

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

Monday, March 10, 2014

GRANTS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
Michael S. Becker, Et Al v. Ford Motor Company M2013-02546-SC-R23-CV	Rule 23 Certified Question of Law United States District Court of the Eastern District of Tennessee No. 1:13-cv-276-SKL	Per Curiam	Rule 23	Accepted Certificaiton of the following question of law: <i>When a plaintiff knows the identity of a potential tortfeasor at the time of the filing of plaintiff's original complaint and prior to the running of the applicable statute of limitations and the plaintiff chooses not to sue said known potential tortfeasor, can the plaintiff then later rely on the 90-day savings provision of Tenn. Code Ann. § 20-1-119 in order to add the previously known potential tortfeasor to the existing lawsuit after the defendant alleges comparative fault against the known potential tortfeasor notwithstanding the expiration of the statute of limitations?</i> (Order filed 3-7-14) <i>See Attached Order</i>

Knoxville

C. L. Gilbert, Jr. V. Izak Frederick Wessels E2013-00255-SC-R11-CV	Hamilton County Circuit Court Judge Jaqueline Schulten Bolton No. 11C201	Frierson, II, J., Affirmed	Rule 11	Granted: Application of Izak Frederick Wessels (Order Filed 3-5-14) <i>See Attached Order</i>
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Jackson

Charles Haynes v. Formac Stables, Inc. W2013-00535-SC-R11-CV	Obion County Circuit Court Judge William B. Acree No. CC-10-CV-204	Farmer, J., Affirmed and Remanded	Rule 11	Granted: Application of Charles Haynes <i>Motion filed by the Tennessee Employment Lawyers Association for leave to file and amicus brief is also granted</i> (Order filed 3-5-14) <i>See Attached Order</i>
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**SUPREME COURT OF TENNESSEE
SUPREME COURT DISCRETIONARY APPEALS**

Monday, March 10, 2014

DENIALS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
Browns Installation, LLC v. Watermark Solid Surface, Inc. M2012-02264-SC-R11-CV	Davidson County Chancery Court Judge Ellen H. Lyle No. 092249III	Bennett, J., Affirmed	Rule 11	Denied: Application of Watermark Solid Surface, Inc. The request by Browns Installation, LLC for an award of attorney's fees is also denied (Order filed 3-5-14)
William Darryn Busby v. State of Tennessee M2012-00709-SC-R11-PC	Lewis County Circuit Court Judge Robert E. Lee Daies No. 6650	McMullen, J., Affirmed	Rule 11	Denied: Application of William Darryn Busby (Order filed 3-5-14)
Karl S. Davidson v. Governor Phillip Bredesen, Et Al M2012-02374-SC-R11-CV	Davidson County Chancery Court Chancellor Ellen Hobbs Lyle No. 072339III	Dinkins, J., Affirmed	Rule 11	Denied: Application of Karl S. Davidson (Order filed 3-5-14)
In Re: Estate of Mary Reeves Davis M2012-00559-SC-R11-CV	Davidson County Circuit Court Judge David Randall Kennedy NO. 99P1955	Cottrell, P. J., Affirmed	Rule 11	Denied: Application of William Terry Davis (Order filed 3-4-14)
State of Tennessee v. Jeffrey W. Dean M2013-00340-SC-R11-CD	Robertson County Circuit Court Judge Michael Jones No. 2011-CR-267	Page, J., Affirmed	Rule 11	Denied: Application of Jeffrey W. Dean (Order filed 3-5-14)

