receiver for Forest Hill Funeral Home and Memorial Park-East, LLC v. Mark Singer, et al W2008-00863-SC-S10-CV	Shelby County Chancery Court Judge Arnold B. Goldin No. CH-07-0050-2	Kirby, J. and Stafford, J., Rule 10 Denied	Rule 10	Denied - Application of Mark Singer and Kimberly Singer
State of Tennessee v. Robert Lee Adams, Jr. W2007-00880-SC-R11-CD	Tipton County Circuit Court Judge Joseph H. Walker No. 5340	Hayes, J., Affirmed	Rule 11	Denied - Application of Robert Adams
State of Tennessee v. Pierre Jackson W2006-02127-SC-R11-CD	Shelby County Criminal Court Judge John P. Colton, Jr. Nos. 01-12067-68, 01-12070-71	Glenn, J., Affirmed and Remanded	Rule 11	Denied - Application of Pierre Jackson
State of Tennessee v. Michael Dewayne Mann W2007-00017-SC-R11-CD	Dyer County Circuit Court Judge Lee Moore No. C06-137	Hayes, J., Affirmed	Rule 11	Denied - Application of Michael Dewayne Mann
Martha Valentine v. Raymond Hobson W2008-00696-SC-R11-CV	Fayette County Circuit Court Judge J. Weber McCraw No. 5033	Stafford, J., Affirmed	Rule 11	Denied - Application of Martha Valentine

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

LINCOLN GENERAL INSURANCE COMPANY
v.
DETROIT DIESEL CORPORATION ET AL.

Rule 23 Certified Question of Law
from the United States District Court
for the Middle District of Tennessee
No. 3:08-cv-00368

No. M2008-01427-SC-R23-CQ

ORDER

Pursuant to Tennessee Supreme Court Rule 23, a certification order was filed in this Court on July 1, 2008, by the United States District Court for the Middle District of Tennessee. Briefs have now been filed pursuant to Rule 23, Section 7(A), and, upon consideration of the certification order and the briefs filed by the parties, this Court accepts certification of the following question of law:

Does Tennessee Law recognize an exception to the economic loss doctrine under which recovery in tort is possible for damage to the defective product itself when the defect (1) renders the product unreasonably dangerous and (2) causes the damage by means of a sudden, calamitous event?

Pursuant to Rule 23, Section 7(B), this Court desires to have oral argument by the parties. This case shall be set for hearing at the Court's February 2009 session in Nashville.

The Court also grants the motions of Steven B. Epstein and Jeremy L. Jones to be admitted pro hac vice for the purpose of representing the parties in this case.

PER CURIAM

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

**DERRICK QUINTERO & WILLIAM EUGENE HALL, JR.
v. STATE OF TENNESSEE**

**Circuit Court for Humphreys County
No. 8849, 8850**

No. M2005-02959-SC-R11-PD

ORDER

Upon consideration of the application for permission to appeal of Derrick Quintero and the record before us, the application is denied.

Upon consideration of the application for permission to appeal of William Eugene Hall, Jr. and the record before us, the application is granted. The Clerk is directed to place this matter on the docket for oral argument upon the completion of briefing.

PER CURIAM

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

HOLLY THRASHER v. RIVERBEND STABLES, LLC, ET AL.

**Circuit Court for Davidson County
No. 06C-97**

No. M2007-01237-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Holly Thrasher and the record before us, the application is granted and remanded to the Court of Appeals for reconsideration in light of Martin v. Norfolk S. Ry. Co., ___ S.W.3d ___, 2008 WL4922434 (Tenn. 2008).

PER CURIAM