

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

**Monday, June 15, 2009**

**GRANTS**

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<b><u>Nashville</u></b>				
Sherrill Johnson v. Metropolitan Government of Nashville and Davidson County M2008-00551-SC-R11-CV	Davidson County Circuit Court Judge Barbara Haynes No. 07C536	Kurtz, J., Affirmed	Rule 11	<b>Granted and Remanded to the Court of Appeals</b> - Application of Sherrill Johnson  <b>(Order attached hereto)</b>
Linda F. Seals v. H & F, Inc., et al M2009-00330-SC-R23-CQ	United States District Court for the Middle District of Tennessee No. 3:08-cv-01038		Rule 23, Certified Question	<b>Accepted</b> - Certified Questions of Law filed by Linda F. Seals  <b>(Order filed 06-11-2009; attached hereto)</b>
State of Tennessee v. Thomas Lewis Turner, II M2008-00482-SC-R11-CO	Rutherford County Circuit Court Judge Don R. Ash No. F60192B	McMullen, J., Reversed	Rule 11	<b>Granted</b> - Application of Thomas Lewis Turner, II  <b>(Order attached hereto)</b>

**Knoxville**

F. Chris Cawood v. Linda Booth, et al E2007-02537-SC-R11-CV	Roane County Circuit Court Judge Russell E. Simmons, Jr. No. 13059	Susano, J., Affirmed in Part, Vacated in Part and Remanded	Rule 11	<b>Granted</b> - Applications of F. Chris Cawood, Linda Booth, Jon French, Randy Scarbrough and Dennis Worley  <b>(Order attached hereto)</b>
Jeffery Aaron Lane v. State of Tennessee E2007-00032-SC-R11-PC	Sullivan County Criminal Court Judge R. Jerry Beck No. C51, 609	Woodall, J., Affirmed	Rule 11	<b>Granted</b> - Application of the State of Tennessee  <b>(Order attached hereto)</b>

**Jackson**

Andrew Carter v. Quality Outdoor Products, Inc., et al W2009-00855-WC-R9-WC	Madison County Chancery Court Chancellor James F. Butler No. 65007		Rule 9	<b>Granted</b> - Application of Quality Outdoor Products, Inc. And Berkley Regional Insurance Company  <b>(Order attached hereto)</b>
State of Tennessee v. Darrell Franklin W2007-02772-SC-R11-CD	Shelby County Criminal Court Judge James C. Beasley, Jr. No. 07-01517	Welles, J., Reversed and Remanded	Rule 11	<b>Granted</b> - Application of the State of Tennessee  <b>(Order attached hereto)</b>
State of Tennessee v. Tommy Holmes W2008-00759-SC-R11-CD	Shelby County Criminal Court Judge James C. Beasley	Glenn, J., Affirmed	Rule 11	<b>Granted</b> - Application of Tommy Holmes  <b>(Order attached hereto)</b>

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

**Monday, June 15, 2009**

**DENIALS**

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<b><u>Nashville</u></b>				
Thomas E. Brady v. Kimberly Gugler M2006-01993-SC-R11-CV	Warren County Circuit Court Judge Larry B. Stanley, Jr. No. 1413	Stewart, J., Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Thomas E. Brady <b>(Order filed June 9, 2009)</b>
State of Tennessee v. Thomas Edward Clardy M2007-02729-SC-R11-CD	Davidson County Criminal Court Judge Seth Norman No. 2006-D-1065	Witt, J., Affirmed	Rule 11	<b>Denied</b> - Application of Thomas Edward Clardy
Ronald L. Davis v. State of Tennessee M2008-01808-SC-R11-CO	Maury County Circuit Court Judge Robert Jones No. 9444	Smith, J., Rule 20 Denied	Rule 11	<b>Denied</b> - Application of Ronald L. Davis