Gregory Eidson v. State of Tennessee M2012-02482-SC-R11-PC	Sumner County Criminal Court Judge Dee David Gay No. CR3032012	Thomas, Jr., Affirmed	Rule 11	Denied: Application of Gregory Eidson (Order filed 3-5-14)
State of Tennessee v. Jay Hart Frier M2012-02080-SC-R10-CD	Williamson County Circuit Court Judge Robbie T. Beal No. ICR063275	Smith, J., Reversed and Remanded	Rule 11	Denied: Application of Jay Hart Frier <i>The October 16, 2013 opinion of the Court of Criminal Appeals is designated "Not For Citation" in accordance with Tennessee Supreme Court Rule 4(E)(1)</i> (Order filed 3-5-14)
State of Tennessee v. Michael Tyrone Gant M2012-02727-SC-R11-CD	Bedford County Circuit Court Judge Robert Crigler No. 17314	Wedemeyer, J., Affirmed	Rule 11	Denied: Application of Michael Tyrone Gant (Order filed 3-5-14)
Jeffrey Gills v. State of Tennessee M2013-01908-SC-R11-PC	Davidson County Criminal Court Judge Cheryl A. Blackburn No. 98-D-2428	Smith, J., Wedemeyer, J., Bivins, J., Permission to Appeal Denied	Rule 11	Denied: Application of Jeffrey Gills (Order filed 3-5-14)
State of Tennessee v. Antwain K. Green M2013-00167-SC-R11-CD	Davidson County Criminal Court Judge Randall Wyatt No. 2010-C-1750	Bivins, J., Affirmed	Rule 11	Denied: Application of Antwain K. Green (Order filed 3-5-14)
Clarence Dewayne Hayes v. State of Tennessee M2013-00605-SC-R11-PC	Davidson County Criminal Court Judge Seth Norman No. 2006-B-1257	Witt, Jr. J., Affirmed	Rule 11	Denied: Application of Clarence Dewayne Hayes (Order filed 3-5-14)

State of Tennessee v. Nora Hernandez M2012-02383-SC-R11-CD	Williamson County Circuit Court Judge Timothy L. Easter No. I-CR026245	Page, J., Judgment Vacated	Rule 11	Denied: Application of Nora Hernandez (Order filed 3-5-14)
George Hollars v. United Parcel Services, Inc. Et Al M2013-00144-SC-WCM-WC	Wilson County Chancery Court Judge Charles K. Smith No. 2012CV42	Per Curiam William C. Koch, Jr., J., not participating	Motion for full court review	Denied: Motion for Full Court Review (Order filed 3-7-14)
Henry Alfred Honea v. State of Tennessee M2012-01812-SC-R11-PC	Coffee County Circuit Court Judge L. Craig Johnson No. 38,830	Tipton, J., Affirmed	Rule 11	Denied: Application of Henry Alfred Honea <i>Motion to Withdraw file by Eric J. Burch is granted</i> <i>Motion for Liberation filed by Henry Alfred Honea is denied</i> (Order filed 3-4-14)
In Re: David R. Et Al. M2013-01249-SC-R11-PT	Lawrence County Chancery Court Judge Jim T. Hamilton No. 1542911	Clement, Jr. J., Affirmed	Rule 11	Denied: Application of Melisha R. (Order filed 3-6-14)
Dexter F. Johnson v. State of Tennessee M2013-00968-SC-R11-HC	Wayne County Circuit Court Judge Jim T. Hamilton No. 15333	Wedemeyer, J., Affirmed	Rule 11	Denied: Application of Dexter F. Johnson (Order filed 3-5-14)
In Re: Jacobe J. M2013-01246-SC-R11-PT	Putnam County Criminal Court Judge No. 201210A		Rule 11	Denied: Application of father, Jerry J. (Order filed 3-5-14)

