

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

Monday, August 17, 2009

GRANTS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
Melissa Michelle Cox v. M.A. Primary and Urgent Care Clinic and Austin Adams M2007-01840-SC-R11-CV	Rutherford County Circuit Judge Royce Taylor No. 51941	Dinkins, J. Reversed and Remanded	Rule 11	GRANTED - Application of M.A. Primary and Urgent Care Clinic and Austin Adams (Order attached hereto)
Gary M. Gossett v. Tractor Supply Company, Inc. M2007-02530-SC-R11-CV	Davidson County Chancery Chancellor Richard Dinkins No. 04-1484-IV	Farmer, J. Reversed and Remanded	Rule 11	GRANTED - Application of Tractor Supply Company, Inc. (Order attached hereto)
State v. James Rae Lewter M2007-02723-SC-R11-CD	Lincoln County Circuit Judge Robert G. Crigler No. S0600095	McMullen, J. Reversed and Vacated	Rule 11	GRANTED - Application of the State (Order attached hereto)

Knoxville

Torrey Lyonel Frazier v. State of Tennessee E2007-02518-SC-R11-PC	Roane County Circuit Judge Eugene Eblen No. 11903	Woodall, J. Affirmed	Rule 11	GRANTED - Application of Torrey Lyonel Frazier (Order attached hereto)
The Estate of Martha S. French v. The Stratford House, et al E2008-00539-SC-R11-CV	Hamilton County Circuit Court Judge Marie Williams No. 04C-490	Susano, J., Affirmed in Part; Vacated in Part	Rule 11	GRANTED - Application of Kimberly French (Order attached hereto)

Jackson

Martha Graham v. Clinton Caples, <u>et al.</u> W2009-00200-SC-S09-CV	Shelby County Circuit Judge Kay s. Robilio No. CT-002150-08	Highers, P.J./WS and Farmer, J. Rule 9 Denied	Rule 9	GRANTED - Application of Clinton Caples (Order attached hereto)
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**SUPREME COURT OF TENNESSEE
SUPREME COURT DISCRETIONARY APPEALS**

Monday, August 17, 2009

DENIALS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
Acuity v. McGhee Engineering, Inc., <u>et al.</u> M2007-02821-SC-R11-CV	Montgomery County Circuit Chancellor Lawrence M. McMillan, Jr. No. MC CH CV CD-05-9	Bennett, J. Affirmed in Part; Reversed in Part	Rule 11	DENIED - Applications of McGhee Engineering, Inc.; Strand Associates, Inc.; and E. Berkley Traugher & Associates, Inc.
James Campbell v. George Little, et al M2007-02762-SC-R11-CV	Davidson County Chancery Court Chancellor Ellen H. Lyle No. 07-1685-III	Kirby, J., Affirmed	Rule 11	DISMISSED - Application of James Campbell. (Order filed 08-10-2009)
Timothy Dismukes v. State of Tennessee M2008-00196-SC-R11-PC	Davidson County Criminal Judge Monte Watkins No. 2003-A-632 and 2003- B-1148	Smith, J. Affirmed	Rule 11	DENIED - Application of Timothy Dismukes

