

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

Monday, September 26, 2011

GRANTS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
Donna Clark v. Sputniks, LLC, et al. M2010-02163-SC-R11-CV	Sumner County Circuit Court Judge C. L. Rogers No. 2008CV31663C	Bennett, J., Affirmed in Part, Reversed in Part	Rule 11	Granted - Application of QBE Insurance Corporation; case is consolidated for oral argument with <u>Leonard Gamble v. Sputniks, LLC, et al.</u> , No. M2010-02145-SC-R11-CV (Order filed 9-22-2011; copy attached)
Joshua Cooper, et al. v. Logistics Insight Corp., et al. M2010-01262-SC-R11-CV	Rutherford County Chancery Court Chancellor Robert E. Corlew, III No. 080105CV	Dinkins, J., Reversed and Remanded	Rule 11	Granted - Application of Logistics Insight Corp., et al. (Order filed 9-21-2011; copy attached)

Leonard Gamble v. Sputniks, LLC, et al. M2010-02145-SC-R11-CV	Sumner County Circuit Court Judge C. L. Rogers No. 2008CV31525	Bennett, J., Affirmed in Part; Reversed in Part	Rule 11	Granted - Application of QBE Insurance Corporation; case is consolidated for oral argument with <u>Donna Clark v. Sputniks, LLC, et al.</u> , No. M2010-02163-SC-R11-CV (Order filed 9-22-2011; copy attached)
Christian Heyne, et al. v. Metropolitan Nashville Board of Public Education M2010-00237-SC-R11-CV	Davidson County Chancery Court Chancellor Ellen H. Lyle No. 09136III	Clement, J., Reversed	Rule 11	Granted - Application of Christian Heyne, William Heyne, and Robin Heyne (Order filed 9-21-2011; copy attached)
Elliott H. Himmelfarb, M.D., et al. v. Tracy R. Allain M2010-02401-SC-S10-CV	Williamson County Circuit Court Judge Robbie T. Beal No. 07454	Clement, J., Affirmed	Rule 11	Granted - Application of Tracy R. Allain (Order filed 9-21-2011; copy attached)
R. Douglas Hughes, et al. v. New Life Development Corporation, et al. M2010-00579-SC-R11-CV	Franklin County Chancery Court Chancellor Thomas W. Graham Nos. 18444 & 18956	Bennett, J., Reversed in Part; Affirmed in Part	Rule 11	Granted - Application of New Life Development Corporation, Robby McGee, Jeffrey M. Dunkle, and B. J. Cline; Granted - Motion of Home Builders Association of Middle Tennessee requesting permission to file an amicus brief in support of the application for permission to appeal (Order filed 9-22-2011; copy attached)
Danny A. Stewart v. Gayle Ray, Commissioner, TDOC, et al. M2010-01808-SC-R11-CV	Davidson County Chancery Court Chancellor Carol L. McCoy No. 10457-II	Susano, J., Judgment Vacated; Case Remanded	Rule 11	Granted - Application of the State of Tennessee; appointed counsel to represent Danny A. Stewart (Order filed 9-26-2011; copy attached)

Cyrus Deville Wilson v. State of Tennessee M2009-02241-SC-R11-CO	Davidson County Criminal Court Judge Seth Norman No. 93-A-176	Thomas, J., Reversed; Welles, J., Dissenting	Rule 11	Granted - Application of the State of Tennessee (Order filed 9-21-2011; copy attached)
<u>Knoxville</u>				
State of Tennessee v. John Anthony Lethco E2010-00058-SC-R11-CD	Sevier County Circuit Court Judge Rex H. Ogle No. 12885-III	Witt, J., Affirmed and Remanded	Rule 11	Granted - Application of John Anthony Lethco; appointing counsel for Lethco (Order filed 9-22-2011; copy attached)
Betty Saint Rogers v. Louisville Land Company, et al. E2010-00991-SC-R11-CV	Bradley County Chancery Court Chancellor Jerri Bryant Nos. 04-117 and 04-128	Swiney, J., Affirmed in Part; Reversed in Part; Remanded	Rule 11	Granted - Application of Betty Saint Rogers (Order filed 9-21-2011; copy attached)
<u>Jackson</u>				
NONE				

