

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

Monday, December 13, 2010

GRANTS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
Alicia D. Howell v. Nissan North America, Inc., et al. M2009-02567-SC-WCM-WC	Moore County Circuit Court Judge Franklin L. Russell No. 931	Kurtz, J., Reversed	Workers' Comp	Granted - Motion for Review on behalf of Alicia D. Howell (Koch, J., not participating) (Order filed 12-10-2010 copy attached)
Shawn Howell, Individually and as Administrator for the Estate of Jesse Franklin Browning, Jr. v. Claiborne and Hughes Health Center M2009-01683-SC-R11-CV	Williamson County Circuit Court Judge Timothy L. Easter No. 08625	Stafford, J., Reversed	Rule 11	Granted - Application of Claiborne and Hughes Health Center (Clark, C.J., not participating) (Order filed 12-7-2010; copy attached)

Knoxville

Dr. William P. Harman v. The University of Tennessee at Chattanooga E2009-02139-SC-R11-CV	Hamilton County Chancery Court Judge Howell N. Peoples No. 08-0698	Kirby, J., Affirmed	Rule 11	Granted - Application of Dr. William P. Harman (Order filed 12-8-2010; copy attached)
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Jackson

Norman Redwing v. The Roman Catholic Diocese of Memphis W2009-00986-SC-R10-CV	Shelby County Circuit Court Judge D'Army Bailey No. CT-005052-08	Farmer, J., Reversed and Remanded	Rule 10	Granted - Application of Norman Redwing (Order filed 12-7-2010; copy attached)
State of Tennessee v. Alfred Turner W2007-00891-SC-R11-CD	Shelby County Criminal Court Judge W. Otis Higgs No. 04-02872	Williams, J., Remanded	Rule 11	Granted - Application of State of Tennessee; Denied - Application of Alfred Turner (Order filed 12-7-2010; copy attached)

**SUPREME COURT OF TENNESSEE
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DENIALS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
Gayle Bernard, et al. v. Metropolitan Government of Nashville/Davidson County M2009-00812-SC-R11-CV	Davidson County Chancery Court Chancellor Carol L. McCoy No. 05-1605-II	Dinkins, J., Affirmed	Rule 11	Denied - Application of Gayle Bernard (Order filed 12-7-2010)
Blackburn & McCune, PLLC v. Pre-Paid Legal Services, Inc. M2009-01584-SC-R11-CV	Davidson County Circuit Court Judge Amanda Jane McClendon No. 08C-461	Kirby, J., Affirmed in Part, Reversed in Part and Remanded	Rule 11	Denied - Application of Blackburn & McCune, PLLC (Order filed 12-7-2010)
State of Tennessee v. Daniel Patrick Blankenship M2009-01913-SC-R11-CD	Davidson County Criminal Court Judge Cheryl Blackburn Nos. 2006-C-2608 and 2006-C-2614	Wedemeyer, J., Affirmed	Rule 11	Denied - Application of Daniel Patrick Blankenship (Order filed 12-8-2010)
State of Tennessee v. James Anthony Burgess M2009-00897-SC-R11-CD	Putnam County Criminal Court Judge David Patterson No. 07-0676	Smith, J., Affirmed	Rule 11	Denied - Application of James Anthony Burgess (Order filed 12-7-2010)