State of Tennessee v. Felton Jackson M2012-00828-SC-R11-CD	Wilson County Criminal Court Judge David Earl Durham No. 2009CR416	Page, J., Affirmed	Rule 11	Denied: Application of Felton Jackson (Order filed 3-4-14)
State of Tennessee v. Tommy Earl Jones M2012-01716-SC-R11-CD	Dickson County Circuit Court Judge Robert E. Burch No. 22CC-2009-CR-258	Thomas, J., Affirmed	Rule 11	Denied: Application of Tommy Earl Jones <i>The opinion of the Court of Criminal Appeals is designated "Not for Citation" in accordance with Tenn. Sup. Ct. R. 4(E)(1)</i> (Order filed 3-5-14)
State of Tennessee v. Teresa Kingsmill M2012-02031-SC-R11-CD	Davidson County Criminal Court Judge Monte Watkins No. 2011D3303	Wedemeyer, J., Affirmed	Rule 11	Denied: Application of Teresa Kingsmill (Order filed 3-5-14)
David Enrique Leon v. State of Tennessee M2013-00519-Sc-R11-PC	Dickson County Circuit Court Judge Robert E. Burch No. 22CC-2012-CR-371	Glenn, J., Affirmed	Rule 11	Denied: Application of David E. Leon (Order filed 3-5-14)
Brandon W. Martin, Et Al. v. W. B. Melton, Et Al M2012-01500-SC-R11-CV	Overton County Circuit Court Judge John Wootten No. 4326H	Cottrell, P.J., Reversed	Rule 11	Denied: Application of W. B. Melton, Et Al. (Order filed 3-5-14)
State of Tennessee v. Roy L. McAlister M2013-00581-SC-R11-CD	Robertson County Circuit Court Judge John H. Gasaway, III No. 2011-CR-310	Bivins, J., Affirmed	Rule 11	Denied: Application of Roy L. McAlister (Order filed 3-5-14)

State of Tennessee v. Denver Joe McMath, Jr. M2012-1260-SC-R11-CD	Davidson County Criminal Court Judge Monte Watkins No. 2009-A-419	Woodall, J., Affirmed	Rule 11	Denied: Application of Denver McMath (Order filed 3- 5-14)
Ako Hassan Nejad v. State of Tennessee M2013-00223-SC-R11-PC	Davidson County Criminal Court Judge Cheryl A. Blackburn No. 2007B1748	Tipton, J., Affirmed	Rule 11	Denied: Application of Ako Hassan Nejad (Order filed 3-5-14)
State of Tennessee v. Antoine Redeemer M2012-01689-SC-R11-CD	Montgomery County Circuit Court Judge Michael R. Jones No. 41000649	Tipton, J., Affirmed	Rule 11	Denied: Application of Antione Redeemer (Order filed 3-5-14)
State of Tennessee v. Stephen Anthony Scott M2012-01416-SC-R11-CO	Montgomery County Circuit Court Judge Michael Jones No. 40200176	Ogle, J., Affirmed	Rule 11	Denied: Application of Stephen Anthony Scott (Order filed 3-5-14)
State of Tennessee v. Charles Bradford Stewart M2013-00488-SC-R11-CD	Montgomery County Circuit Court Judge John H. Gasaway, III No. 40700425	Witt, Jr. J., Affirmed	Rule 11	Denied: Application of Charles Bradford Stewart (Order filed 3-5-14)
Clay Sullivan v. State of Tennessee M2013-01909-SC-R11-PC	Davidson County Criminal Court Judge Cheryl A. Blackburn No. 2001D2236	Smith, J., Order	Rule 11	Denied: Application of Clay Sullivan (Order filed 3-5-14)
<u>Knoxville</u>				
American Traffic Solutions, Inc. v. The City of Knoxville Et Al., E2012-01334-SC-R11-CV	Knox County Chancery Court Judge Michael W. Moyers No. 1816573	McClarty, J., Affirmed	Rule 11	Denied: Application of American Traffic Solutions, Inc. (Order filed 3-4-14)