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

Monday, September 26, 2011

DENIALS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
State of Tennessee v. Antonio F. Baker M2010-00695-SC-R11-CD	Davidson County Criminal Court Judge Steve Dozier No. 2005-A-414	Witt, J., Affirmed	Rule 11	Denied - Application of Antonio F. Baker (Order filed 9-21-2011)
Bellsouth Advertising & Publishing Corp. v. Sentayehu Abebe d/b/a Ultimate American Concrete M2010-01020-SC-R11-CV	Davidson County Circuit Court Judge Joseph P. Binkley, Jr. No. 09C948	Dinkins, J., Affirmed	Rule 11	Denied - Application of Sentayehu Abebe d/b/a Ultimate American Concrete (Order filed 9-21-2011)
Rodney Corley v. State of Tennessee M2010-01758-SC-R11-CO	Davidson County Criminal Court Judge Seth Norman No. 84-S-1103	Wedemeyer, J., Affirmed	Rule 11	Denied - Application of Rodney Corley (Order filed 9-21-2011)
State of Tennessee v. Timothy L. Diggs, Sr. M2010-00025-SC-R11-CD	Montgomery County Circuit Court Judge Michael R. Jones No. 40700629	McLin, J., Affirmed and Remanded	Rule 11	Denied - Application of Timothy L. Diggs, Sr. (Order filed 9-21-2011)

State of Tennessee v. Ashlee V. Dobbs M2009-01896-SC-R11-CD	Williamson County Circuit Court Judge James G. Martin, III No. II-CR-34008	Wedemeyer,J., Affirmed in Part; Reversed in Part, and Remanded	Rule 11	Denied - Application of Ashlee V. Dodds (Order filed 9-21-2011)
Alonzo Fishback v. State of Tennessee M2010-00900-SC-R11-PC	Rutherford County Circuit Court Judge Don R. Ash No. F-62885	Glenn, J., Affirmed	Rule 11	Denied - Application of Alonzo Fishback (Order filed 9-21-2011)
State of Tennessee v. John Eric Garvin, Jr. M2010-01942-SC-R11-CD	Montgomery County Circuit Court Judge John Gasaway Nos. 40601078, 40701676, 40900283 & 40900715	Wedemeyer,J., Affirmed	Rule 11	Denied - Application of John Eric Garvin (Order filed 9-21-2011)
Bryant Guartos v. State of Tennessee M2010-00801-SC-R11-PC	Davidson County Criminal Court Judge Cheryl a. Blackburn No. 2001A280	Wedemeyer,J., Affirmed	Rule 11	Dismissed - Application of Bryant Guartos (Order filed 9-23-2011)
State of Tennessee v. Robert A. Guerrero M2008-02839-SC-R11-CD	Maury County Circuit Court Judge Stella Hargrove No. 17884	Woodall, J., Affirmed	Rule 11	Denied - Application of Robert A. Guerrero (Order filed 9-21-2011)
State of Tennessee v. Emanuel Hamilton M2010-00432-SC-R11-CD	Davidson County Criminal Court Judge Cheryl Blackburn Nos. 2004-B-1778 and 207-B-1486	Tipton, J., Affirmed	Rule 11	Denied - Application of Emanuel Hamilton (Order filed 9-21-2011)
John Haynes v. Rutherford County and Matthew J. Goney M2010-01577-SC-R11-CV	Rutherford County Circuit Court Chancellor Robert E. Corlew No. 59592	Clement, J., Reversed and Remanded	Rule 11	Denied - Application of Rutherford County and Matthew J. Goney (Order filed 9-21-2011)