Joann Butler, et al. v. Marion County, Tennessee M2009-01566-SC-R11-CV	Marion County Chancery Court Judge Jeffrey F. Stewart No. 7153	Bennett, J., Affirmed	Rule 11	Denied - Application of Joann Butler and Marilyn B. Garner (Order filed 12-7-2010)
State of Tennessee v. Russel B. Cain M2009-00754-SC-R11-CD	Wilson County Criminal Court Judge Jane Wheatcraft No. 08-CR-396	Williams, J., Affirmed	Rule 11	Denied - Application of Russel B. Cain (Order filed 12-7-2010)
Mary Coleman, et al. v. St. Thomas Hospital M2009-02526-SC-S10-CV	Davidson County Circuit Court Judge Hamilton V. Gayden, Jr. No. 04C-2183	Highers, J., Reversed and Remanded	Rule 10	Denied - Application of Mary Coleman, Chloe Nguyen and Cassandra Dixon; Granted - Petition for Rehearing on behalf of Mary Coleman, Chloe Nguyen and Cassandra Dixon (Order filed 12-10-2010)
State of Tennessee v. Tony Lee Crow M2009-02194-SC-R11-CD	Putnam County Criminal Court Judge Leon Burns No. 06-0304	Welles, J., Affirmed	Rule 11	Denied - Application of Tony Lee Crowe (Order filed 12-8-2010)
Andrew Neal Davis v. State of Tennessee M2009-00423-SC-R11-PC	Davidson County Criminal Court Judge Cheryl Blackburn No. 2001-A-391	Smith, J., Affirmed	Rule 11	Denied - Application of Andrew Neal Davis (Order filed 12-8-2010)
State of Tennessee v. Anthony L. Davis M2008-02119-SC-R11-CD	Davidson County Criminal Court Judge Cheryl Blackburn No. 2006-D-3070	Wedemeyer, J., Affirmed	Rule 11	Denied - Application of Anthony L. Davis (Order filed 12-8-2010)
State of Tennessee v. Walter Jude Dec M2009-01141-SC-R11-CD	Bedford County Circuit Court Judge Robert Crigler No. 16648	Glenn, J., Affirmed	Rule 11	Denied - Application of Walter Jude Dec (Order filed 12-8-2010)

Dickson Housing Authority v. Ida Pearl Grimes, et al. M2009-02039-SC-R11-CV	Dickson County Circuit Court Judge Larry J. Wallace No. 22CC-2008-CV-33	Farmer, J., Reversed and Remanded	Rule 11	Denied - Application of Dickson Housing Authority (Order filed 12-7-2010)
John Doe v. Robert E. Cooper, Jr., as Attorney General for State of Tennessee M2009-00915-SC-R11-CV	Davidson County Circuit Court Judge Joseph P. Binkley, Jr. No. 08C-730	Clement, J., Affirmed	Rule 11	Denied - Application of John Doe (Order filed 12-7-2010)
State of Tennessee v. Sarah Ellen Eatherly M2009-01543-SC-R11-CD	Davidson County Criminal Court Judge J. Randall Wyatt, Jr. No. 2008-D-3731	Wedemeyer,J., Affirmed	Rule 11	Denied - Application of Sarah Ellen Eatherly (Order filed 12-8-2010)
Samuel Giddens, Jr. v. State of Tennessee M2009-00699-SC-R11-PC	Davidson County Criminal Court Judge J. Randall Wyatt, Jr. No. 2002-B-1184	Wedemeyer,J., Affirmed	Rule 11	Denied - Application of Samuel Giddens, Jr. (Order filed 12-8-2010)
Vicki P. Jacobs, et al. v. Nashville Ear, Nose & Throat Clinic, et al. M2009-01594-SC-R11-CV	Davidson County Circuit Court Judge Barbara N. Haynes No. 01C-3472	Susano, J., Vacated and Remanded	Rule 11	Denied - Applications of Steven A. Mitchell, M.D. and Radiology Alliance, P.C. and James Schumacher, M.D. (Order filed 12-7-2010)
Paul Jesse Keener, Jr. v. Tennessee Board of Probation and Parole M2009-01788-SC-R11-CV	Davidson County Chancery Court Chancellor Carol McCoy No. 07-1404-II	Farmer, J., Affirmed and Remanded	Rule 11	Denied - Application of Paul Jesse Keener (Order filed 12-7-2010)
State of Tennessee v. James Paul Kinard M2008-02840-SC-R11-CD	Davidson County Criminal Court Judge Cheryl Blackburn No. 2008-A-274	Williams, J., Affirmed	Rule 11	Denied - Application of James Paul Kinard (Order filed 12-7-2010)