State of Tennessee v. Nicholas Wyatt Barish E2012-01353-SC-R11-CD	Knox County Criminal Court Judge Bob R. McGee No. 97586	Williams, J., Reversed in part; Affirmed in part Gary R. Wade, C.J., not participating	Rule 11	Denied: Application of Nicholas Barish (Order filed 3-5-14)
Citizens For Safety and Clean Air, Et Al v. City of Clinton, Tennessee, Et Al E2012-02435-SC-R11-CV	Anderson County Chancery Court Chancellor William Lantrip No. 07CH7499	Swiney, J., Affirmed	Rule 11	Denied: Application of Citizens for Safety and Clean Air, et al (Order filed 3-5-14)
Maryam Ghorashi-Bajestani v. Masoud Bajestani E2013-00161-SC-R11-CV	Hamilton County Chancery Court Chancellor Jeffrey Atherton No. 080098	Frierson, J., Affirmed	Rule 11	Denied: Application of Masoud Bajestani (Order filed 3-5-14)
State of Tennessee v. Robert Hurst and Destiny Hurst E2012-01409-SC-R11-CD	Knox County Criminal Court Judge Bobby R. McGee No. 95313A	Page, J., Affirmed	Rule 11	Denied: Application of Destiny Hurst (Order filed 3-5-14)
State of Tennessee v. Russell Dean Long and Jessica Renee Adkins E2012-01166-SC-R11-CD	Washington County Criminal Court Judge Robert E. Cupp No. 35192A	Wedemeyer, J., Affirmed	Rule 11	Denied: Application of Russell Dean Long and Jessica Renee Adkins (Order filed 3-4-14)
State of Tennessee v. Jeremy Mulkey E2012-02337-SC-R11-CD	McMinn County Circuit Court Judge Amy Reedy No. 2011-CR0134	McMullen, J., Reversed	Rule 11	Denied: Application of Jeremy Mulkey (Order filed 3-5-14)
Alex Stevino Porter v. State of Tennessee E2012-00481-SC-R11-PC	McMinn County Criminal Court Judge Carroll L. Ross No. 10219	Woodall, J., Affirmed	Rule 11	Denied: Application of Alex Stevino Porter (Order filed 3-5-14)

John Riad v. Erie Insurance Exchange E2013-00288-SC-R11-CV	Bradley County Circuit Court Judge J. Michael Sharp No. V11558	McClarty, J., Affirmed	Rule 11	Denied: Application of Erie Insurance Exchange <i>Tennessee Farmers Mutual Insurance Company's motion for leave to file amicus curiae brief is granted, and the motion for leave to file amicus curiae brief filed by Property Casualty Insurers Association of America is denied as moot.</i> (Order filed 3-4-14)
Demetrius Davelle Walton v. Colonial Freight Systems, Inc. E2014-00020-SC-R9-WC	Knox County Chancery Court Judge Moyers NO. 181423-3	Per Curiam	Rule 9	Denied: Application of Demetrius Davelle Walton (Order filed 3-6-14)
<u>Jackson</u>				
State of Tennessee v. David Eugene Breezee W2013-00798-SC-R11-CD	Benton County Circuit Court Judge C. Creed McGinley No. 10-CR-45	Ogle, J., Affirmed	Rule 11	Denied: Application of David Eugene Breezee (Order filed 3-4-14)
State of Tennessee v. Stephen Wayne Davis W2012-01656-SC-R11-CD	Madison County Circuit Court Judge Donald H. Allen No. 11-621	Witt, Jr., J. Affirmed	Rule 11	Denied: Application of Stephen Wayne Davis (Order filed 3-4-14)

