



Tennessee Supreme Court  
**DISCRETIONARY APPEALS**  
Grants & Denials List  
November 23, 2015 - November 27, 2015

**GRANTS**

<b>Style/Appeal Number</b>	<b>County/Trial Judge/ Trial Court No.</b>	<b>Appellate Judge/Judgment</b>	<b>Nature Of Appeal</b>	<b>Action</b>
<b><u>Nashville</u></b>				
RAM TOOL & SUPPLY CO., INC. v. HD SUPPLY CONSTRUCTION SUPPLY, LTD, ET AL. M2013-02264-SC-R11-CV	Davidson County Circuit Court Joseph P. Binkley, Jr. 13C822	Highers, Alan E.: Affirmed in Part, Reversed in Part	TRAP 11	Granted: Application of Tim Pruitt, HD Supply Construction Supply, Ltd, d/b/a White Cap Construction Supply, and Robert Maples; Order filed 11-24-15 (Please see attached order )
DOMINICK J. LEONARDO v. ASHLI LEONARDO M2014-00372-SC-R11-CV	Davidson County Circuit Court Amanda Jane McClendon 11D3328	Armstrong, Kenny W.: Affirmed Stafford, J. Steven: Concur in Part/Dissent in Part	TRAP 11	Granted: Application of Ashli Head Millraney Leonardo  Order filed 11-24-15 (Please see

attached order)

STATE OF TENNESSEE v. STANLEY BERNARD  
GIBSON  
M2014-00598-SC-R11-CD

Davidson County Criminal Court  
Monte Watkins  
2009B1143

Glenn, Alan E.: Affirmed

TRAP 11

Granted:  
Application of  
Stanley Bernard  
Gibson

Order filed 11-24-15  
(Please see  
attached order)

STATE OF TENNESSEE v. SUSAN GAIL STEPHENS  
M2014-01270-SC-R11-CD

Coffee County Circuit Court  
Vanessa Jackson  
35064F

Holloway Jr., Robert L.: Reversed

TRAP 11

Granted:  
Application of State  
of Tennessee

Order filed 11-24-15  
(Please see  
attached order)

**Knoxville**

STATE OF TENNESSEE v. GARY HAMILTON  
E2014-01585-SC-R11-CD

Knox County Criminal Court  
Bobby R. McGee  
102689

Holloway Jr., Robert L.: Reversed

TRAP 11

Granted:  
Application of The  
State of Tennessee

Order filed 11-24-15

(Please see attached order)

## **Jackson**

COMMERCIAL PAINTING COMPANY, INC. v. THE WEITZ COMPANY, LLC ET AL.  
W2013-01989-SC-R11-CV

Shelby County Chancery Court  
Kenny W. Armstrong  
CH0615733

Stafford, J. Steven: Vacated

TRAP 11

Granted/Remanded :  
Application of The Weitz Company, LLC. Case is remanded to the Court of Appeals for reconsideration

Order filed 11-25-15  
(Please see attached order)

## **DENIALS**

**Style/Appeal Number**

**County/Trial Judge/  
Trial Court No.**

**Appellate Judge/Judgment**

**Nature Of Appeal**

**Action**

## **Nashville**

THE METROPOLITAN GOVERNMENT OF NASHVILLE & DAVIDSON COUNTY, TN, ET AL. v. THE BOARD OF ZONING APPEALS OF NASHVILLE & DAVIDSON COUNTY, TN, ET AL.  
M2013-00970-SC-R11-CV

Davidson County Chancery Court  
Claudia Bonnyman  
120103I

Dinkins, Richard H.: Affirmed

TRAP 11

Denied: Application of Lamar Tennessee, LLC, dba Lamar Advertising

Order filed 11-24-15

Discretionary Appeals - SC.pdf

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STATE OF TENNESSEE v. MICHAEL ANTHONY LOGAN M2013-02701-SC-R11-CD	Davidson County Criminal Court Monte Watkins 2008A821	Witt Jr., James Curwood: Reversed	TRAP 11	Denied: Application of Michael Anthony Logan  Order filed 11-24-15
IN RE BRIDGESTONE/FIRESTONE, ET AL. M2013-02849-SC-R11-CV	Davidson County Circuit Court Thomas W. Brothers 05C1473, 05C1552, 05C1556, 05C1560, 05C1561, 05C1570, 05C1650, 05C840, 06MD1	McBrayer, W. Neal: Reversed	TRAP 11	Denied: Application of Bridgestone Americas Tire Operations, LLC and Ford Motor Company  Order filed 11-24-15
STATE OF TENNESSEE v. SHANNON DOYLE DIXON M2014-00718-SC-R11-CD	Marion County Circuit Court Thomas W. Graham 9465	Glenn, Alan E.: Affirmed	TRAP 11	Denied: Application of Shannon Doyle Dixon  Order filed 11-24-15