Lynda Grisham v. Steven G. McLaughlin, <u>et al.</u> M2008-00393-SC-R11-CV	Davidson County Circuit Judge Barbara Haynes No. 03C-2233	Bennett, J. Affirmed	Rule 11	DENIED - Application of Lynda Grisham
Marvin Lee Holt v. State M2008-00874-SC-R11-PC	Davidson County Criminal Judge Cheryl Blackburn No. 2005-C-2253 & 2006-I-592	Woodall, J. Affirmed and Remanded	Rule 11	DENIED - Application of Marvin Lee Holt
Gerald Lewis v. State of Tennessee M2008-00078-SC-R11-PC	Davidson Count Criminal Court Judge Cheryl Blackburn No. 2004-D-2603	Williams, J., Affirmed	Rule 11	DENIED - Application of Gerald Lewis
Lorenzo Malone v. State M2007-02641-SC-R11-PC	Wilson County Circuit Judge John W. Wootten No. 01-1404	Welles, J. Affirmed	Rule 11	DENIED - Application of Lorenzo Malone
Joseph Miles v. State of Tennessee M2008-00506-SC-R11-PC	Robertson County Circuit Court Judge John H. Gasaway No. 96-0237	Smith, J., Appeal Dismissed	Rule 11	DENIED - Application of Joseph Miles
Phoenix Insurance Company v. Estate of Mary Napier Ganier, et al M2007-01446-SC-R11-CV	Davidson County Circuit Court Judge Barbara N. Haynes No. 01C-1434	Dinkins, J., Reversed and Remanded	Rule 11	DENIED - Application of Estate of Mary Napier Ganier and Bryan, Ward & Elmore, Inc.
Rural Development, LLC v. John H. Tucker, <u>et al.</u> No. M2008-00172-SC-R11-CV	Macon County Chancery Chancellor C. K. Smith No. 4035	Kurtz, J. Affirmed	Rule 11	DENIED - Application of Rural Development, LLC
Christopher Lance Shockley v. State of Tennessee M2008-00143-SC-R11-PC	Davidson County Criminal Court Judge J. Randall Wyatt, Jr. No. 2004-A-138	Wedemeyer, J, Affirmed	Rule 11	DENIED - Application of Christopher Lance Shockley

State v. Jimmy Heard M2007-01805-SC-R11-CD	Rutherford County Circuit Judge Don R. Ash No. F-58542A	Woodall, J. Affirmed	Rule 11	DENIED - Application of Jimmy Heard
State of Tennessee v. Timothy W. Lee M2007-02680-SC-R11-CD	Wilson County Circuit Court Judge J. O. Bond No. 04-0873	Thomas, J., Affirmed in Part and Reversed in Part; Remanded	Rule 11	DENIED - Application of Timothy W. Lee
State v. Zandy Orlando Nelson a/k/a Vandy A. Nelson M2007-02645-SC-R11-CD	Davidson County Criminal Judge Mark J. Fishburn No. 2006-A-709	Thomas, Jr., J. Affirmed	Rule 11	DENIED - Application of Zandy Orlando Nelson
State v. Byron Lebron Roshell M2007-02358-SC-R11-CD	Davidson County Criminal Judge Cheryl Blackburn No. 2007-A-577	McMullen, J. Affirmed	Rule 11	DENIED - Application of Byron Lebron Roshell
State of Tennessee v. Robert Dee Scribner, II, et al M2008-00253-SC-R11-CD	Davidson County Criminal Court Judge J. Randall Wyatt, Jr. No. 2006-C-2627	Glenn, J., Affirmed	Rule 11	DENIED - Application of Robert Dee Scribner, II and Eric Turner
State v. Anthony Williams M2007-01385-SC-R11-CD	Davidson County Criminal Judge Seth Norman, Jr. No. 2004-C-1867	Wedemeyer, J. Affirmed	Rule 11	DENIED - Application of Anthony L. Williams
Huey Strader v. Charles Traughber, Chairman of the TN Board of Probation and Parole M2007-00248-SC-R11-CV	Davidson County Chancery Chancellor Ellen Hobbs Lyle No. 05-2260-III	Dinkins, J. Affirmed	Rule 11	DENIED - Application of Huey Strader

University Partners Development v. Kent Bliss, <u>et al.</u> M2008-00020-SC-R11-CV	Montgomery County Circuit Judge Ross H. Hicks No. MCCCCVGS07-44	Highers, J., Affirmed	Rule 11	DENIED - Application of Kent Bliss and K & T Enterprises Motion for costs, expenses and attorney fees DENIED - Motion of University Partners Development
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Knoxville

