

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

Monday, February 22, 2010

GRANTS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
Blue Bell Creameries, L.P. v. Loren L. Chumley, Commissioner, Department of Revenue, State of Tennessee M2009-00255-SC-R11-CV	Davidson County Chancery Court Chancellor Ellen H. Lyle No. 06-414-III	Dinkins, J., Affirmed & Remanded Cottrell, J., Not Participating	Rule 11	Granted - Application of Loren L. Chumley, Commissioner of the Department of Revenue; Granted - Motion of Multistate Tax Commission for leave to file amicus curiae brief; Granted - Motion of Blue Bell Creameries to file response to Multistate Tax Commission's motion (Order attached hereto)
Stephanie H. Hewitt v. Joseph Cook M2008-01569-SC-R11-CV	Macon County Circuit Court Judge Clara W. Byrd No. 4681-6-252	Kirby, J., Affirmed	Rule 11	Granted - Application of Joseph Cook (Order attached hereto)

Michael Sanford v. Waugh & Company, Inc., et al M2007-02528-SC-R11-CV	Davidson County Chancery Court Judge Ellen Hobbs Lyle No. 05-943-III	Bennett, J., Affirmed in Part, Reversed in Part and Remanded	Rule 11	Granted - Application of Waugh & Company, Inc., Carol Ann Waugh and Troy Allen Waugh (Order attached hereto)
Donna Faye Shipley, et al v. Robin Williams, M.D. M2007-01217-SC-R11-CV	Davidson County Circuit Court Judge Barbara N. Haynes No. 02C-3204	Cottrell, J., Reversed	Rule 11	Granted - Application of Robin Williams, M.D. (Order attached hereto)
<u>Knoxville</u>				
Dawn Brown, et al v. Tennessee Title Loans, inc. E2008-01758-SC-R11-CV	Hamilton County Circuit Court Judge Jacqueline E. Bolton No. 04C1682	Susano, J., Vacated and Remanded	Rule 11	Granted - Application of Tennessee Title Loans, Inc. (Order attached hereto)
Knox County, Tennessee, ex rel., Environmental Termite & Pest Control, Inc., et al v. Arrow Exterminators, Inc., et al E2007-02827-SC-R11-CV	Knox County Chancery Court Chancellor Daryl Fansler No. 158430-2	Franks, J., Affirmed in Part, Vacated in Part	Rule 11	Granted - Application of Knox County, Tennessee (Order attached hereto)

Jackson

<p>David Reynolds, et al v. Dyersburg Hospital Corporation, et al W2009-00866-SC-S09-CV</p> <p>AND</p>	<p>Dyer County Circuit Court Judge Allen W. Wallace No. 04-170</p>	<p>Highers, J., Denied Rule 9</p>	<p>Rule 9</p>	<p>Denied - Application of Dyersburg Hospital Corporation, Joseph Flagge, M.D. and Alan B. Hopkins, ARNP; Grant - Alan B. Hopkins' Motion to Substitute Counsel.</p>
<p>David Reynolds v. David Criswell, et al W2009-00874-SC-S09-CV</p>	<p>Dyer County Circuit Court Judge Allen W. Wallace No. 04-142</p>	<p>Highers, J., Denied Rule 9</p>	<p>Rule 9</p>	<p>Grant and Remand - Application of David Criswell (Order attached hereto)</p>

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

Monday, February 22, 2010

DENIALS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
State of Tennessee v. Richard Anthony Arriola M2007-00428-SC-R11-CD	Davidson County Criminal Court Judge Monte Watkins No. 95-D-2835	Wedemeyer,J., Reversed and Remanded	Rule 11	Denied - Application of Richard Anthony Arriola
Alfonso Camacho v. State of Tennessee M2008-00410-SC-R11-PC	Rutherford County Circuit Court Judge Don R. Ash No. 60843	Williams, J., Affirmed	Rule 11	Denied - Application of Alfonso Camacho
State of Tennessee v. Justin Brian Conrad M2008-01342-SC-R11-CD	Montgomery County Circuit Court Judge John H. Gasaway, Jr. No. 40501125	Smith, J., Affirmed	Rule 11	Denied - Application of Justin Brian Conrad
Michael Garrett v. State of Tennessee M2008-00046-SC-R11-HC	Rutherford County Circuit Court Judge Don Ash Nos. F-60212 and F-42546	Smith, J., Reversed	Rule 11	Denied - Application of Michael Garrett