Discover Bank v. Shirley D. Henson M2007-02749-SC-R11-CV	Davidson County Circuit Court Judge Amanda Jane McClendon No. 05C3596	Clement, J., Reversed and Remanded	Rule 11	<b>Denied</b> - Application of Discover Bank. <b>Order further states the following</b> , “Because the opinion of the Court of Appeals contains language inconsistent with <u>Citibank South Dakota, N.A. v. Johnson</u> , 220 S.W.3d 894 (Tenn.Ct. App. 2006), it is hereby designated “Not For Citation” in accordance with Supreme Court Rule 4, section E; however, we expressly approve of the instructions within the opinion directing the trial court to grant timely filed motions to amend.”
Sonja Filson, et al v. Seton Corporation, d/b/a Baptist Hospital, et al M2006-02301-SC-R9-CV	Davidson County Circuit Court Judge Marietta M. Shipley No. 03C-3238 and 04C-2348	Cottrell, J., Affirmed in Part, Reversed in Part and Remanded	Rule 11	<b>Denied</b> - Application of Sonja and Timothy Filson  <b>(Koch, J., not participating)</b>
Kevin Dewitt Ford v. State of Tennessee M2007-01727-SC-R11-PC	Davidson County Criminal Court Judge Cheryl Blackburn No. 2001-A-600-601	Thomas, J., Affirmed	Rule 11	<b>Denied</b> - Application of Kevin Dewitt Ford
Anthony J. Fralix v. State of Tennessee M2008-02101-SC-R11-PC	Marshall County Circuit Court Judge Robert G. Crigler No. 17631	Smith, J., Affirmed, Pursuant to Rule 20	Rule 11	<b>Denied</b> - Application of Anthony J. Fralix
Steven Craig Griffin v. State of Tennessee M2008-00242-SC-R11-PC	Davidson County Criminal Court Judge Steven R. Dozier No. 93-C-1154	Wedemeyer, J., Affirmed	Rule 11	<b>Denied</b> - Application of Steven Craig Griffin
In the Matter of H.L.F., et al M2008-01050-SC-R11-CV	Pickett County Circuit Court Judge John Maddux No. 11249	Clement, J., Affirmed	Rule 11	<b>Denied</b> - Application of Tonya Wagner

Earl D. King v. State of Tennessee M2008-01766-SC-R11-PC	Marshall County Circuit Court Judge Robert G. Crigler No. 08CR85	Welles, J., Affirmed	Rule 11	<b>Denied</b> - Application of Earl D. King
Ronnell Leberry v. State of Tennessee M2007-01813-SC-R11-PC	Montgomery County Circuit Court Judge John Gasaway No. 40000370	Thomas, J., Affirmed	Rule 11	<b>Denied</b> - Application of Ronnell Leberry
State of Tennessee v. Gordon McGee, Sr. M2007-01675-SC-R11-CD	Warren County Circuit Court Judge Don Ash No. F-10956	Williams, J., Reversed and Remanded	Rule 11	<b>Denied</b> - Application of the State of Tennessee; <b>The opinion of Court of Criminal Appeals is designated “Not for Citation” in accordance with Supreme Court Rule 4, § E.</b>
Metropolitan Electric Power Board a/k/a Nashville Electric Service v. The Metropolitan Government of Nashville and Davidson County M2007-02775-SC-R11-CV	Davidson County Chancery Court Chancellor Ellen H. Lyle No. 07-1135-IV(III)	Bennett, J., Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of the Metropolitan Government of Nashville and Davidson County
Phillip M. Mullins v. State of Tennessee M2008-00332-SC-R11-PC	Putnam County Criminal Court Judge Leon Burns, Jr. No. 99-0599	Witt, J., Affirmed	Rule 11	<b>Denied</b> - Phillip M. Mullins’ Motion for Reconsideration of the 04-27-2009 Rule 11 Denial  <b>(Order filed 06-11-08)</b>
Robert Murphy v. State of Tennessee M2008-1990-SC-R11-PC	Williamson County Circuit Court Judge Timothy L. Easter No. II-401-122	Wedemeyer, J., Appeal Dismissed	Rule 11	<b>Denied</b> - Application of Robert Murphy