Adrian R. Brown v. State E2008-02129-SC-R11-PC	McMinn County Criminal Judge Carroll L. Ross No. 08-128	Ogle, J. Affirmed pursuant to Rule 20	Rule 11	DENIED - Application of Adrian R. Brown Motion to Proceed as a Poor Person DENIED - Motion of Adrian R. Brown
Steven Hamrick, et al v. Lisa Lewis E2007-02414-SC-R11-CV	Knox County Circuit Court Judge Wheeler A. Rosenbalm No. 3-319-05	Lee, J., Affirmed in Part; Reversed in Part	Rule 11	DENIED - Applications of Steven Hamrick, Michael Hamrick and Trish Hamrick AND American National Property & Casualty Company (Lee, J., not participating)
Gregory Harris v. State E2007-02889-SC-R11-PC	Sullivan County Criminal Judge R. Jerry Beck No. S46640	Smith, J. Affirmed	Rule 11	DENIED - Application of Gregory Harris
Bruce Rishton v. State E2009-00252-SC-R11-PC	Sullivan County Circuit Judge Robert H. Montgomery, Jr. No. C53320	Ogle, J. Dismissed	Rule 11	DENIED - Application of Bruce Rishton Motion to Proceed in Forma Pauperis GRANTED - Motion of Bruce Rishton
Charles Benny Seabolt, Jr. v. State E2008-01416-SC-R11-PC	Claiborne County Circuit Judge Shayne Sexton No. 12175	Witt, J. Affirmed	Rule 11	DENIED - Application of Charles Benny Seabolt
Pamela Jo Smith v. State E2008-02791-SC-R11-CD	Knox County Criminal Judge Mary Beth Leibowitz No. 49857	Ogle, J. Dismissed	Rule 11	DENIED – Application of Pamela Jo Smith

State v. Re'Licka Dajuan Allen E2007-01018-SC-R11-CD	Knox County Criminal Judge Mary Beth Leibowitz No. 77455	Smith, J. Reversed and Remanded	Rule 11	DENIED - Application of Re'Licka Dajuan Allen
State of Tennessee v. Richard Levron Campbell, Alias E2007-01239-SC-R11-CD	Knox County Criminal Court Judge Ray Jenkins No. 74726	McMullen, J., Affirmed as Modified	Rule 11	DENIED - Application of Richard Levron Campbell
State v. Jermaine Rashad Carpenter E2007-02498-SC-R11-CD	Sullivan County Criminal Judge Robert H. Montgomery, Jr. No. S51,080	Williams, J. Affirmed	Rule 11	DENIED - Application of Jermaine Rashad Carpenter
State v. Larry J. Coffey, Jr. E2008-00087-SC-R11-CD	Rhea County Circuit Judge Buddy D. Perry No. 16474	Woodall, J. Affirmed	Rule 11	DENIED - Application of Larry J. Coffey, Jr.
State v. Troy Allen Goodner E2007-01048-SC-R11-CD	Hamilton County Criminal Judge Don W. Poole No. 252211 and 252212	McMullen, J. Affirmed as Modified	Rule 11	DENIED - Application of Troy A. Goodner
State of Tennessee v. Gale Marleen Krizka E2007-02465-SC-R11-CD	Morgan County Circuit Court Judge E. Eugene Eblen No. 8930	Smith, J., Affirmed	Rule 11	DENIED - Application of Gale Marleen Krizka
State of Tennessee v. ira Ishmael Muhammad E2007-00748-SC-R11-PC	Hamilton County Criminal Court Judge Rebecca J. Stern No. 252341	Williams, J., Affirmed	Rule 11	DENIED - Application of Ishmael Muhammad
State v. Loretta Lynn Munson E2008-01525-SC-R11-CD	Sullivan County Criminal Judge Robert H. Montgomery, Jr. No. S49,384 & S51,980	Witt, J. Affirmed	Rule 11	DENIED - Application of Loretta Lynn Munson