STATE OF TENNESSEE v. ALFRED CALVIN WHITEHEAD M2014-00748-SC-R11-CD	Davidson County Circuit Court Monte Watkins 2011C2526	Montgomery Jr., Robert H.: Affirmed	TRAP 11	Denied: Application of Alfred Calvin Whitehead  Order filed 11-24-15
STATE OF TENNESSEE v. ANTHONY JAMES ZONNEVILLE M2014-00749-SC-R11-CD	Davidson County Criminal Court Seth W. Norman 2012B1806	Holloway Jr., Robert L.: Affirmed	TRAP 11	Denied: Application of Anthony James Zonneville  Order filed 11-24-15
TONYA D. THORNLEY v. U. S. BANK, N. A., ET AL. M2014-00813-SC-R11-CV	Coffee County Circuit Court Vanessa Jackson 39644	McBrayer, W. Neal: Affirmed	TRAP 11	Denied: Application of Tonya D. Thornley  Order filed 11-24-15
ADMINISTRATIVE MANAGEMENT RESOURCES, LLC v. JAMES G. NEELEY M2014-01073-SC-R11-CV	Davidson County Chancery Court Carol L. McCoy 110034II	Bennett, Andy D.: Affirmed	TRAP 11	Denied: Application of Administrative Management Resources, LLC  Order filed 11-24-15

CHRISTOPHER ALLEN CUMMINS v. STATE OF TENNESSEE M2014-01197-SC-R11-PC	Wayne County Circuit Court Robert Lee Holloway, Jr. 15417	Glenn, Alan E.: Affirmed	TRAP 11	Denied: Application of Christopher Allen Cummins  Order filed 11-24-15
EWING GREEN, IV v. STATE OF TENNESSEE M2014-01239-SC-R11-PC	Davidson County Criminal Court Steve R. Dozier 2011B1815	Williams, John Everett: Affirmed	TRAP 11	Denied: Application of Ewing Green, IV  Order filed 11-24-15
CAROL A. MOLLOY v. MICHAEL J. HRISKO, ET AL. M2014-01351-SC-R11-CV	Giles County Circuit Court Robert L. Jones CC11145	Bennett, Andy D.: Affirmed	TRAP 11	Denied: Application of Carol A. Malloy  Order filed 11-24-15
STATE OF TENNESSEE v. MICHAEL GEORGE KOHLMAYER M2014-01359-SC-R11-CD	Humphreys County Circuit Court George C. Sexton 12235	Wedemeyer, Robert W.: Affirmed	TRAP 11	Denied: Application of Michael George Kohlmeier  Order filed 11-24-15

MARK EVANS v. GREENTREE SERVICING, LLC, ET AL. M2014-01394-SC-R11-CV	Smith County Circuit Court John D. Wootten, Jr. 2014CV28	McBrayer, W. Neal: Affirmed	TRAP 11	Denied: Application of Mark Evans  Order filed 11-24-15
STATE OF TENNESSEE v. DOYALE MONTEZ BLACKSMITH M2014-01417-SC-R11-CD	Davidson County Criminal Court Monte Watkins 2012A159	Montgomery Jr., Robert H.: Affirmed	TRAP 11	Denied: Application of Doyale Montez Blacksmith  Order filed 11-24-15
PHILLIPPE ROGERS v. STATE OF TENNESSEE M2014-01445-SC-R11-PC	Davidson County Criminal Court Seth W. Norman 2005C2271	Witt Jr., James Curwood: Affirmed	TRAP 11	Denied: Application of Phillippe Rogers  Order filed 11-24-15
IN RE GABRIEL V. M2014-01500-SC-R11-JV	Davidson County Juvenile Court Sophia Brown Crawford 20124159	Bennett, Andy D.: Affirmed in Part, Vacated in Part	TRAP 11	Denied: Application of Father, Carvin Curtis Vaughn. The Opinion of the

