

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

Monday, August 24, 2009

GRANTS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
Debra M. Barkes, Individually and as Surviving Spouse of Jewell Wayne Barkes, Deceased v. River Park Hospital, Inc. And River Park Hospital (TN) M2006-01214-SC-R11-CV	Warren County Circuit Court Judge Larry B. Stanley, Jr. No. 946	Clement, J., Reversed and Vacated and Remanded (Cottrell, J., not participating)	Rule 11	Granted - Application of Debra M. Barkes (Koch, J., not participating) (Order attached hereto)
B & B Enterprises of Wilson County, LLC, et al v. City of Lebanon, et al M2008-00572-SC-R11-CV	Wilson County Circuit Court Judge John D. Wooten, Jr. No. 14108	Clement, J., Reversed and Remanded	Rule 11	Granted - Application of B & B Enterprises of Wilson County, LLC and Hal Bone Enterprises (Order attached hereto)
In Re: Estate of Mary Reeves Davis M2009-00660-SC-S09-CV	Davidson County Probate Court Judge Randy Kennedy No. 99P-1955	Per Curiam, Rule 9 Denied	Rule 11	Granted - Application of Ames Davis, Administrator C.T.A. (Order attached hereto)

Terrance Lavar Davis v. State of Tennessee M2009-00011-SC-R11-HC	Hickman County Circuit Court Judge Timothy Easter No. 07-5033C	Thomas, J., Reversed	Rule 11	Granted - Application of State of Tennessee (Order attached hereto)
<u>Knoxville</u>				
NONE				
<u>Jackson</u>				
Lou Ella Sherrill, et al v. Bob T. Souder, M.D., et al W2008-00741-SC-R11-CV	Madison County Circuit Court Judge Donald H. Allen No. C04-5	Stafford, J., Affirmed	Rule 11	Granted - Application of Barbara Pigg (Order attached hereto)

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

Monday, August 24, 2009

DENIALS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
State of Tennessee v. Joel E. Blanton M2007-01384-SC-R11-CD	White County Criminal Court Judge Lillie Ann Sells No. CR-2079	Wedemeyer, J, Affirmed	Rule 11	Denied - Application of Joel E. Blanton
State of Tennessee v. Sammy Andrew Brooks, Jr. M2006-02449-SC-R11-CD	Davidson County Criminal Court Judge Mark J. Fishburn No. 2005-A-397	Hayes, J., Affirmed	Rule 11	Dismissed - Application of Sammy Andrew Brooks, Jr. (Order filed 8-20-2009)
State of Tennessee v. Thomas Coleman M2007-02089-SC-R11-CD	Davidson County Criminal Court Judge Steve Dozier No. 2007-A-396	Glenn, J., Affirmed	Rule 11	Denied - Application of Thomas Coleman
State of Tennessee v. Melvin Crump M2006-02244-SC-R11-CD	Davidson County Criminal Court Judge Walter C. Kurtz No. 2004-D-3137	Tipton, J., Affirmed	Rule 11	Denied - Application of Melvin Crump

Kenneth Raymond Green v. Michelle A. Green (Reid) M2007-01263-SC-R11-CV	Rutherford County Circuit Court Judge Royce Taylor No. 52851	Cottrell, J., Affirmed and Remanded	Rule 11	Denied - Application of Kenneth Raymond Green
State of Tennessee v. Jose Noe Gutierrez M2007-02064-SC-R11-CD	Davidson County Criminal Court Judge Mark J. Fishburn No. 2007-A-807	Ogle, J., Affirmed	Rule 11	Denied - Application of the State of Tennessee
James B. Johnson, et al v. Charlie B. Mitchell, Jr., et al M2007-00977-SC-R11-CV	Williamson County Chancery Court Judge Jeffrey S. Bivins No. 32232	Dinkins, J., Affirmed and Remanded (Cottrell, J., not participating)	Rule 11	Denied - Application of James B. and Sylvia S. Johnson
Metro Development and Housing Agency v. Bobby Green M2008-00268-SC-R11-CV	Davidson County Circuit Court Judge Amanda Jan McClendon No. 07C-3758	Per Curiam, Dismissed	Rule 11	Denied - Application of Bobby Green
Indiana State District Council of Laborers & HOD Carriers Pension Fund v. Gary Brukaradt, et al M2007-02271-SC-R11-CV	Davidson County Chancery Court Judge Carol L. McCoy No. 05-1392-II	Kurtz, J., Reversed and Remanded	Rule 11	Denied - Application of Gary Brukaradt, William P. Johnston, Harry R. Jacobson, Joseph C. Hutts, William V. Lapham, Thomas A. Lowery, Stephen D. McMurray, Peter J. Grua, C. Thomas Smith, Ronald Hinds, Raymond Hakim, R. Kirk Allison and Renal Care Group, Inc.
State of Tennessee v. William David Michener M2007-02417-SC-R11-CD	Putnam County Circuit Court Judge Leon Burns No. 06-0356	Welles, J., Affirmed	Rule 11	Denied - Application of William David Michener