State v. Nicholas A. Overbay E2007-02478-SC-R11-CD	Sullivan County Criminal Judge Jon K. Blackwood No. S50,449	Smith, J. Affirmed	Rule 11	DENIED - Application of Nicholas Allen Overbay
State of Tennessee v. Augusta Thomas Robinson, Sr., Alias E2008-01008-SC-R11-CD	Knox County Criminal Court Judge Kenneth F. Irvine, Jr. No. 83088	Wedemeyer, J. Affirmed	Rule 11	DENIED - Application of Augusta Thomas Robinson, Sr.
State v. Bruce Warren Scarborough E2007-01856-SC-R11-CD	Knox County Criminal Judge Mary Beth Leibowitz No. 82497	Tipton, P.J. Affirmed	Rule 11	DENIED - Application of Bruce Warren Scarborough
State v. David Dwayne Smith E2007-00084-SC-R11-CD	Cumberland County Circuit Judge Leon C. Burns, Jr. No. 8358B	Woodall, J. Affirmed	Rule 11	DENIED - Application of David Dwayne Smith Motion to Consider Post-Judgment Facts DENIED - Motion of David Dwayne Smith
Howard Walter Thomas v. State of Tennessee E2007-02298-SC-R11-PC	Knox County Criminal Court Judge Richard R. Baumgartner No. 85495	Witt, J., Affirmed	Rule 11	DENIED - Application of Howard Walter Thomas
Stanley Wallace v. Kroger Limited Partnership E2008-01973-SC-R11-CV	Blount County Circuit Judge William D. Young No. L-16123	Swiney, J. Affirmed and Remanded	Rule 11	DENIED - Application of Stanley Wallace Motion for Appointment of Counsel DENIED - Motion of Stanley Wallace Motion for Continuance DENIED - Motion of Stanley Wallace
Jeffrey S. Whitaker v. Jack Morgan, Warden and State of Tennessee E2007-02884-SC-R11-HC	Morgan County Circuit Court Judge E. Eugene Eblen No. 9067	Tipton, J., Affirmed and Remanded	Rule 11	DENIED - Application of Jeffrey S. Whitaker

Travis J. Woods v. State E2007-02379-SC-R11-PC	Hamilton County Criminal Judge Barry A. Steelman No. 251888	Tipton, P.J. Affirmed	Rule 11	DENIED - Application of Travis Jay Woods
Jefferson Lee Young, et al v. Enerpac E2008-00069-SC-R11-CV	McMinn County Circuit Court Judge John B. Hagler No. 26820	Franks, J., Affirmed and Remanded	Rule 11	DENIED - Application of Jefferson Lee Young
<u>Jackson</u>				
Regina F. Anderson v. Alfred Anderson W207-01220-SC-R11-CV	Shelby County Circuit Court Judge James F. Russell No. CT-004755-04	Highers, J., Affirmed	Rule 11	DENIED - Application of Alfred Anderson
Nguyon D. Bao v. State W2009-00295-SC-R11-HC	Shelby County Criminal Judge John Colton No. 96-03913-15	Thomas, Jr., J. Motion to file late appeal - Denied	Rule 11	DENIED - Application of Nguyon D. Bao
Best Signs, Inc. V. Bobby King, Design Team, Inc. and City of Savannah, TN W2008-00512-SC-R11-CV	Hardin County Circuit Judge C. Creed McGinley No. 4098	Stafford, J. Affirmed	Rule 11	DENIED - Application of Best Signs, Inc.
Andre Bland v. State of Tennessee W2008-00020-SC-R11-PD	Shelby County Criminal Court Judge W. Fred Axley No. P-20147	Williams, J., Affirmed	Rule 11	DENIED - Application of Andre Bland
Jerome Bond v. State of Tennessee W2008-00319-SC-R11-PC	Shelby County Criminal Court Judge Chris Craft No. 03-06593	Williams, J., Affirmed	Rule 11	DENIED - Application of Jerome Bond