Court of Appeals is designated "Not for Citation" in accordance with Supreme Court rule 4(e).  
Order filed 11-24-15

DEMANCE BEASLEY v. STATE OF TENNESSEE  
M2014-01507-SC-R11-PC

Davidson County Criminal Court  
Monte Watkins  
2010C2018

Witt Jr., James Curwood: Affirmed

TRAP 11

Denied:  
Application of  
Demance Beasley

Order filed 11-24-15

DOUGLAS M. MATHIS v. WAYNE CARPENTER,  
WARDEN  
M2014-01552-SC-R11-HC

Davidson County Circuit Court  
Amanda Jane McClendon  
14C2407

Glenn, Alan E.: Affirmed

TRAP 11

Denied:  
Application of  
Douglas M. Mathis

Order filed 11-24-15

RAYMOND ANDREW HERBST v. STATE OF  
TENNESSEE  
M2014-01918-SC-R11-PC

Davidson County Criminal Court  
J. Randall Wyatt, Jr.  
200111209

Easter, Timothy L.: Affirmed

TRAP 11

Denied: Application  
of Raymond  
Andrew Herbst

Order filed 11-24-15

STATE OF TENNESSEE v. VERCHAUNT JOSHUA WILLIAMS M2014-02049-SC-R11-CD	Montgomery County Circuit Court Michael R. Jones 41200439	Williams, John Everett: Affirmed	TRAP 11	Denied: Application of Verchaunt Joshua Williams  Order filed 11-24-15
STATE OF TENNESSEE v. FREDERICK DEWAYNE GROSS M2014-02255-SC-R11-CD	Davidson County Criminal Court Seth W. Norman 2000I223, 2002A580, 2002D2373, 2003A105, 2005B1213, IF8462	Williams, John Everett: Affirmed	TRAP 11	Denied: Application of Frederick Dewayne Gross  Order filed 11-24-15
STATE OF TENNESSEE v. RUSSELL L. MAZE M2014-02338-SC-R11-CD	Davidson County Criminal Court Steve R. Dozier 2002D2361	Holloway Jr., Robert L.: Affirmed	TRAP 11	Denied: Application of Russell Lee Maze  Order filed 11-24-15

**Knoxville**

STATE OF TENNESSEE v. FREDERICK ANDERSON E2014-00661-SC-R11-CD	Hamilton County Criminal Court Barry A. Steelman 280227	Holloway Jr., Robert L.: Affirmed Ogle, Norma McGee: Concur	TRAP 11	Denied: Application of Frederick Anderson
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STATE OF TENNESSEE v. PONCHO JUAN DELGADO E2014-01101-SC-R11-CD	Washington County Criminal Court Robert E. Cupp 33011	Thomas Jr., D. Kelly: Affirmed	TRAP 11	Denied: Application of Pancho Juan Delgado
				Order filed 11-24-15
THE PEOPLES BANK v. CONRAD MARK TROUTMAN ET AL E2014-01150-SC-R11-CV	Campbell County Circuit Court Don R. Ash 15102	Frierson II, Thomas R.: Affirmed	TRAP 11	Denied: Application of The Peoples Bank
				Order filed 11-24-15
STATE OF TENNESSEE v. DARRYL L. BRYANT E2014-01323-SC-R11-CD	Sullivan County Criminal Court Robert H. Montgomery, Jr. S61966	Thomas Jr., D. Kelly: Affirmed	TRAP 11	Denied: Application of Darryl L. Bryant
				Order filed 11-24-15

MARK TAKASHI v. STATE OF TENNESSEE E2014-01432-SC-R11-PC	Knox County Criminal Court Bobby R. McGee 102788	McMullen, Camille R.: Affirmed	TRAP 11	Denied: Application of Mark Takashi  Order filed 11-24-15
BRICE C. WHALEY, JR. v. STATE OF TENNESSEE E2014-01636-SC-R11-PC	Hamblen County Criminal Court John F. Dugger, Jr. 12CR849	Glenn, Alan E.: Affirmed	TRAP 11	Denied: Application of Brice C. Whaley, Jr.  Order filed 11-24-15
COREY ALAN BENNETT v. STATE OF TENNESSEE E2014-01637-SC-R11-PC	Knox County Criminal Court Bobby R. McGee 102947	Williams, John Everett: Affirmed	TRAP 11	Denied: Application of Corey Alan Bennett  Order filed 11-24-15
KATHERINE SANKO v. CLINTON SANKO E2014-01816-SC-R11-CV	Hamilton County Chancery Court W. Frank Brown, III 130273	McClarty, John W.: Reversed	TRAP 11	Denied: Application of Clinton Sanko  Order filed 11-24-15