Larry Hendricks v. Tennessee Board of Probation and Parole M2010-01651-SC-R11-CV	Davidson County Chancery Court Chancellor Claudia Bonnyman No. 09-5481-I	Highers, J., Affirmed	Rule 11	Denied - Application of Larry Hendricks (Order filed 9-21-2011)
State of Tennessee v. Joshua Maurice Hickman M2010-01063-SC-R11-CD	Davidson County Criminal Court Judge Mark J. Fishburn No. 2009-I-269	McMullen, J., Affirmed	Rule 11	Denied - Application of Joshua M. Hickman (Order filed 9-21-2011)
Maston G. Lyons, III, et al. v. Kimberly G. Leffew, et al. M2010-00645-SC-R11-CV	Sequatchie County Chancery Court Judge Jeffrey F. Stewart No. 2141	Clement, J., Affirmed	Rule 11	Denied - Application of Maston G. Lyons, III and Linda C. Lyons (Order filed 9-21-2011)
State of Tennessee v. Alvin Phillips M2009-02320-SC-R11-CD	Davidson County Criminal Court Judge Steve Dozier No. 2009-B-1782	Wedemeyer,J., Affirmed	Rule 11	Denied - Application of Alvin Phillips (Order filed 9-21-2011)
Jonathan K. Price v. State of Tennessee M2010-00242-SC-R11-PC	Rutherford County Circuit Court Judge David M. Bragg No. F63728	McLin, J., Affirmed	Rule 11	Dismissal Order Vacated - This Court's order of August 1, 2011 dismissing the application of Jonathan K. Price is vacated and this appeal shall proceed in accordance with Tennessee Rules of Appellate Procedure (Order filed 9-20-2011)
State of Tennessee v. Julio Ramirez M2009-01617-SC-R11-CD	Davidson County Criminal Court Judge Mark J. Fishburn No. 2004-C-2133	Wedemeyer,J., Affirmed in Part, Reversed in Part, Remanded	Rule 11	Denied - Application of Julio Ramirez (Order filed 9-21-2011)

State of Tennessee v. Chris L. Robinson M2010-01894-SC-R11-CD	Davidson County Criminal Court Judge Cheryl Blackburn No. 2010-I-313	McLin, J., Affirmed and Remanded	Rule 11	Denied - Application of Chris L. Robinson (Order filed 9-21-2011)
Jason Paul Sherwood v. State of Tennessee M2010-00149-SC-R11-PC	Davidson County Criminal Court Judge Cheryl Blackburn No. 2004-C-2268	McLin, J., Affirmed	Rule 11	Denied - Application of Jason Sherwood (Order filed 9-21-2011)
Assadot Starling v. State of Tennessee M2010-00689-SC-R11-PC	Davidson County Criminal Court Judge Steve R. Dozier No. 2008-B-1770	Ogle, J., Affirmed	Rule 11	Denied - Application of Assadot Starling (Order filed 9-21-2011)
State of Tennessee v. Derrick Sloan Taylor M2010-00571-SC-R11-CD	Davidson County Criminal Court Judge Mark J. Fishburn No. 2007-C-2249	Tipton, J., Affirmed	Rule 11	Denied - Application of Derrick Taylor (Order filed 9-21-2011)
Kenneth W. Taylor v. Lawrence County, Tennessee Election Commission, et al. M2010-02406-SC-R11-CV	Lawrence County Chancery Court Judge Robert Lee Holloway, Jr. No. 1500610	Bennett, J., Reversed	Rule 11	Denied - Application of Kenneth W. Taylor. <i>The opinion of the Court of Appeals is designated "Not for Citation" in accordance with Tenn. Sup. Ct. R. 4(E).</i> (Order filed 9-21-2011)
State of Tennessee v. Felix Tamayo M2010-00800-SC-R11-CD	Davidson County Criminal Court Judge Cheryl Blackburn No. 2009-B-1946	Thomas, J., Affirmed	Rule 11	Denied - Application of Felix Tamayo (Order filed 9-21-2011)

State of Tennessee v. Brooke Lee Whitaker M2009-02449-SC-R11-CD	Bedford County Circuit Court Judge Robert Crigler No. 16744	Woodall, J., Affirmed	Rule 11	Denied - Application of Brooke Lee Whitaker; Granted - Brooke Lee Whitaker's Motion to proceed in forma pauperis; Denied as Moot - Brooke Lee Whitaker's Motion for appointment of counsel (Order filed 9-21-2011)
<u>Knoxville</u>				
William Paul Bogus v. Jim Morrow, Warden, et al. E2010-02368-SC-R11-HC	Bledsoe County Circuit Court Judge J. Curtis Smith No. 2010-CR-44	Smith, J., Affirmed	Rule 11	Denied - Application of William Paul Bogus (Order filed 9-21-2011)
State of Tennessee v. Ronald Eugene Brewer, Jr. E2010-01147-SC-R11-CD	Hawkins County Criminal Court Judge John F. Dugger, Jr. No. 09CR0022	Welles, Sp.J., Affirmed	Rule 11	Denied - Application of Ronald Eugene Brewer (Order filed 9-21-2011)
State of Tennessee v. Carl Lee Bright E2010-00903-SC-R11-CD	Monroe County Circuit Court Judge Amy F. Reedy No. 09-088	Tipton, J., Affirmed	Rule 11	Denied - Application of Carl Lee Bright (Order filed 9-21-2011)
James Eric Crain v. CRST Van Expedited, Inc. E2010-01457-SC-R11-CV	Knox County Chancery Court Chancellor Michael W. Moyers No. 174733-3	Swiney, J., Affirmed and Remanded	Rule 11	Denied - Application of James Eric Crain (Order filed 9-21-2011)