State of Tennessee v. Ricky Lynn Payne M2008-00465-SC-R11-CD	White County Circuit Court Judge Leon Burns, Jr. No. CR-2150	Welles, J., Affirmed	Rule 11	Denied - Application of Ricky Lynn Payne
Jerry Jerome Primm v. State of Tennessee M2008-01335-SC-R11-PC	Davidson County Criminal Court Judge J. Randall Wyatt, Jr. No. 2003-D-2636	Wedemeyer, J., Affirmed	Rule 11	Denied - Application of Jerry Jerome Primm
Agustin Puga v. Loria Scarlett M2008-00289-SC-R11-CV	Rutherford County Chancery Court Chancellor Robert E. Corlew, III No. 06-1846-CV	Dinkins, J., Affirmed and Remanded	Rule 11	Denied - Application of Loria Scarlett
State of Tennessee v. Kale J. Sandusky M2008-00589-SC-R11-CD	Wayne County Circuit Court Judge Jim T. Hamilton No. 14203	Welles, J., Dismissed	Rule 11	Denied - Application of Kale J. Sandusky
State of Tennessee v. Barry R. Smelley M2007-01884-SC-R11-CD	Davidson County Criminal Court Judge Steve R. Dozier No. 2005-B-1408	Ogle, J., Affirmed	Rule 11	Denied - Application of Barry R. Smelley; <i>The opinion of the Court of Criminal Appeals is designated "Not For Citation" in accordance with Supreme Court Rule 4, § F.</i>
Monique D. Smith v. State of Tennessee M2007-02644-SC-R11-PC	Davidson County Criminal Court Judge Cheryl Blackburn No. 2006-A-870	Smith, J., Affirmed	Rule 11	Denied - Application of Monique D. Smith
State of Tennessee v. Richard F. Stroud M2008-01200-SC-R11-CD	Williamson County Circuit Court Judge R. E. Lee Davies No. II-CR-082832	Wedemeyer, J., Dismissed	Rule 11	Denied - Application of Richard F. Stroud

Knoxville

State of Tennessee v. Rick Allen Bowser E2008-01252-SC-R11-CD	Sullivan County Criminal Court Judge R. Jerry Beck No. S52,938	Witt, J., Affirmed	Rule 11	Denied - Application of Rick Allen Bowser
State of Tennessee v. Gabriel Eugene Buchanon E2008-00430-SC-R11-CD	Hamilton County Criminal Court Judge Don W. Poole No. 260226	Witt, J., Affirmed	Rule 11	Denied - Application of Gabriel Eugene Buchanon
State of Tennessee v. Larry J. Coffey, Jr. E2008-00087-SC-R11-CD	Rhea County Circuit Court Judge Buddy D. Perry No. 16474	Woodall, J., Affirmed	Rule 11	Denied - Application of Larry J. Coffey, Jr. (Order filed August 24, 2009; case appeared on August 17, 2009 Discretionary Appeal List in error.)
Betty Lou Graham v. Board of Directors Lake Park Condo-Signal View E2008-00606-SC-R11-CV	Hamilton County Circuit Court Judge Jacqueline Bolton No. 07-C-1084	Swiney, J., Reversed in Part; Affirmed in Part; Remanded	Rule 11	Denied - Application of Betty Lou Graham
State of Tennessee v. George Peery, III E2008-00086-SC-R11-CD	Sullivan County Circuit Court Judge R. Jerry Beck Nos. S52,943, S52,032 and S52,184	Smith, J., Affirmed	Rule 11	Denied - Application of George Peery, III
The Wadlyn Corporation, et al v. City of Knoxville, et al E2007-02750-SC-R11-CV	Knox County Circuit Court Judge Harold Wimberly, Jr. No. 2-152-07	Swiney, J., Affirmed	Rule 11	Denied - Application of The Wadlyn Corporation and Camdun Realty I, LLC (Lee, J., not participating)

Jackson

State of Tennessee v. James Alfred Goodman W2008-01080-SC-R11-CD	Tipton County Circuit Court Judge Joe H. Walker, III No. 5758	Glenn, J., Affirmed	Rule 11	Denied - Application of James Alfred Goodman
Calvin Scott v. State of Tennessee W2007-02051-SC-R11-PC	Shelby County Criminal Court Judge James C. Beasley, Jr. No. P-28009	Thomas, J., Affirmed	Rule 11	Denied - Application of Calvin Scott filed May 13, 2009; Dismissed - <i>Pro Se</i> Application of Calvin Scott filed May 20, 2009
State of Tennessee v. John Shields W2007-01861-SC-R11-CD	Shelby County Criminal Court Judge Paula Skahan No. 07-00531	Ogle, J., Affirmed	Rule 11	Denied - Application of John Shields
Town of Oakland v. Town of Somerville, et al W2007-02264-SC-R11-CV	Fayette County Chancery Court Judge L. Terry Lafferty, Sr. No. 12928	Kirby, J., Reversed	Rule 11	Denied - Application of Town of Oakland

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**DEBRA M. BARKES, INDIVIDUALLY AND AS SURVIVING SPOUSE
OF JEWELL WAYNE BARKES, DECEASED**

v.

RIVER PARK HOSPITAL, INC. AND RIVER PARK HOSPITAL (TN)

**Circuit Court for Warren County
No. 946**

No. M2006-01214-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Debra M. Barkes 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

William C. Koch, Jr., J., not participating

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

B & B ENTERPRISES OF WILSON COUNTY, LLC ET AL.
v.
CITY OF LEBANON ET AL.

Circuit Court for Wilson County
No. 14108

No. M2008-00572-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of B & B Enterprises of Wilson County, LLC and Hal Bone d/b/a Hal Bone Enterprises, 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

IN RE: ESTATE OF MARY REEVES DAVIS

**Probate Court for Davidson County
No. 99P-1955**

No. M2009-00660-SC-S09-CV

ORDER

Upon consideration of the application for permission to appeal of Ames Davis, Administrator C.T.A. 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

TERRANCE LAVAR DAVIS v. STATE OF TENNESSEE

No. M2009-00011-SC-R11-HC

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

LOU ELLA SHERRILL ET AL. v. BOB T. SOUDER, M.D. ET AL.

No. W2008-00741-SC-R11-CV

ORDER

Upon consideration of Barbara Pigg's application for permission to appeal 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