Megan Griswold v. Josh Williams, et al M2007-01007-SC-R11-CV	Rutherford County Chancery Court Chancellor Robert E. Corlew, III No. 04-9240CV	Dinkins, J., Affirmed and Remanded	Rule 11	Denied - Application of Josh Williams and Richard Williams
State of Tennessee v. Joseph L. Johnson, Jr. M2007-01644-SC-R11-CD	Davidson County Criminal Court Judge Steve Dozier No. 204-A-273	Thomas, J., Affirmed	Rule 11	Denied - Application of Joseph L. Johnson, Jr.
State of Tennessee v. Doris Nell Jones M2009-01102-SC-R11-CD	Lawrence County Circuit Court Judge Robert L. Jones No. 23258	Thomas, J., Affirmed	Rule 11	Denied - Application of Doris Nell Jones. <i>The opinion of the Court of Criminal Appeals is designated not for citation in accordance with Supreme Court Rule 4(E)(1).</i>
Paul Neil Laurent v. State of Tennessee M2008-01836-SC-R11-PC	Davidson County Criminal Court Judge Mark J. Fishburn No. 203-B-1165	Smith, J., Affirmed	Rule 11	Denied - Application of Paul Neil Laurent
Delano McCoury, et al v. La Maruja Realty Corp. AND Gary Wynn d/b/a Wynn Homes, Inc. v. La Maruja Realty Corp., et al M2008-01511-SC-R11-CV	Sumner County Chancery Court Chancellor Tom E. Gray Nos. 2006C-219 and 2007C-43	Cottrell, J., Reversed and Remanded	Rule 11	Denied - Application of La Maruja Realty Corporation
Harold Oliver McGee v. State of Tennessee M2009-00156-SC-R11-PC	Davidson County Criminal Court Judge Seth Norman No. 2000-A-344	Welles, J., Affirmed	Rule 11	Denied - Application of Harold Oliver McGee
State of Tennessee v. Darryl Jerome Moore M2008-00518-SC-R11-CD	Davidson County Criminal Court Judge Cheryl Blackburn No. 2006-B-1688	Welles, J., Affirmed	Rule 11	Denied - Application of Darryl Jerome Moore

In Re Estate of Lella Moss M2010-00198-SC-R10-CV	Jackson County Chancery Court Judge Walter C. Kurtz No. 07-24		Rule 10	Dismissed - Application of Tommy Moss
State of Tennessee v. Jerry G. Norrid M2008-01689-SC-R11-CD	Coffee County Circuit Court Judge John W. Rollins and Judge Charles Lee Nos. 34157, 34158, 34159, 34196, 34239 and 34240	Wedemeyer,J., Affirmed	Rule 11	Denied - Application of Jerry Glen Norrid
Georgia O’Keeffe Foundation (Museum) v. Fisk University M2008-00723-SC-R11-CV	Davidson County Chancery Court Chancellor Ellen H. Lyle No. 05-2994-III	Clement, J., Reversed in Part; Remanded; Dinkins, J., Concurred	Rule 11	Denied - Application of the Georgia O’Keeffe Foundation
Francis Oscar Roy, M.D. v. Tennessee Board of Medical Examiners M2008-01636-SC-R11-CV	Davidson County Chancery Court Chancellor Ellen H. Lyle No. 07-2067-III	Clement, J., Affirmed and Remanded	Rule 11	Denied - Application of Francis Oscar Roy, M.D.
Alejandro Avila-Salazar v. State of Tennessee M2008-02120-SC-R11-PC	Davidson County Criminal Court Judge Mark Fishburn No. 2005-A-32	Welles, J., Affirmed	Rule 11	Denied - Application of Alejandro Avila- Salazar
State of Tennessee v. Anthony Dewayne Stanton M2008-01068-SC-R11-CD	Davidson County Criminal Court Judge Cheryl A. Blackburn No. 2006-D-3295	McLin, J., Affirmed	Rule 11	Denied - Application of Anthony Dewayne Stanton
Wallace Willingham v. State of Tennessee M2008-01240-SC-R11-PC	Giles County Circuit Court Judge Jim T. Hamilton No. 13260	Welles, J., No. 13260	Rule 11	Denied - Application of Wallace Willingham