Charles W. Elsea v. State of Tennessee E2011-01328-SC-R11-PC	Hamilton County Criminal Court Judge Don W. Poole No. 236982	Kelley, J., Witt, J., Ogle, J., Denied SCT Rule 28	Rule 11	Denied - Application of (Order filed 9-21-2011)
Darrell Lamar Fritts v. Howard Carlton, Warden E2010-01574-SC-R11-HC	Johnson County Circuit Court Judge Robert E. Cupp No. 5426	Thomas, J., Affirmed	Rule 11	Denied - Application of Darrell Lamar Fritts (Order filed 9-21-2011)
State of Tennessee v. Samuel Alan Ireson E2010-01648-SC-R11-CD	Sullivan County Circuit Court Judge Robert H. Montgomery, Jr. No. S55866	Welles, J., Affirmed	Rule 11	Denied - Application of Samuel Alan Ireson (Order filed 9-21-2011)
State of Tennessee v. Daniel H. Jones E2010-00016-SC-R11-CD	Sullivan County Criminal Court Judge Robert H. Montgomery, Jr. No. S53,124	Smith, J., Affirmed	Rule 11	Denied - Application of Daniel H. Jones (Order filed 9-21-2011)
Ricky Johnson a/k/a Russell Wellington v. State of Tennessee - Howard Carlton, Warden E2010-00622-SC-R11-HC	Johnson County Circuit Court Judge Jean Stanley No. X3209	Welles, J., Affirmed	Rule 11	Denied - Petition to Rehear Denial of Application of Ricky Johnson a/k/a Russell Wellington (Order filed 9-21-2011)
Lucas F. McCombs v. Anna M. Davidson E2011-00237-SC-R11-CV	Roane County General Sessions Judge Dennis W. Humphrey No. 9048A	Per Curiam, Dismissed	Rule 11	Denied - Application of Brett D. Stokes (Order filed 9-21-2011)
Charles Wade McGaha v. State of Tennessee E2010-01926-SC-R11-PC	Cocke County Circuit Court Judge Rex H. Ogle No. 1300	Wedemeyer,J., Affirmed	Rule 11	Denied - Application of Charles Wade McGaha (Order filed 9-21-2011)

Frederick Miller v. State of Tennessee E2009-00232-SC-R11-PC	Hamilton County Criminal Court Judge Rebecca J. Stern No. 263814	Ogle, J., Affirmed	Rule 11	Denied - Application of Frederick Miller (Order filed 9-21-2011)
State of Tennessee v. Leonard Eugene Myers E2010-00762-SC-R11-CD	Hamilton County Criminal Court Judge Don W. Poole No. 264872	Tipton, J., Vacated and Remanded	Rule 11	Denied - Application of Leonard Eugene Myers (Order filed 9-21-2011)
State of Tennessee v. John Richard Sprouse E2010-01763-SC-R11-CD	Sevier County Circuit Court Judge Rex H. Ogle No. 14457-III	Witt, J., Affirmed	Rule 11	Denied - Application of John Richard Sprouse (Order filed 9-21-2011)
Randall Turner v. State of Tennessee E2011-00110-SC-R11-PC	Hamilton County Criminal Court Judge Don W. Poole No. 278379	Witt, J., Affirmed and Remanded	Rule 11	Denied - Application of Randall Turner (Order filed 9-21-2011)
State of Tennessee v. Dyron Norm Yokley E2009-02646-SC-R11-CD	Hamilton County Criminal Court Judge Barry A. Steelman No. 269159	Tipton, J., Affirmed	Rule 11	Denied - Application of Dyron Norm Yokley (Order filed 9-21-2011)
David G. Young, Individually and as City Administrator for the City of LaFollette v. City of LaFollette E2010-00653-SC-R11-CV	Campbell County Chancery Court Chancellor Billy Joe White No. 09-103	Swiney, J., Reversed and Remanded	Rule 11	Denied - Application of David G. Young, Individually and as City Administrator for the City of LaFollette (Order filed 9-21-2011)
State of Tennessee v. Douglas Wayne Young E2010-00027-SC-R11-CD	Sullivan County Circuit Court Judge Robert H. Montgomery, Jr. No. S54,663	Tipton, J., Affirmed	Rule 11	Denied - Application of Douglas Wayne Young (Order filed 9-21-2011)