In Re: Estate of Ruthie Mae Boykin Raymond Boykin v. Rubystein Cashier, et al W2007-01350-SC-R11-CV	Shelby County Probate Court Judge Robert Benham No. C-8207	Kirby, J., Appeal Dismissed	Rule 11	DENIED - Application of Raymond Boykin
Ivy Joe Clark and Vicky Clark, Individually and as Husband and Wife v. Joyce Ann Shoaf, et al W2008-00617-SC-R11-CV	Shelby County Circuit Court Judge Karen R. Williams No. 301570-3 T.D.	Farmer, J., Affirmed and Remanded	Rule 11	DENIED - Application of Tennessee Farmers Mutual Insurance Company
Kina Crider, <u>et al.</u> v. The County of Henry, Tennessee W2007-02630-SC-R11-CV	Henry County Circuit Judge Donald E. Parish No. 2358	Kirby, J. Affirmed	Rule 11	DENIED - Application of Kina Crider, <u>et</u> <u>al.</u>
Mark Holliman, et al v. Frank McGrew, M.D., et al W2008-00907-SC-R11-CV	Shelby County Circuit Court Judge John R. McCarroll, Jr. No. CT-001500-1	Stafford, J., Affirmed	Rule 11	DENIED - Application of Mark Holliman, Sharon Woodson, Michelle Purser, Michael Holliman and Charles Holliman, Jr.
James D. Jacks v. City of Millington Board of Zoning Appeals W2008-00210-SC-R11-CV	Shelby County Chancery Court Judge Walter L. Evans No. CH-06-0914-1	Farmer, J., Affirmed and Remanded	Rule 11	DENIED - Application of James D. Jacks
LaSalle Bank National Association v. Louis Hammond W2008-00855-SC-R11-CV	Madison County Circuit Judge Roger A. Page No. C-07-329	Farmer, J. Dismissed	Rule 11	DENIED - Application of Louis Hammond
Bobby Lee v. State W2009-00725-SC-R11-PC	Obion County Circuit Judge William B. Acree No. 4-407	Williams, J. Dismissed	Rule 11	DENIED - Application of Bobby Lee
Beverly Lockard v. Christopher H. Bratton, M.D., et al W2007-02820-SC-R11-CV	Henderson County Circuit Court Judge Roger A. Page No. 06061	Highers, J., Affirmed	Rule 11	DENIED - Application of Beverly Lockard

Harry W. Lofton v. Nelda Joan Lofton W2007-01733-SC-R11-CV	Shelby County Circuit Judge James F. Russell No. CT-007083-03	Stafford, J. Affirmed	Rule 11	DENIED - Application of Harry W. Lofton
Ronnie Lynn Mackin v. State of Tennessee W2008-01651-SC-R11-PC	Benton County Circuit Court Judge C. Creed McGinley No. CR1133	Glenn, J., Affirmed - Rule 20	Rule 11	DENIED - Application of Ronnie Lynn Mackin
Mario Morris v. State of Tennessee W2008-00586-SC-R11- CD	Shelby County Criminal Court Judge James C. Beasley, Jr. No. 03-01051	Glenn, J., Affirmed - Rule 20	Rule 11	DENIED - Application of Mario Morris
Larry J. Noel v. Joe Easterling, Warden W2008-01047-SC-R11-HC	Hardeman County Circuit Court Judge Joe H. Walker, III No. 08-02-0314	Williams, J., Affirmed	Rule 11	DENIED - Application of Larry J. Noel
Corey Moten v. State of Tennessee W2008-00451-SC-R11-PC	Shelby County Criminal Court Judge John T. Fowlkes, Jr. No. 01-07148	McLin, J., Affirmed	Rule 11	DENIED - Application of Corey Moten
Curtis Palmer v. State W2008-00102-SC-R11-PC	Shelby County Criminal Judge James M. Lammey, Jr. No. 03-04188	McLin, J. Affirmed	Rule 11	DENIED - Application of Curtis Palmer filed by counsel DENIED - Application of Curtis Palmer filed <u>pro se</u>
Regions Financial Corp., <u>et al.</u> v. Marsh USA, Inc., <u>et al.</u> W2008-00323-SC-R11-CV	Shelby County Circuit Judge Robert L. Childers No. CT-000906-06	Farmer, J. Affirmed and Remanded	Rule 11	DENIED - Application of Regions Financial Corp.
Homer T. Rivers v. State W2008-00508-SC-R11-PC	Hardeman County Circuit Judge J. Weber McCraw Nos. 05-01-0137 & 06-01- 0198	Thomas, Jr., J. Affirmed	Rule 11	DENIED - Application of Homer T. Rivers