Lamar Tennessee, LLC d/b/a Lamar Advertising of Tennessee and TLC Properties, Inc. v. Murfreesboro Board of Zoning Appeals & City of Murfreesboro, Tennessee M2009-01456-SC-R11-CV	Rutherford County Chancery Court Judge Royce Taylor No. 07-1322CV	Kirby, J., Affirmed	Rule 11	Denied - Application of Lamar Tennessee, LLC (Order filed 12-7-2010)
State of Tennessee v. Craig O'Neal Majors M2009-00483-SC-R11-CD	Montgomery County Circuit Court Judge Michael R. Jones No. 4071074	Thomas, J., Affirmed	Rule 11	Denied - Application of Craig O'Neal Majors (Order filed 12-8-2010)
State of Tennessee v. Herman Majors, Jr. M2009-02087-SC-R11-CD	Montgomery County Circuit Court Judge John Gassaway No. 40801010	Witt, J., Affirmed	Rule 11	Denied - Application of Herman Majors, Jr. (Order filed 12-7-2010)
State of Tennessee v. David Nelson McCoy M2009-01156-SC-R11-CD	Davidson County Criminal Court Judge J. Randall Wyatt No. 2008-A-414	McLin, J., Affirmed	Rule 11	Denied - Application of David Nelson McCoy (Order filed 12-7-2010)
Michael Cary Murphy v. Tennessee Department of Revenue M2009-01901-SC-R11-CV	Davidson County Chancery Court Chancellor Ellen Hobbs Lyle No. 08-1019-III	Clement, J., Dismissed	Rule 11	Denied - Application of Michael Cary Murphy (Order filed 12-7-2010)
State of Tennessee v. Randy Clayton Norman M2009-01246-SC-R11-CD	Maury County Circuit Court Judge Jim T. Hamilton No. 16988	Glenn, J., Affirmed as Modified	Rule 11	Denied - Application of Randy Clayton Norman (Order filed 12-8-2010)
PMW Partners d/b/a Capital Trust Wealth Management Group v. NBC Securities, Inc., et al. M2010-01778-SC-R9-CV	Williamson County Chancery Court Chancellor James G. Martin, III No. 37677	Per Curiam, Rule 9 Denied		Denied - Application of PMW Partners d/b/a Capital Trust Wealth Management Group (Order filed 12-7-2010)

State of Tennessee v. James Richardson Reece M2010-00813-SC-R11-CD	Sumner County General Sessions/Criminal Court Judge John Gwin No. 2010-CR-208	Smith, J., Woodall, J., Wedemeyer, J., Dismissed	Rule 11	Denied - "Request for Stay of State Criminal Court Trial Setting Pending Dispositive Ruling of Supreme Court" of James Richardson Reece (Order filed 12-06-2010)
State of Tennessee v. James Richardson Reece M2010-00813-SC-R11-CD	Sumner County General Sessions/Criminal Court Judge John Gwin No. 2010-CR-208	Smith, J., Woodall, J., Wedemeyer, J., Dismissed	Rule 11	Denied - "Application for Permission to File Direct Appeal for Writ of Certiorari, Writ of Supersedeas, Change of Venue and Remand to General Sessions under Rule 10 TRAP" of James Richardson Reece (Order filed 12-8-2010)
Regions Bank v. Trailer Source, et al. M2008-01167-SC-R11-CV	Davidson County Chancery Court Chancellor Ellen H. Lyle No. 03-2714-III	Cottrell, J., Reversed	Rule 11	Denied - Application of Hyundai Translead (Order filed 12-7-2010)
Andrew Bernard Shute, Jr., et al. v. Metropolitan Government of Nashville, Davidson County, Tennessee, et al. M2009-01417-SC-R11-CV	Davidson County Chancery Court Judge Joseph P. Binkley, Jr. Nos. 08-2761-II and 09-222-I	Cottrell, J., Affirmed	Rule 11	Denied - Application of Andrew Bernard Shute, Jr. and Concerned Neighbors of Nashville (Order filed 12-7-2010)
State of Tennessee v. Jermaine Smith M2009-00468-SC-R11-CD	Montgomery County Circuit Court Judge Michael R. Jones Nos. 40200733, 40600256, 40601232	Woodall, J., Affirmed	Rule 11	Denied - Application of Jermaine Smith (Order filed 12-8-2010)
Teco Barge Line, Inc. n/k/a United Barge Line, LLC v. John G. Morgan, Tennessee Comptroller of the Treasury M2009-01675-SC-R11-CV	Tennessee State Board of Equalization Judge Kelsie Jones Number Below Unknown	Dinkins, J., Affirmed in Part, Reversed in Part	Rule 11	Denied - Application of Teco Barge Line, Inc. (Order filed 12-7-2010)