Jackson

State of Tennessee v. Jerry W. Alley, Jr. W2010-01994-SC-R11-CD	Hardin County Circuit Court Judge C. Creed McGinley No. 9220	Witt, J., Affirmed	Rule 11	Denied - Application of Jerry W. Alley, Jr. (Order filed 9-21-2011)
The Bank of Fayette County v. Simon M. Woody, Jr., d/b/a Royal Kingdom Builders W2010-01798-SC-R11-CV	Fayette County Circuit Court Chancellor William C. Cole No. 5326	Kirby, J., Affirmed	Rule 11	Denied - Application of Simon M. Woody, Jr., d/b/a Royal Kingdom Builders; Denied - Mr. Woody's pro se Motion for stay of execution and for waiver of bond (Order filed 9-21-2011)
State of Tennessee v. Leon Booker W2010-02295-SC-R11-CD	Dyer County Circuit Court Judge Lee Moore No. 09-CR-413	Witt, J., Affirmed	Rule 11	Denied - Application of Leon Booker (Order filed 9-21-2011)
Creative Label, Inc. v. David Tuck, Weakley County Assessor of Property, et al. W2010-01557-SC-R11-CV	Madison County Chancery Court Chancellor James F. Butler No. 59385	Farmer, J., Affirmed and Remanded	Rule 11	Denied - Application of Creative Label, Inc. (Order filed 9-21-2011)
Ronald E. Crook v. State of Tennessee W2009-02230-SC-R11-PC	Shelby County Criminal Court Judge Chris Craft No. 04-08273	Woodall, J., Affirmed	Rule 11	Denied - Application of Ronald E. Crook (Order filed 9-21-2011)
Crye-Leike, Inc. v. Sarah A. Carver W2010-01601-SC-R11-CV	Shelby County Chancery Court Judge Arnold B. Goldin No. CH-08-0122-2	Farmer, J., Affirmed and Remanded	Rule 11	Denied - Application of Crye-Leike, Inc. (Order filed 9-21-2011)

Margo Freshwater v. State of Tennessee W2009-02498-SC-R11-CO	Shelby County Criminal Court Judge W. Otis Higgs, Jr. No. P-27089	Glenn, J., Reversed and Remanded	Rule 11	Denied - Application of State of Tennessee (Order filed 9-21-2011)
Tony Hoover v. State of Tennessee W2009-01737-SC-R11-PC	Shelby County Criminal Court Judge Paula Skahan No. 05-04655-56	Williams, J., Affirmed	Rule 11	Denied - Application of Tony Hoover (Order filed 9-21-2011)
State of Tennessee v. Bobby Jackson W2009-02232-SC-R11-CD	Shelby County Criminal Court Judge W. Otis Higgs No. 08-00127	McLin, J., Affirmed	Rule 11	Denied - Application of Bobby Jackson (Order filed 9-21-2011)
State of Tennessee v. Darius Jones W2010-01080-SC-R11-CD	Shelby County Criminal Court Judge John P. Colton, Jr. No. 01-04380 & 0104391	Glenn, J., Affirmed	Rule 11	Denied - Application of Darius Jones (Order filed 9-21-2011)
Charles Macklin v. State of Tennessee W2010-01768-SC-R11-PC	Shelby County Criminal Court Judge John T. Fowlkes, Jr. Nos. 08-00832 & 08-06106	Thomas, J., Affirmed	Rule 11	Denied - Application of Charles Macklin (Order filed 9-21-2011)
Justin Mathis v. State of Tennessee W2010-00704-SC-R11-PC	Shelby County Criminal Court Judge Carolyn Wade Blackett No. 04-06495	McLin, J., Affirmed	Rule 11	Denied - Application of Justin Mathis (Order filed 9-21-2011)
State of Tennessee v. Anton Mayhew and Travis Brown W2009-02184-SC-R11-CD	Shelby County Criminal Court Judge W. Mark Ward No. 07-00039	Williams, J., Affirmed	Rule 11	Denied - Application of Anton Mayhew and Travis Brown (Order filed 9-21-2011)