Emily Christine Wimley v. Emily Annette Wimley, et al M2008-01358-SC-R11-CV	Coffee County Circuit Court Judge L. Craig Johnson No. 35995	Bennett, J., Affirmed and Remanded	Rule 11	Denied - Application of Emily Annette Wimley and Jerry Wimley
<u>Knoxville</u>				
State of Tennessee v. Stacey Wayne Creekmore E2008-00012-SC-R11-CD	Blount County Circuit Court Judge Michael H. Meares No. C-16650	Williams, J., Affirmed	Rule 11	Denied - Application of Stacey Wayne Creekmore
Kinzel Springs Partnership v. Harold B. King, et al E2008-01555-SC-R11-CV	Blount County Circuit Court Judge William D. Young No. E21397	McClarty, J., Affirmed	Rule 11	Denied - Application of B. Gerard Bricks and Barbara B. Bricks
William David McLarty v. Wilma Walker E2009-00842-SC-R11-CV	Roane County Chancery Court Judge Frank V. Williams, III No. 15485	Swiney, J., Affirmed and Remanded	Rule 11	Denied - Application of Wilma Walker
John C. Polos v. Ralph Shields, et al E2008-02425-SC-R11-CV	Blount County Chancery Court Judge Telford E. Forgety, Jr. No. 2003-137	Swiney, J., Affirmed and Remanded	Rule 11	Denied - Application of John C. Polos
Robert Reinhardt, et al v. Jo Ann Powell, et al E2008-01905-SC-R11-CV	Hamblen County Circuit Court Judge Thomas J. Wright Nos. 01CV166 and P-18-39	Susano, J., Affirmed and Remanded	Rule 11	Denied - Application of Robert Reinhardt and Jeanne Reinhardt Hopkins
Donna Marie Richmond, et al v. Jean Frazier E2008-01132-SC-R11-CV	Hawkins County Chancery Court Judge Tom Wright No. 16455	McClarty, J., Reversed	Rule 11	Denied - Application of Jean Frazier

Leslie Nathan Rose v. Pamela Bernice Rose E2008-02325-SC-R11-CV	Knox County Chancery Court Chancellor Daryl Fansler No. 170670-2	Swiney, J., Affirmed and Remanded	Rule 11	Denied - Application of Leslie N. Rose
<u>Jackson</u>				
State of Tennessee v. Jeffrey D. Allen W2008-01348-SC-R11-CD	Crockett County Circuit Court Jude Clayburn Peeples No. 3704	Glenn, J., Affirmed	Rule 11	Denied - Application of Jeffrey D. Allen
Baptist Memorial Hospital, et al v. Argo Construction Corp., et al AND Argo Construction Corp. v. Hanson Pipe & Products South, Inc. W2008-00822-SC-R11-CV	Shelby County Circuit Court Judge Jerry Stokes No. CT-004905-02	Kirby, J., Affirmed	Rule 11	Denied - Application of Argo Construction Corporation
Richard T. D. Bethea, et al v. Song Hee Hong, et al W2008-02553-SC-R11-CV	Shelby County Chancery Court Chancellor Arnold Goldin No. 06-2287-CV	Stafford, J., Affirmed	Rule 11	Denied - Application of Richard T. D. Bethea and Phyllis B. Bethea (Holder, C.J., Not Participating)
Timothy Casterlow v. State of Tennessee W2008-02683-SC-R11-CO	Shelby County Criminal Court Judge W. Otis Higgs, Jr. No. 98-14186	Williams, J., Affirmed; McMullen, J., Not Participating	Rule 11	Denied - Application of Timothy Casterlow
State of Tennessee v. J. C. Fair, et al W2007-00730-SC-R11-CD	Shelby County Criminal Court Judge James C. Beasley, Jr. No. 04-0746	Woodall, J., Affirmed	Rule 11	Denied - Application of Krederick Fair