State of Tennessee v. Keith Whited M2010-02365-SC-R10-CD	Fentress County Circuit Court Judge E. Shayne Sexton No. 9304	Welles, J., Affirmed	Rule 10	Denied - Application of Keith Whited (Order filed 12-8-2010)
Michael Eugene Wilkerson v. State of Tennessee M2009-00561-SC-R11-PC	Warren County Circuit Court Judge Larry B. Stanley, Jr. No. F-9147	Wedemeyer,J., Affirmed	Rule 11	Denied - Application of Michael Eugene Wilkerson (Order filed 12-8-2010)
State of Tennessee v. Taj O'Chancey Young M2009-02318-SC-R11-CD	Robertson County Circuit Court Judge John Gasaway, III No. 08-0619	Smith, J., Affirmed	Rule 11	Denied - Application of Taj O'Chancey Young (Order filed 12-8-2010)
<u>Knoxville</u>				
Ty Amanns, et al. v. Jeffrey Grissom, et al. E2009-00802-SC-R11-CV	Knox County Circuit Court Judge Dale C. Workman No. 1-652-04	Swiney, J., Affirmed	Rule 11	Denied - Application of Ty Amanns and Kim Amanns (Order filed 12-7-2010)
State of Tennessee v. Terry Lynn Byington E2010-01154-SC-R11-CD	Sullivan County Criminal Court Judge Phyllis H. Miller No. S46479	Woodall, J., Affirmed	Rule 11	Denied - Application of Terry Lynn Byington (Order filed 12-7-2010)
State of Tennessee v. Jamie M. Duty E2010-01857-SC-S9-CD	Sullivan County Circuit Court Judge Robert H. Montgomery, Jr. No. S57,192	Witt, J., Ogle, J. and Thomas, J., Rule 9 Denied	Rule 9	Denied - Application of Jamie M. Duty (Order filed 12-7-2010)

Mary Lou Gammo v. Richard Rolen, et al. E2009-02392-SC-R11-CV	Washington County Chancery Court Chancellor G. Richard Johnson No. 34456	Franks, J., Affirmed	Rule 11	Denied - Application of Richard Rolen and Lisa J. Rolen (Order filed 12-7-2010)
State of Tennessee v. Takeita M. Locke E2009-00065-SC-R11-CD	Knox County Criminal Court Judge Richard R. Baumgartner No. 67739	Tipton, J., Affirmed	Rule 11	Denied - Application of Takeita M. Lock (Order filed 12-8-2010)
Laura A. Mantooth v. Robert Mantooth E2010-02110-SC-R10-CV	Hamblen County Circuit Court Judge John K. Wilson No. 07-CV-048	Franks, J., Susano, J., McClarty, J., Rule 10 Denied	Rule 10	Denied - Application of Robert Mantooth (Order filed 12-8-2010)
Jerry Robertson a/k/a Jere Robertson v. Clara Hodges, et ux, et al. E2009-01335-SC-R11-CV	Sevier County Chancery Court Chancellor Telford Forgety No. 05-05-201	Franks, J., Affirmed and Remanded	Rule 11	Denied - Application of Jerry Robertson (Wade, J., not participating) (Order filed 12-7-2010)
State of Tennessee v. William George Soller, Jr. E2009-01138-SC-R11-CD	Sevier County Circuit Court Judge Jon Kerry Blackwood No. 12758	Thomas, J., Affirmed in Part, Reversed in Part	Rule 11	Denied - Application of William George Soller, Jr. (Order filed 12-8-2010)
Michael Lynn Stanton v. State of Tennessee E2009-02198-SC-R11-PC	Knox County Criminal Court Judge Mary Beth Leibowitz No. 85591	Ogle, J., Affirmed	Rule 11	Denied - Application of Michael Lynn Stanton (Order filed 12-7-2010)
John S. Steele v. State of Tennessee E2009-00212-SC-R11-PC	Washington County Criminal Court Judge Robert Cupp No. 34933	Ogle, J., Affirmed, Pursuant to Rule 20	Rule 11	Denied - Application of John S. Steele (Order filed 12-7-2010)