Deshawn McClenton v. State of Tennessee W2010-02102-SC-R11-PC	Shelby County Criminal Court Judge J. Robert Carter, Jr. Nos. 92-05944 and 92-05466-68	Glenn, J., Affirmed pursuant to Rule 20 of TN Rules of Court of Criminal Appeals	Rule 11	Denied - Application of Deshawn McClenton (Order filed 9-21-2011)
State of Tennessee v. Kristopher Smith W2010-00125-SC-R11-CD	Shelby County Criminal Court Judge John T. Fowlkes, Jr. No. 08-02796	McMullen, J., Affirmed	Rule 11	Denied - Application of Kristopher Smith (Order filed 9-21-2011)
Kirkland Sturgis v. Donna Smith Thompson W2010-02024-SC-R11-CV	Crockett County Circuit Court Judge Clayburn L. Peeples No. 3209	Kirby, J., Affirmed	Rule 11	Denied - Application of Donna Smith Thompson (Order filed 9-21-2011)
Torrez Talley v. State of Tennessee W2009-02036-SC-R11-PC	Shelby County Criminal Court Judge Paula Skahan No. 01-08325-33	Woodall, J., Affirmed	Rule 11	Denied - Application of Torrez Talley (Order filed 9-21-2011)
State of Tennessee v. Kelly Walker W2010-00122-SC-R11-CD	Shelby County Criminal Court Judge James M. Lammey, Jr. No. 08-04373	Glenn, J., Affirmed	Rule 11	Denied - Application of Kelly Walker (Order filed 9-21-2011)
State of Tennessee v. Walter Williams W2009-01482-SC-R11-CD	Shelby County Criminal Court Judge Carolyn Wade Blackett No. 06-09323	Smith, J., Affirmed	Rule 11	Denied - Application of Walter Williams (Order filed 9-21-2011)

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

DONNA CLARK v. SPUTNIKS, LLC ET AL.

**Circuit Court for Sumner County
No. 2008CV31663C**

No. M2010-02163-SC-R11-CV - Filed September 22, 2011

ORDER

Upon consideration of the application for permission to appeal of QBE Insurance Corporation and the record before us, the application is granted.

In addition to the issues raised in the application, for supplemental briefing and oral argument the Court is particularly interested in the following issues:

1. Whether an insurer which elects not to defend its insured may challenge the basis for the imposition of liability on its insured where such liability is imposed by default judgment.
2. Whether coverage under the insuring agreement of the subject liquor liability coverage form is limited by the Tennessee Dram Shop Act, Tenn. Code Ann. 57-10-101 et. seq.

Pursuant to Tennessee Rule of Appellate Procedure 16(b), this case is consolidated for oral argument with Leonard Gamble v. Sputniks, LLC, et al., No. M2010-02145-SC-R11-CV.

The Clerk is directed to set oral argument of these consolidated appeals for the February 2012 Court session in Nashville, tentatively scheduled for February 15-16, 2012.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

JOSHUA COOPER ET AL v. LOGISTICS INSIGHT CORP. ET AL

**Chancery Court for Rutherford County
No. 080105CV**

No. M2010-01262-SC-R11-CV - Filed September 21, 2011

ORDER

Upon consideration of the application for permission to appeal of Logistics Insight Corp. et al, 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

LEONARD GAMBLE v. SPUTNIKS, LLC, ET AL

Circuit Court for Sumner County
No. 2008CV31525

No. M2010-02145-SC-R11-CV - Filed September 22, 2011

ORDER

Upon consideration of the application for permission to appeal of QBE Insurance Corporation, and the record before us, the application is granted. In addition to the issues raised in the application, for supplemental briefing and oral argument the Court is particularly interested in the following issues:

1. Whether an insurer which elects not to defend its insured may challenge the basis for the imposition of liability on its insured where such liability is imposed by default judgment.
2. Whether coverage under the insuring agreement of the subject liquor liability coverage form is limited by the Tennessee Dram Shop Act, Tenn. Code Ann. 57-10-101 et. seq.