State of Tennessee v. Damien Clark W2007-00651-SC-R11-CD	Shelby County Criminal Court Judge Carolyn W. Blackett No. 05-04275	Tipton, J., Affirmed	Rule 11	DENIED - Application of Damien Clark
State of Tennessee v. David Franklin Henning W2008-00964-SC-R11-CD	Dyer County Circuit Court Judge Russell Lee Moore, Jr. No. C06-205	Williams, J., Affirmed	Rule 11	DENIED - Application of David Franklin Henning
State v. Vicki Hogan W2007-01957-SC-R11-CD	Shelby County Criminal Court Judge Lee W. Coffee No. 06-05140	Ogle, J. Affirmed in Part; Reversed in Part	Rule 11	DENIED - Application of Vicki Hogan
State of Tennessee v. Reggie Carnell James W2007-00775-SC-R11-CD	Madison County Circuit Court Judge Donald H. Allen No. 06-568	Thomas, J., Affirmed	Rule 11	DENIED - Application of Reggie Carnell James
State v. Christopher Johnson W2008-00454-SC-R11-CD	Shelby County Criminal Court Judge Chris Craft No. 06-06149	McMullen, J. Affirmed	Rule 11	DENIED - Application of Christopher Johnson
State v. Marcus Antonio Logan W2008-00736-SC-R11-CD	Tipton County Circuit Court Judge Joseph H. Walker III No. 5574	McLin, J. Affirmed	Rule 11	DENIED - Application of Marcus Antonio Logan
State v. Derrick Sorrell W2006-02766-SC-R11-CD	Shelby County Criminal Court Judge John P. Colton, Jr. No. 03-01955	Willams, J. Affirmed	Rule 11	DENIED - Application of Derrick Sorrell
State of Tennessee v. Johnny B. Temple W2007-01657-SC-R11-CD	Lauderdale County Circuit Court Judge Joseph H. Walker, III No. 8009	Welles, J., Affirmed and Remanded	Rule 11	DENIED - Application of Johnny B. Temple

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IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**MELISSA MICHELLE COX v. M.A. PRIMARY AND URGENT CARE CLINIC AND
AUSTIN ADAMS**

**Circuit Court for Rutherford County
No. 51941**

No. M2007-01840-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of M.A. Primary and Urgent Care Clinic and Austin Adams, 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

GARY M. GOSSETT v. TRACTOR SUPPLY COMPANY, INC.

**Chancery Court for Davidson County
No. 04-1484-IV**

No. M2007-02530-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Gary M. Gossett, 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

STATE OF TENNESSEE v. JAMES RAE LEWTER

Circuit Court for Lincoln County
No. S0600095

No. M2007-02723-SC-R11-CD

ORDER

Upon consideration of the Tenn. R. App. P. 11 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

TORREY LYONEL FRAZIER v. STATE OF TENNESSEE

**Circuit Court for Roane County
No. 11903**

No. E2007-02518-SC-R11-PC

ORDER

Upon consideration of the application for permission to appeal of Torrey Lyonel Frazier, 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

THE ESTATE OF MARTHA S. FRENCH
v.
THE STRATFORD HOUSE ET AL.

Circuit Court for Hamilton County
No. 04C490

No. E2008-00539-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Kimberly French 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

MARTHA GRAHAM v. CLINTON CAPLES ET AL.

Circuit Court for Shelby County
No. CT-002150-08

No. W2008-00200-SC-S09-CV

ORDER

Upon consideration of the “Application for Permission to Appeal from Denial of Rule 9 Application” of Clinton Caples 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