Jerald Farmer, Et Al. v. South Parkway Associates, LP W2012-02322-SC-R11-CV	Shelby County Circuit Court Judge Gina C. Higgins No. CT-000593-11	Highers, J., Affirmed and Remanded	Rule 11	Denied: Application of South Parkway Associates, LP (Order filed 3-5-14)
Marvin Green v. State of Tennessee W2013-02422-SC-R11-CO	Lauderdale County Circuit Court Judge Joe H. Walker, III No. 6704	Glenn, J., Petition Denied	Rule 11	Denied: Application of Marvin Green (Order filed 3-5-14)
State of Tennessee v. Cleo Henderson W2012-01480-SC-R11-CD	Shelby County Criminal Court Judge James Beasley No. 1007069	Page, J., Affirmed	Rule 11	Denied: Application of Cleo Henderson (Order filed 3-5-14)
James Glen Kirk v. Gloria Taylor Kirk W2012-00451-SC-R11-CV	Shelby County Circuit Court Judge John McCarroll No. CT-000095-08	Farmer, J., Affirmed and Remanded	Rule 11	Denied: Application of James Glen Kirk <i>The September 6, 2013 opinion of the Court of Appeals is designated "Not for Citation" in accordance with Supreme Court Rule 4(E)(1)</i> (Order filed 3-5-14)
Frederick Moore v. State of Tennessee W2012-02189-SC-R11-PC	Madison County Circuit Court Judge Roy B. Morgan, Jr. No. C-12-72	Williams, J., Affirmed	Rule 11	Denied: Application of Frederick Moore (Order filed 3-5 -14)
Bert Newby v. State of Tennessee W2011-02522-SC-R11-PC	Shelby County Criminal Court Judge James Lammey No. 06-03859-60	Woodall, J., Affirmed	Rule 11	Denied: Application of Bert Newby (Order filed 3-5-14)
State of Tennessee v. Calvin Person and Maurico Grandberry W2011-02682-SC-R11-CD	Shelby Count Criminal Court Judge James Beasley No. 10-01780	Bivins, J., Affirmed	Rule 11	Denied: Application of Calvin Person and Maurico Grandberry (Order filed 3-5-14)

Johnny Tate v. State of Tennessee W2012-01471-SC-R11-PC	Shelby County Criminal Court Judge James M. Lammey, Jr. No. 0708398	McMullen, J., Affirmed	Rule 11	Denied: Application of Johnny Tate (Order filed 3-5-14)
E. Louis Thomas v. State of Tennessee W2012-00999-SC-R11-PC	Shelby County Criminal Court Judge J. Robert Carter No. 04-07385	Woodall, J., Affirmed	Rule 11	Denied: Application of E. Louis Thomas (Order filed 3-5-14)
Wolff Ardis, PC v. Jonathan C. Dailey, Et Al W2013-01127-SC-R11-CV	Shelby County Chancery Court Judge Walter L. Evans No. CH-11-1191-1	Highers, J., Reversed and Remanded	Rule 11	Denied: Application of Jonathan C. Dailey (Order filed 3-4-14)

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

MICHAEL S. BECKER ET AL. v. FORD MOTOR COMPANY

**Rule 23 Certified Question of Law
from the United States District Court
for the Eastern District of Tennessee
No. 1:13-cv-276-SKL**

No. M2013-02546-SC-R23-CV

ORDER

Pursuant to Tenn. Sup. Ct. R. 23, a certified order was filed in this Court on November 18, 2013, by the United States District Court for the Eastern 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 question of law:

When a plaintiff knows the identity of a potential tortfeasor at the time of the filing of plaintiff's original complaint and prior to the running of the applicable statute of limitations and the plaintiff chooses not to sue said known potential tortfeasor, can the plaintiff then later rely on the 90-day savings provision of Tenn. Code Ann. § 20-1-119 in order to add the previously known potential tortfeasor to the existing lawsuit after the defendant alleges comparative fault against the known potential tortfeasor notwithstanding the expiration of the statute of limitations?

Review shall be limited to the briefs on file.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

C.L. GILBERT, JR. v. IZAK FREDERICK WESSELS

**Circuit Court for Hamilton County
No. 11C201**

No. E2013-00255-SC-R11-CV

ORDER

Upon consideration of the Tenn. R. App. P. 11 application for permission to appeal filed on behalf of Izak Frederick Wessels, 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

CHARLES HAYNES v. FORMAC STABLES, INC.

**Circuit Court for Obion County
No. CC10CV204**

No. W2013-00535-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Charles Haynes and the record before us, the application is granted. The motion filed by the Tennessee Employment Lawyers Association for leave to file an amicus brief is also granted.

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

PER CURIAM