PATRICIA BAZEMORE v. PERFORMANCE FOOD GROUP, INC., ET AL E2014-01877-SC-R11-CV	Hamilton County Circuit Court Ward Jeffrey Hollingsworth 13C1170	Susano Jr., Charles D.: Affirmed	TRAP 11	Denied: Application of Patricia Bazemore  Order filed 11-24-15
STATE OF TENNESSEE v. KENNETH DUANE HALL E2014-02078-SC-R11-CD	Knox County Criminal Court Mary B. Leibowitz 98674	Montgomery Jr., Robert H.: Affirmed	TRAP 11	Denied: Application of Kenneth Duane Hall  Order filed 11-24-15
STATE OF TENNESSEE v. CONNIE LAVELL TATE E2014-02098-SC-R11-CD	Knox County Criminal Court Bobby R. McGee 96507	Page, Roger A.: Affirmed McMullen, Camille R.: Dissent	TRAP 11	Denied: Application of Connie Lavell Tate  Order filed 11-24-15
IN RE CASSIE C. E2014-02113-SC-R11-JV	Knox County Criminal Court Steven Wayne Sword 103845	McClarty, John W.: Affirmed	TRAP 11	Denied: Application of Cassie C.  Order filed 11-24-15

JOHN S. TAYLOR v. TIMOTHY L. CLOUD  
E2014-02223-SC-R11-CV

Sullivan County (Kingsport)  
Chancery Court  
R. Jerry Beck  
K0039354

Frierson II, Thomas R.: Affirmed in  
Part, Reversed in Part

TRAP 11

Denied:  
Application of  
Timothy L. Cloud

Order filed 11-25-15

**Jackson**

LINDA J. RUSSELL, ET AL. v. ILLINOIS CENTRAL  
RAILROAD COMPANY  
W2013-02453-SC-R11-CV

Shelby County Circuit Court  
Jerry Stokes  
CT00581510

Dinkins, Richard H.: Affirmed

TRAP 11

Denied:  
Application of  
Illinois Central  
Railroad Company

Order 11-25-15

TOWN OF COLLIERVILLE, ET AL. v. TOWN OF  
COLLIERVILLE BOARD OF ZONING, ET AL.  
W2013-02752-SC-R11-CV

Shelby County Chancery Court  
Walter L. Evans  
CH1302031

McBrayer, W. Neal: Reversed

TRAP 11

Denied: Application  
of Abbingdon  
Center

Order filed 11-24-15

OCTAVIOUS TAYLOR v. STATE OF TENNESSEE  
W2014-00678-SC-R11-PC

Shelby County Criminal Court  
W. Mark Ward  
1000017, 1000018

Witt Jr., James Curwood: Affirmed

TRAP 11

Dismissed:  
Applicaton on  
behalf of Octavius  
Taylor

Order filed 11-24-15

WILLIAM TIMOTHY HAYES, ET AL. v. COOPERTOWN MASTERSWEEP INC. W2014-00783-SC-R11-CV	Shelby County Circuit Court Karen R. Williams CT00023608	Armstrong, Kenny W.: Affirmed	TRAP 11	Denied: Application of William Timothy Hayes and Stephanie Hayes. The opinion of the Court of Appeals is designated "Not for Citation" in with Supreme Court Rule 4(e). Order filed 11-25-15
STATE OF TENNESSEE v. BRADLEY COX W2014-00800-SC-R11-CD	Henderson County Circuit Court Roy B. Morgan, Jr. 130571	McMullen, Camille R.: Affirmed	TRAP 11	Denied: Application of Bradley Cox  Order filed 11-24-15
SHERRIE ALLISON MILLER DALY v. JOHN PATRICK DALY W2014-01015-SC-R11-CV	Shelby County Circuit Court Donna M. Fields CT00150214, CT00543806	Goldin, Arnold B.: Affirmed	TRAP 11	Denied: Application of Sherrie Allison Miller Daly  Order filed 11-25-15