Danny E. Neely v. State of Tennessee M2009-00576-SC-R11-CO	Davidson County Criminal Court Judge J. Randall Wyatt, Jr. No. 99-D-2983	Woodall, J., Welles, J., and Wedemeyer, J., Motion to Reopen Denied	Rule 11	<b>Denied</b> - Application of Danny e. Neely
In Re NHC - NASHVILLE FIRE LITIGATION M2007-00192-SC-R11-CV	Davidson County Circuit Court Judge Barbara N. Haynes No. 03MD1	Kirby, J., Affirmed	Rule 11	<b>Denied</b> - Application of Gannett Satellite, Inc., d/b/a The Tennessean
State of Tennessee v. Dedrick L. Patton M2007-02492-SC-R11-CD	Davidson County Criminal Court Judge Cheryl Blackburn No. 2006-A-423	Witt, J., Affirmed	Rule 11	<b>Denied</b> - Application of Dedrick L. Patton
Jeffery Wayne Robertson v. State of Tennessee M2007-01378-SC-R11-PC	Lawrence County Circuit Court Judge Jim T. Hamilton No. 24363	Wedemeyer, J., Affirmed	Rule 11	<b>Denied</b> - Application of Jeffery Wayne Robertson
Marcus E. Robinson v. State of Tennessee M2007-02642-SC-R11-PC	Montgomery County Circuit Court Judge Michael R. Jones No. 40200545	Tipton, J., Affirmed	Rule 11	<b>Denied</b> - Application of Marcus E. Robinson
State of Tennessee v. Michael A. Virga M2008-00209-SC-R11-CD	Putnam County Criminal Court Judge Leon C. Burns No. 05-0629	Witt, J., Affirmed	Rule 11	<b>Denied</b> - Application of Michael A. Virga
John Whatley v. State of Tennessee M2008-01192-SC-R11-PC	Maury County Circuit Court Judge Stella Hargrove No. 13006	Welles, J., Affirmed	Rule 11	<b>Denied</b> - Application of John Whatley

Eddie Williams, Jr. v. Correction Corporation of America and Tennessee Department of Correction M2008-02152-SC-R11-CV	Wayne County Chancery Court Judge Robert L. Jones No. 12212	Per Curiam, Appeal Dismissed	Rule 11	<b>Dismissed</b> - Application of Eddie Williams, Jr.  <b>(Order filed 06-12-2009)</b>
Richard L. Williams v. Roland Colson, Warden, and State of Tennessee M2008-01822-SC-R11-HC	Davidson County Criminal Court Judge Randall Wyatt, Jr. No. 2003-C-1662	Welles, J., Affirmed, Pursuant to Rule 20	Rule 11	<b>Denied</b> - Application of Richard L. Williams
<b><u>Knoxville</u></b>				
State of Tennessee v. Gregory Dwight Bowman E2007-00768-SC-R11-CD	Claiborne County Criminal Court Judge E. Shayne Sexton No. 12,693	Thomas, J., Affirmed	Rule 11	<b>Denied</b> - Application of Gregory Dwight Bowman
Henry Bowman v. Albert Allen Arnold, et al E2009-00398-SC-S09-CV	Rhea County Circuit Court Judge Buddy D. Perry No. 23506	Franks, J., Susano, J. and Swiney J., Rule 9 Denied	Rule 9	<b>Denied</b> - Application of Henry Bowman
Bryan Lee Cable v. State of Tennessee E2007-02668-SC-R11-PC	Blount County Circuit Court Judge Michael H. Meares No. C-16729	Witt, J., Affirmed	Rule 11	<b>Denied</b> - Application of Bryan Lee Cable
The City of Knoxville, Tennessee, et al v. Thompson Ventulett Stainback-McCarty Holsaple McCarty Knoxville Convention Center Architects Joint Venture, et al E2009-00285-SC-S09-CV	Knox County Chancery Court Chancellor John Weaver No. 159842-1	Susano, J., Swiney, J., and McClarty, J., Rule 9 Denied	Rule 9	<b>Denied</b> - Application of Thompson Ventulett Stainback-McCarty Holsaple McCarty Knoxville Convention Center Architects Joint Venture, et al
Jackie Crowe v. State of Tennessee E2008-00646-SC-R11-PC	McMinn County Circuit Court Judge Amy Reedy No. 98-034	Witt, J., Rule 28 Denied	Rule 11	<b>Denied</b> - <i>Pro Se</i> Application of Jackie William Crowe

