

Nabers, C.J., C. J.

1031512 Racon, Inc. v. Tuscaloosa County, Alabama, Burk-Kleinpeter, Inc.  
and TTL, Inc. (Appeal from Tuscaloosa Circuit Court: CV-02-64).

Affirmed.

1041861 Ex parte Stanley Stephens. PETITION FOR WRIT OF CERTIORARI TO  
THE COURT OF CRIMINAL APPEALS (In re: Stanley Stephens v. State  
Death of Alabama) (Lee Circuit Court: CC99-838; Criminal Appeals :  
Penalty CR-02-0154).

Reversed And Remanded.

Lyons, J., J.

1050039 The Cadle Company v. David Shabani a/k/a Aziz Shabani and  
( 249 ) AmSouth Bank (Appeal from Jefferson Circuit Court: CV-04-5665).  
Judgment Vacated; Appeal and Cross-Appeals Dismissed.

1050098 AmSouth Bank v. The Cadle Company (Appeal from Jefferson  
( 249 ) Circuit Court: CV-04-5665).

Judgment Vacated; Appeal and Cross-Appeals Dismissed.

1050120 David Shabani a/k/a Aziz Shabani v. The Cadle Company (Appeal  
( 249 ) from Jefferson Circuit Court: CV-04-5665).

Judgment Vacated; Appeal and Cross-Appeals Dismissed.

1050433 Alabama Electric Cooperative, Inc. et al. v. Bailey's

Construction Company, Inc. (Appeal from Washington Circuit  
Court: CV-03-27).

Affirmed.

1050552 Deramus Hearing Aid Center, Inc. and Glenda Deramus v. American  
Hearing Aid Associates, Inc. (Appeal from Montgomery Circuit  
Court: CV-04-1066).

Motion to Strike Denied; Affirmed.

Stuart, J., J.

1050067 Board of Water & Sewer Commissioners of the City of Mobile v.  
James Hunter et al. (Appeal from Mobile Circuit Court:  
CV-02-595).

Reversed And Remanded. Injunction Dissolved.

Smith, J., J.

1040438 Daniel Waite, Sr. v. Margaret Susan Helmondollar (Appeal from  
Russell Circuit Court: CV-03-399).

Affirmed.

1040720 Dick L. Lambert v. Coregis Insurance Company, Inc. (Appeal from  
Mobile Circuit Court: CV-04-002600).

Affirmed.

1050991 Ex parte Jimmy Roberts. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Fort James Operating Company, Inc. v. Jimmy Roberts) (Choctaw Circuit Court: CV 99-95; Civil Appeals : 2050166).

Writ Denied. No Opinion.

Parker, J., J.

1030615 AmeriSource Corporation v. CRSX, Inc., d/b/a Blue Mountain Drugs & Calhoun Pharmacy Services, Inc., d/b/a Golden Springs Pharmacy (Appeal from Calhoun Circuit Court: CV-00-762).

Affirmed.

1040073 Benjamin Hollis and Diane Hollis v. City of Brighton (Appeal from Bessemer Division of Jefferson Circuit Court: CV-00-548).

Affirmed.

1041782 Ex parte Peggy Northcutt and Al Northcutt. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Garve W. Ivey, Jr. P.C. d/b/a Ivey & Ragsdale v. Peggy G. Northcutt a/k/a Peggy G. Fannin, Al Northcutt and Pinnacle Bank) (Walker Circuit Court: CV-05-197).

Petition Denied. No Opinion.

ON REHEARING, J.

1031917 City of Bessemer et al. v. E.B. McClain et al. (Appeal from Bessemer Division of Jefferson Circuit Court: CV-03-1311).

Application Granted; Opinion of January 13, 2006, Withdrawn;  
Opinion Substituted; Affirmed In Part; Judgment Vacated In Part;  
and Remanded With Directions.

1041699 Charles R. Zeller v. Tracy Bailey (Appeal from Baldwin Circuit  
Court: CV-04-695).

Application Overruled; Opinion of April 28, 2006, Withdrawn;  
Opinion Substituted; Affirmed.

1030615 Appellant Russell N. Parrish, Dothan

Appellant Gary E. Sullivan, Dothan

Appellee James M. Campbell, Anniston

1031512 Appellant Marc J. Ayers, Birmingham

Appellant Samuel C. Kelly, Jackson MS

Appellant Matthew H. Lembke, Birmingham

Appellant Walter J. Sears, III, Birmingham

Appellee Ed R. Haden, Birmingham

Appellee Forrest L. Adams, II, Birmingham

Appellee Edward S. Allen, Birmingham

Appellee Charles A. Burkhart, Birmingham

Appellee J. Scott Dickens, Birmingham

Appellee John M. Laney, Jr., Birmingham

Appellee Robert M. Spence, Tuscaloosa

Appellee L. Graves Stiff, III, Birmingham

1031917 Appellant Mark S. Boardman, Chelsea

Appellant April B. Danielson, Birmingham  
Appellant Philip F. Hutcheson, Chelsea  
Appellant Stephen B. Griffin, Hoover  
Appellant J. Bentley Owens, III, Birmingham  
Appellant Jon B. Terry, Bessemer  
Appellee T. Kenneth Foster, Bessemer  
Appellee John Haley, Birmingham  
Appellee Ralph D. Cook, Birmingham  
Appellee William A. Short, Jr., Bessemer  
Appellee Calvin M. Whitesell, Montgomery

1040073 Appellant Stan Brobston, Bessemer

Appellant Albert Lipscomb, Bessemer  
Appellee G. Meador Akins, Birmingham  
Appellee Thomas S. Hale, Birmingham

1040438 Appellant Matthew D. Fridy, Birmingham

Appellant Michael L. Jackson, Birmingham  
Appellant Albert L. Jordan, Birmingham  
Appellant Steven Speakman, Auburn  
Appellee Sheldon C. Perhacs, Birmingham

1040720 Appellant Patrick Collins, Daphne

Appellee Ian D. Rosenthal, Mobile

1041699 Appellant Robert W. Waller, Fairhope

Appellant Marion Wynne, Jr., Fairhope

Appellee Thomas M. O'Hara, Mobile

1041861 Petitioner T. Robin McIntyre, Opelika

Respondent Troy R. King, Montgomery

Respondent Anne C. Adams, Montgomery

Respondent James R. Houts, Montgomery

  

1050039 Appellant Robert Kracke, Birmingham

Appellant Jack R. Thompson, Birmingham

Appellee Douglas Corretti, Birmingham

Appellee W. L. Longshore, III, Birmingham

Appellee Vincent Nelan, Birmingham

  

1050067 Appellant Benjamin T. Rowe, Mobile

Appellee George M. Dent, III, Mobile

Appellee George W. Finkbohner, III, Mobile

Appellee Herndon Inge, III, Mobile

Appellee John W. Parker, Mobile

Appellee David G. Wirtes, Jr., Mobile

  

1050098 Appellant W. L. Longshore, III, Birmingham

Appellee Jack R. Thompson, Birmingham

1050120 Appellant Douglas Corretti, Birmingham  
Appellee Jack R. Thompson, Birmingham

1050433 Appellant Ronald G. Davenport, Montgomery  
Appellant R. Austin Huffaker, Jr., Montgomery  
Appellee Clay A. Lanham, Mobile  
Appellee E. L. McCafferty, III, Mobile

1050552 Appellant Jerry M. Blevins, Montgomery  
Appellee Dayna R. Burnett, Montgomery  
Appellee Charles N. Parnell, III, Montgomery