Pursuant to Tennessee Rule of Appellate Procedure 16(b), this case is consolidated for oral argument with Donna Clark v. Sputniks, LLC, et al., No. M2010-02163-SC-R11-CV.

The Clerk is directed to set oral argument of these consolidated appeals for the February 2012 Court session in Nashville, tentatively scheduled for February 15-16, 2012.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**CHRISTIAN HEYNE ET AL. v. METROPOLITAN NASHVILLE BOARD OF PUBLIC
EDUCATION**

**Chancery Court for Davidson County
No. 09136III**

No. M2010-00237-SC-R11-CV - Filed September 21, 2011

ORDER

Upon consideration of the application for permission to appeal of Christian Heyne, William Heyne, and Robin Heyne, and the record before us, the application is granted.

The motion filed by the Tennessee Education Association for leave to file an amicus brief 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

ELLIOT H. HIMMELFARB, M.D. ET AL. v. TRACY R. ALLAIN

Circuit Court for Williamson County
No. 07454

No. M2010-02401-SC-S10-CV - Filed September 21, 2011

ORDER

Upon consideration of the application for permission to appeal of Tracy R. Allain 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

R. DOUGLAS HUGHES ET AL. v. NEW LIFE DEVELOPMENT CORPORATION ET AL.

**Chancery Court for Franklin County
Nos. 18,444 & 18,956**

No. M2010-00579-SC-R11-CV - Filed September 22, 2011

ORDER

Upon consideration of the Tenn. R. App. P. 11 application for permission to appeal filed on behalf of New Life Development Corporation, Robby McGee, Jeffrey M. Dunkle, and B.J. Cline, 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.

The Home Builders Association of Middle Tennessee requested permission to file an amicus brief in support of the application for permission to appeal. This motion is granted.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

DANNY A. STEWART v. GAYLE RAY, COMMISSIONER, TDOC ET AL.

**Chancery Court for Davidson County
No. 10457II**

No. M2010-01808-SC-R11-CV - Filed September 26, 2011

ORDER

Upon consideration of the Tenn. R. App. P. 11 application for permission to appeal filed by the State of Tennessee and the record before us, the application is granted.

For the purpose of all the proceedings before this Court with regard to this appeal, the Court is pleased to appoint James O. Martin, III, 1308 Rosa Parks Boulevard, Nashville, Tennessee 37208 to represent Danny A. Stewart.

The clerk is requested to place this matter on the Court's docket for oral argument upon the completion of briefing.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

CYRUS DEVILLE WILSON v. STATE OF TENNESSEE

Criminal Court for Davidson County
No. 93-A-176

No. M2009-02241-SC-R11-CO - Filed September 21, 2011

ORDER

Upon consideration of the Tenn. R. App. P. 11 application for permission to appeal filed on behalf of the State of 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 KNOXVILLE

STATE OF TENNESSEE v. JOHN ANTHONY LETHCO

Circuit Court for Sevier County
No. 12885III

No. E2010-00058-SC-R11-CD - Filed September 22, 2011

ORDER

Upon consideration of the application for permission to appeal of John Anthony Lethco and the record before us, the application is GRANTED. Supplemental briefing and oral argument shall be limited to the following issue:

Whether the Court of Criminal Appeals erred in concluding that the trial court lost jurisdiction of this case when the defendant filed his notice of appeal before filing his motion for new trial.

It appearing to the Court that the appellant is presently without counsel, the Court is pleased to appoint Stephen R. Johnson, 606 W. Main Avenue, Suite 300, P.O. Box 1126, Knoxville, TN 37901-1126, to represent the appellant in the appeal in this Court.

The Clerk is directed to set oral argument of this appeal for the January 2012 Court session in Knoxville, tentatively scheduled for January 3-5, 2012.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

BETTY SAINT ROGERS v. LOUISVILLE LAND COMPANY ET AL

**Chancery Court for Bradley County
No. 04117**

No. E2010-00991-SC-R11-CV - Filed September 21, 2011

ORDER

Upon consideration of the application for permission to appeal of Betty Saint Rogers, 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