State of Tennessee v. Lavon Mario Davis E2007-02797-SC-R11-PC	Knox County Criminal Court Judge Mary B. Leibowitz No. 78216	Williams, J., Affirmed	Rule 11	<b>Denied</b> - Application of the State of Tennessee
State of Tennessee v. Clarence Edward McCaleb E2008-00521-SC-R11-CD	Knox County Criminal Court Judge Ray Jenkins No. 80705	Williams, J., Affirmed in Part; Case Remanded	Rule 11	<b>Denied</b> - Application of Clarence Edward McCaleb
State of Tennessee v. Gregory A. Patterson E2007-01938-SC-R11-CD	Anderson County Criminal Court Judge Donald R. Elledge No. A6CR0015	Tipton, J., Affirmed	Rule 11	<b>Denied</b> - Application of Gregory A. Patterson
Michael Shane Powell v. State of Tennessee E2007-01586-SC-R11-PC	Hamilton County Criminal Court Judge Don W. Poole No. 247239	Wedemeyer,J., Affirmed	Rule 11	<b>Denied</b> - Application of Michael Shane Powell
State of Tennessee v. Quincy Londale Scott E2007-00393-SC-R11-CD	Hamilton County Criminal Court Judge Don W. Poole Nos. 244725, 244718 and 238858	Ogle, J., Affirmed	Rule 11	<b>Denied</b> - Application of Quincy Londale Scott
State of Tennessee v. Patrick Smallwood E2007-02288-SC-R11-CD	Monroe County Circuit Court Judge Carroll Ross No. 06-127	Smith, J., Affirmed	Rule 11	<b>Denied</b> - Application of Patrick Smallwood
Alfred William Smith v. State of Tennessee E2007-02457-SC-R11-PC	McMinn County Circuit Court Judge Donald P. Harris No. 06-426	Wedemeyer,J., Affirmed	Rule 11	<b>Denied</b> - Application of Alfred William Smith



State of Tennessee v. Corey Deanuntae Tarvin, alias Corey Deante Tarvin, alias Corey Deauntae Brown	Hamilton County Criminal Court Judge Barry A. Steelman No. 255684	Tipton, J., Affirmed	Rule 11	<b>Denied</b> - Application of Corey Deanuntae Tarvin
Raymond Writer v. Howard Carlton, Warden E2008-00127-SC-R11-HC	Johnson County Criminal Court Judge Lynn W. Brown No. 5173	Ogle, J., Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Raymond Writer
<b><u>Jackson</u></b>				
Sarah Ahmad v. Omar Ahmad W2009-00711-SC-S10-CV	Madison County Chancery Court Judge James F. Butler No. 64593	Stafford, J., Kirby, J., Rule 10 Denied	Rule 10	<b>Denied</b> - Application of Omar Ahmad
Harvey Baker v. Stephen Dotson W2007-02032-SC-R11-HC	Hardeman County Circuit Court Judge Joseph Walker No. RD07-02-0252	Woodall, J., Affirmed	Rule 11	<b>Denied</b> - Application of Harvey Baker
Gene Booker v. State of Tennessee W2007-02481-SC-R11-PC	Shelby County Criminal Court Judge Mark Ward Nos. 01-13829, 01-13830 and 01-13831	Thomas, J., Affirmed	Rule 11	<b>Denied</b> - Application of Gene Booker; <b>Granted</b> - Motion of Gene Booker to strike initial application.
State of Tennessee v. William Thomas Bryant W2007-01340-SC-R11-CD	Obion County Circuit Court Judge William B. Acree, Jr. Nos. C06-422 and 5-135	Tipton, J., Affirmed	Rule 11	<b>Denied</b> - Application of William T. Bryant
Keith Collins v. State of Tennessee W2007-02900-SC-R11-PC	Shelby County Criminal Court Judge James M. Lammey, Jr. No. 105-00031	McLin, J., Affirmed	Rule 11	<b>Denied</b> - Application of Keith Collins