Carey Faulkner v. City of Bartlett W2008-02225-SC-R11-CV	Shelby County Chancery Court Chancellor Arnold Goldin No. CH-08-0062-2	Highers, J., Affirmed	Rule 11	Denied - Application of Carey Faulkner
Elishea D. Fisher v. Christina M. Johnson W2008-02165-SC-R11-CV	Weakley County Circuit Court Judge William B. Acree No. 4200	Highers, J., Affirmed	Rule 11	Denied - Application of Elishea D. Fisher
State of Tennessee v. Jermaine Gwin W2007-02050-SC-R11-CD	Shelby County Criminal Court Judge James M. Lammey No. 05-05701	McMullen, J., Affirmed	Rule 11	Denied - Application of Jermaine Gwin
Jordan Hill v. State of Tennessee W2007-02662-SC-R11-PC	Shelby County Criminal Court Judge Chris Craft No. 03-00007	McMullen, J., Affirmed	Rule 11	Denied - Application of Jordan Hill
Wadie Michael Holifield v. State of Tennessee W2008-02040-SC-R11-PC	Tipton County Circuit Court Judge Joseph H. Walker, III No. 5125	Williams, J., Affirmed	Rule 11	Denied - Application of Wadie Michael Holifield
In re Brooks C. W2008-02217-SC-R11-JV	Madison County Circuit Court Judge Roy Morgan, Jr. No. C-08-67	Stafford, J., Affirmed	Rule 11	Denied - Application of Rebecca C.
In re Brooks C. W2009-00910-SC-R11-PT	Madison County Juvenile Court Judge Christy Little No. 47-41,618	Farmer, J., Affirmed	Rule 11	Denied - Application of Rebecca C.
State of Tennessee v. Deonte McBee W2007-01719-SC-R11-CD	Shelby County Criminal Court Judge W. Fred Axley No. 03-04435	Tipton, J., Affirmed	Rule 11	Denied - Application of Deonte McBee

State of Tennessee v. James Earl McGriggs W2008-02411-SC-R11-CD	McNairy County Circuit Court Judge J. Weber McCraw No. 2284	Glenn, J., Affirmed	Rule 11	Denied - Application of James Earl McGriggs
Rodney Marra v. Bank of New York, Trustee, et al W2008-00773-SC-R11-CV	Fayette County Chancery Court Chancellor William C. Cole No. 14216	Kirby, J., Affirmed in Part; Reversed in Part	Rule 11	Denied - Application of Bank of New York, Trustee and Philip M. Kleinsmith, Trustee
Andrea S. Martin v. Patricia L. Williams, et al W2008-01509-SC-R11-CV	Shelby County Circuit Court Judge Karen R. Williams No. CT-002629-07	Highers, J., Reversed and Remanded	Rule 11	Denied - Application of Metropolitan Group Property and Casualty Insurance Company
State of Tennessee v. Roy Shotwell, Jr. W2008-00682-SC-R11-CD	Fayette County Circuit Court Judge Weber McCraw No. 5874	Williams, J., Affirmed	Rule 11	Denied - Application of Roy Shotwell, Jr.
Jon Thompson, et al v. J. T. Davis, et al W2008-00380-SC-R11-CV	Shelby County Circuit Court Judge Karen Williams No. CT-005998	Kirby, J., Affirmed	Rule 11	Denied - Application of J. T. Davis
Mack Transou v. State of Tennessee W2009-01495-SC-R11-PC	Madison County Circuit Court Judge Roy B. Morgan, Jr. No. C05-283	McMullen, J., Dismissed Rule 28	Rule 11	Denied - Application of Mack Transou
Jasper Lee Vick v. State of Tennessee W2009-01317-SC-R11-CO	Shelby County Criminal Court No trial judge in record No. 02-09113	Glenn, J., Denied	Rule 11	Denied - Application of Jasper Lee Vick

Vintage Health Resources, Inc. v. James Jose R. Guiangan W2008-01288-SC-R11-CV	Shelby County Circuit Court Judge D'Army Bailey No. CT-000950-06	Kirby, J., Affirmed in Part, Reversed in Part, Vacated in Part, Remanded	Rule 11	Denied - Application of James Jose R. Guiangan
Carol Ann Vick Watson v. Frank Lee Watson, Jr. W2007-02735-SC-R11-CV	Shelby County Chancery Court Chancellor Walter L. Evans No. CH-01-2398-1	Kirby, J., Affirmed in Part; Reversed in Part; Modified	Rule 11	Denied - Applications of Carol Ann Vick Watson and Frank Lee Watson, Jr.
State of Tennessee v. Germaine Whitley W2007-00819-SC-R11-CD	Shelby County Criminal Court Judge Chris Craft No. 06-00289	Woodall, J., Affirmed	Rule 11	Denied - Application of Germaine Whitley
State of Tennessee v. Quartes Williams W2008-01946-SC-R11-CD	Shelby County Criminal Court Judge Carolyn Wade Blackett No. 07-02146	Glenn, J., Affirmed	Rule 11	Denied - Application of Quartes Williams
Jeffrey Yates v. State of Tennessee W2008-02498-SC-R11-PC	Shelby County Criminal Court Judge James C. Beasley, Jr. No. 02-00754	Glenn, J., Affirmed	Rule 11	Denied - Application of Jeffery Yates

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**BLUE BELL CREAMERIES, L.P. v. LOREN L. CHUMLEY,
COMMISSIONER, DEPARTMENT OF REVENUE, STATE OF TENNESSEE**

**Chancery Court for Davidson County
No. 06-414-III**

No. M2009-00255-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Loren L. Chumley, Commissioner of the Department of Revenue, and the record before us, the application is granted.