Jackson

State of Tennessee v. Claude Phillips W2008-02810-SC-R11-CD	Shelby County Criminal Court Judge Chris Craft No. 06-09192	Williams, J., Affirmed	Rule 11	Denied - Application of Claude Phillips (Order filed 12-7-2010)
Mack T. Transou v. State of Tennessee W2008-02112-SC-S10-WM	Madison County Circuit Court Judge Roy B. Morgan No. C05-301	McMullen, J., Rule 10 Denied	Rule 10	Denied - Application of Mack T. Transou (Order filed 12-7-2010)
State of Tennessee v. Alfred Turner W2007-00891-SC-R11-CD	Shelby County Criminal Court Judge W. Otis Higgs No. 04-02872	Williams, J., Remanded	Rule 11	Denied - Application of Alfred Turner; Granted - Application of State of Tennessee (Order filed 12-7-2010)
Jeffery Yates v. State of Tennessee W2009-01136-SC-R11-HC	Lake County Circuit Court Judge R. Lee Moore No. 09-CR9270	Woodall, J., Affirmed	Rule 11	Denied - Application of Jeffery Yates (Order filed 12-7-2010)

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

ALICIA D. HOWELL v. NISSAN NORTH AMERICA, INC. ET AL.

**Circuit Court for Moore County
No. 931**

No. M2009-02567-SC-WCM-WC

ORDER

The motion for review filed by Alicia D. Howell, pursuant to Tenn. Code Ann. § 50-6-225(e)(5)(B), has been considered by the Court and is granted.

The parties shall submit briefs in accordance with Tenn. R. App. P. 29; the appellant's brief shall be filed within thirty (30) days of the date of this Order. The Clerk of the Court is directed to schedule this case for oral argument when the briefing is completed.

PER CURIAM

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

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**SHAWN HOWELL, INDIVIDUALLY AND AS ADMINISTRATOR FOR THE ESTATE OF JESSE
FRANKLIN BROWNING, JR. v. CLAIBORNE AND HUGHES HEALTH CENTER**

**Circuit Court for Williamson County
No. 08625**

No. M2009-01683-SC-R11-CV

ORDER

Upon consideration of the Tenn. R. App. P. 11 application for permission to appeal filed on behalf of Claiborne and Hughes Health Center, 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

CORNELIA A. CLARK, C.J., not participating

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

**DR. WILLIAM P. HARMAN v. THE UNIVERSITY OF TENNESSEE AT
CHATTANOOGA**

**Chancery Court for Hamilton County
No. 08-0698**

No. E2009-02139-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Dr. William P. Harman 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

**NORMAN REDWING v. THE ROMAN CATHOLIC DIOCESE
OF MEMPHIS**

**Circuit Court for Shelby County
No. CT-005052-08**

No. W2009-00986-SC-R10-CV

ORDER

Upon consideration of Norman Redwing'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

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

STATE OF TENNESSEE v. ALFRED TURNER

Criminal Court for Shelby County
No. 04-02872

No. W2007-00891-SC-R11-CD

ORDER

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

Upon consideration of Alfred Turner's application for permission to appeal and the record before us, the application is denied.

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

PER CURIAM