State of Tennessee v. Ricky Terrell Cox W2007-01371-SC-R11-CD	Lauderdale County Circuit Court Judge Joseph Walker No. RD 8003-B	McMullen, J., Affirmed	Rule 11	<b>Denied</b> - Application of Ricky Terrell Cox
Jason Crawford v. Stephen Dotson, Warden W2008-01749-SC-R11-HC	Hardeman County Circuit Court Judge Joe Walker No. 08-02-0330	McLin, J., Appeal Dismissed	Rule 11	<b>Denied</b> - Application of Jason Crawford
State of Tennessee v. Kenneth L. Davis W2008-00226-SC-R11-CD	Madison County Circuit Court Judge Donald H. Allen No. 07-295	Welles, J., Affirmed	Rule 11	<b>Denied</b> - Application of Kenneth L. Davis;  <b>Denied</b> - Kenneth L. Davis' motion to consider supplemental authority
Jimmy Kyle, et al v. J. A. Fulmer Trust W2008-00220-SC-R11-CV	Shelby County Chancery Court Chancellor Walter Evans No. CH-01-1921-1	Stafford, J., Affirmed in Part; Reversed in Part; Remanded	Rule 11	<b>Denied</b> - Application of Jimmy Kyle, et al
Bobby Lee v. Stephen Dotson W2007-02584-SC-R11-HC	Hardeman County Circuit Court Judge Joseph Walker No. 07-02-0268	Woodall, J., Affirmed	Rule 11	<b>Denied</b> - Application of Bobby Lee
Sandra Kaye Kemp Parish, et al v. Jerry Donald Kemp, et al W2007-02207-SC-R11-CV	Carroll County Chancery Court Judge Ron E. Harmon No. 01-CV-0032	Farmer, J., Affirmed	Rule 11	<b>Denied</b> - Application of Sandra Kaye Kemp Parish, et al
Cornelius Richmond v. State of Tennessee W2007-00580-SC-R11-PC	Shelby County Criminal Court Judge James Beasley Nos. 00-06757, 00-06750, 00-06751 and 00-06752	Thomas, J., Affirmed	Rule 11	<b>Denied</b> - Application of Cornelius Richmond

Earice Roberts v. State of Tennessee W2008-00573-SC-R11-CO	Shelby County Criminal Court Judge Chris Craft No. 02-03222	Glenn, J., Affirmed	Rule 11	<b>Denied</b> - Application of Earice Roberts
The State of Tennessee, ex rel, The Board of Education of the Memphis City Schools, et al v. City of Memphis W2009-00972-SC-RDM-CV	Shelby County Chancery Court Judge Kenny w. Armstrong No. CH-08-1139-3		Reach Down Motion	<b>Denied</b> - Motion to Assume Jurisdiction of the City of Memphis.
Curtis Tate v. State of Tennessee W2007-02509-SC-R11-PC	Shelby County Criminal Court Judge Lee V. Coffee No. 01-02543	Welles, J., Affirmed	Rule 11	<b>Denied</b> - Application of Curtis Tate
Fred Zonge v. State of Tennessee W2008-01930-SC-R11-PC	Obion County Circuit Court Judge William B. Acree No. 08-CR-160	Williams, J., Affirmed, Rule 20	Rule 11	<b>Denied</b> - Application of Fred Zonge

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**SHERRILL JOHNSON v. METROPOLITAN GOVERNMENT OF NASHVILLE  
AND DAVIDSON COUNTY**

**Circuit Court for Davidson County  
No. 07C536**

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**No. M2008-00551-SC-R11-CV**

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**ORDER**

Upon consideration of the application for permission to appeal, the response thereto, and the entire record in this case, the Court is of the opinion that the application should be, and is hereby, granted for the purpose of remanding the case to the Court of Appeals for reconsideration in light of *Martin v. Norfolk Southern Ry.*, 271 S.W.3d 76 (Tenn. 2008) and *Hannan v. Alltel Publ'g, Co.*, 270 S.W.3d 1 (Tenn. 2008).