Upon consideration of the motion filed by the Multistate Tax Commission, seeking leave to file a brief as amicus curiae in support of the Commissioner's application, and the motion filed by Blue Bell Creameries, L.P., seeking permission to file a response in opposition to the Multistate Tax Commission's motion, we conclude that both motions should be and hereby are 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

STEPHANIE H. HEWITT v. JOSEPH COOK

Circuit Court for Macon County
No. 4681-6-252

No. M2008-01569-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Joseph Cook and the record before us, the application is granted.

The Court is particularly interested in briefing on the parties' proposed procedural remedy for curing any defects in the trial court's orders.

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

MICHAEL SANFORD v. WAUGH & COMPANY, INC. ET AL.

**Chancery Court for Davidson County
No. 05-943-III**

No. M2007-02528-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal Waugh & Company, Inc., Carol Ann Waugh, and Troy Allen Waugh 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

DONNA FAYE SHIPLEY ET AL. v. ROBIN WILLIAMS, M.D.

Circuit Court for Davidson County
No. 02C-3204

No. M2007-01217-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Robin Williams, M.D. 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 KNOXVILLE

DAWN BROWN ET AL. v. TENNESSEE TITLE LOANS, INC.

**Circuit Court for Hamilton County
No. 04C1682**

No. E2008-01758-SC-R11-CV

ORDER

Upon consideration of the Tenn. R. App. P. 11 application for permission to appeal filed by Tennessee Title Loans, Inc. 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 KNOXVILLE

**KNOX COUNTY, TENNESSEE EX REL. ENVIRONMENTAL TERMITE & PEST
CONTROL, INC. ET AL. v. ARROW EXTERMINATORS, INC. ET AL.**

**Chancery Court for Knox County
No. 158430-2**

No. E2007-02827-SC-R11-CV

ORDER

Upon consideration of the Tenn. R. App. P. 11 application for permission to appeal filed by Knox County, Tennessee 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 JACKSON

DAVID REYNOLDS, ET AL. v. DYERSBURG HOSPITAL CORPORATION, ET AL.

**Circuit Court for Dyer County
No. 04-170**

No. W2009-00866-SC-S09-CV

AND

DAVID REYNOLDS v. DAVID CRISWELL, ET AL.

**Circuit Court for Dyer County
No. 04-142**

No. W2009-00874-SC-S09-CV

ORDER

These appeals are before the Court upon the applications of David Criswell, et al. and Dyersburg Hospital Corporation, et al. for permission to appeal from the denial of their Rule 9 applications by the Court of Appeals. These applications were held by the Court, pending the disposition of Banks v. Elks Club Pride of Tennessee 1102, et al., No. M2008-01894-SC-S09-CV. This Court's opinion in Banks was filed on January 13, 2010.

Upon due consideration, the application in Reynolds v. Criswell requesting review of the trial court's order granting the plaintiff's motion to strike Criswell's assertion of the comparative fault of the medical providers is granted, and this case is remanded to the trial court for consideration and for further proceedings consistent with the holding in Banks. The application in Reynolds v. Dyersburg Hospital Corporation, et al. requesting review of the trial court's denial of the medical providers' motion to dismiss is denied.

On August 6, 2009, a “Notice of Substitution” of counsel was filed by Thomas Pinckney and Susan D. Bass on behalf of applicant Alan B. Hopkins. No response has been filed by prior counsel, nor by any other party in the case. This notice will be treated as a motion to substitute counsel. The motion is granted. It is ordered that Mr. Pinckney and Ms. Bass are substituted as counsel for Alan B. Hopkins in place of Darrell G. Townsend.

Costs in No. W2009-00866-SC-S09-CV are taxed to the applicants, Dyersburg Hospital Corporation, Joseph Flagge, M.D., and Alan B. Hopkins, ARNP, and their sureties, for which execution may issue if necessary.

Costs in No. W2009-00874-SC-S09-CV are taxed to the respondents, David Reynolds and Debbie Flowers, for which execution may issue if necessary.

PER CURIAM