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**STATE OF TENNESSEE v. THOMAS LEWIS TURNER, II**

**Circuit Court for Rutherford County**  
**No. F60192B**

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**No. M2008-00482-SC-R11-CO**

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**ORDER**

Upon consideration of the Rule 9 application for interlocutory appeal of Thomas Lewis Turner, II 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

**LINDA F. SEALS v. H & F, INC., ET AL.**

**Rule 23 Certified Question of Law  
from the United States District Court  
for the Middle District of Tennessee  
No. 3:08-cv-01038**

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**No. M2009-00330-SC-R23-CQ**

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**ORDER**

Pursuant to Tennessee Supreme Court Rule 23, a certification order was filed in this Court on February 20, 2009, by the United States District Court for the Middle District of Tennessee. Briefs have now been filed pursuant to Section 7, and, upon consideration of the certification order and the briefs filed by the parties, this Court accepts certification of the following questions of law:

Question #1: Who has legal control over the disposition of the remains of a decedent when there is no surviving spouse? Specifically, with respect to the facts of this case, with whom is such control vested among a sole surviving parent of the decedent, a fiancé of the decedent, and a fourteen-year-old minor child of the decedent?

Question #2: If the answer to Question #1 is such that the fourteen-year-old minor child has no legal control or has no superior or exclusive right of control over the disposition of the remains of his deceased parent, is such a child nonetheless an “heir” of the decedent as that term is used in § 62-5-511, Tennessee Code Annotated, such that an operator of a crematory facility acting without malicious purpose or bad faith, and not in a wanton or reckless manner, in cremating the remains of the decedent in accordance with instructions set forth by the child is not liable for damages in a civil action for such cremation, as provided by the said statute?

Question #3: Does the defendant funeral home, H & F, Inc., fall under the definition of a crematory facility for purposes of § 62-5-511, Tennessee Code Annotated, given its role in the disposition of the decedent’s remains?

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

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE  
AT JACKSON

**STATE OF TENNESSEE v. DARRELL FRANKLIN**

**Criminal Court for Shelby County  
No. 07-01517**

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**No. W2007-02772-SC-R11-CD**

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**ORDER**

Upon consideration of the application for permission to appeal 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

**JEFFERY AARON LANE v. STATE OF TENNESSEE**

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**No. E2007-00032-SC-R11-PC**

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**ORDER**

Upon consideration of the application for permission to appeal 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 JACKSON

**STATE OF TENNESSEE v. TOMMY HOLMES**

**Criminal Court for Shelby County**  
**No. 02-02082**

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**No. W2008-00759-SC-R11-CD**

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**ORDER**

Upon consideration of the application for permission to appeal of Tommy Holmes 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

**F. CHRIS CAWOOD v. LINDA BOOTH ET AL.**

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**No. E2007-02537-SC-R11-CV**

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**ORDER**

Upon consideration of the application of F. Chris Cawood and the application of Linda Booth, Jon French, Randy Scarbrough, and Dennis Worley for permission to appeal and the record before us, the applications 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 JACKSON

**ANDREW CARTER v. QUALITY OUTDOOR PRODUCTS, INC.  
ET AL.**

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**No. W2009-00855-WC-R9-WC**

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**ORDER**

Upon consideration of the Rule 9 application for interlocutory appeal of Quality Outdoor Products, Inc. and Berkley Regional Insurance Company and the record before us, the application is granted.

The clerk of the trial court shall prepare and file a record within thirty (30) days following the entry of this order. Upon the filing of the record, the briefing schedule shall commence according to Tenn. R. App. P. 29(a).

The Clerk is directed to place this matter on the docket for oral argument upon the completion of briefing.

PER CURIAM