MARGARET SMITH v. HSBC MORTGAGE SERVICES, INC., ET AL. W2014-01070-SC-R11-CV	Shelby County Chancery Court Arnold B. Goldin CH1305802	Per Curiam: Dismissed	TRAP 11	Denied: Application of Margaret Smith  Order filed 11-25-15
IN RE JADA H. W2014-01111-SC-R11-JV	Lake County Juvenile Court Danny H. Goodman, Jr. 11201647	Per Curiam: Case Dispositional Decision	TRAP 11	Denied: Application of Tanyawa Sallie  Order filed 11-25-15
JOE MOSLEY v. STATE OF TENNESSEE W2014-01307-SC-R11-CV	Tennessee Claims Commission Commissioner, TN. Claims Commission (Western Division) T20131559	Stafford, J. Steven: Affirmed	TRAP 11	Denied: Application of Joe Mosley  Order filed 11-24-15
STATE OF TENNESSEE v. TRAVARIOUS DEJAUN WHITE W2014-01348-SC-R11-CD	Madison County Circuit Court Nathan B. Pride 12549	Holloway Jr., Robert L.: Affirmed	TRAP 11	Denied: Application of Travarios DeJuan White  Order filed 11-25-15

STATE OF TENNESSEE v. LEDERRIUS THOMAS  
W2014-01390-SC-R11-CD

Shelby County Criminal Court  
Chris Craft  
1202647

Page, Roger A.: Affirmed

TRAP 11

Denied: Application  
of Lederrius  
Thomas

Order filed 11-24-15

MARY V. WILLIAMS v. GIBSON COUNTY,  
TENNESSEE  
W2014-01599-SC-R11-CV

Gibson County (Trenton) Circuit  
Court  
Clayburn Peebles  
8716, 8724

Stafford, J. Steven: Affirmed

TRAP 11

Denied:  
Application of Mary  
V. Williams

Order filed 11-25-15

IN RE MARCELL W.  
W2014-02120-SC-R11-CV

Shelby County Circuit Court  
Robert Samual Weiss  
CT00521313

Stafford, J. Steven: Affirmed  
Goldin, Arnold B.: Concur

TRAP 11

Denied:  
Application of  
Michelle W. The  
Opinion of the  
Court of Appelas is  
designated "Not for  
Citation" in  
accordance with  
Supreme Court  
Rule 4(e).  
Order filed 11-24-15

STATE OF TENNESSEE v. DAVID LEWIS W2014-02549-SC-R11-CD	Shelby County Criminal Court Paula L. Skahan W1400214	Woodall, Thomas T.: Affirmed	TRAP 11	Denied: Application of David Lewis  Order filed 11-25-15
SHAYLA NICOLE PURIFOY v. DEVINE MAFA W2015-00102-SC-R10-CV	Shelby County Circuit Court Donna M. Fields CT00085414		TRAP 10 (from Interm. Court)	Denied: Application of Devine Mafa  Order filed 11-25-15
JACK NORTH, JR. v. STATE OF TENNESSEE W2015-00858-SC-R11-PC	Hardin County Circuit Court Charles C. McGinley PC7267	Glenn, Alan E., McMullen, Camille R., Page, Roger A.: Case Dispositional Decision	TRAP 11	Denied: Application of Jack North, Jr.  Order filed 11-24-15
TIMOTHY ROBERSON v. STATE OF TENNESSEE W2015-01295-SC-R10-HC	Gibson County (Trenton) Circuit Court  14863	Glenn, Alan E., McMullen, Camille R., Page, Roger A.: Case Dispositional Decision	TRAP 10 (from Interm. Court)	Denied: Application of Timothy Roberson  Order filed 11-25-15

BRIGGS & STRATTON POWER PRODUCTS GROUP,  
LLC v. OSRAM SYLVANIA, INC., ET AL.  
W2015-01687-SC-R10-CV

Dyer County Circuit Court  
Don R. Ash  
2011CV47

Per Curiam: Case Dispositional  
Decision

TRAP 10 (from  
Interm. Court)

Denied:  
Application of  
Quadrelle Realty  
Services, LLC

Order filed 11-25-15

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**RAM TOOL & SUPPLY CO., INC. v. HD SUPPLY CONSTRUCTION  
SUPPLY, LTD, ET AL.**

**Circuit Court for Davidson County  
No. 13C822**

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**No. M2013-02264-SC-R11-CV**

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**ORDER**

Upon consideration of the application for permission to appeal of Tim Pruitt, HD Supply Construction Supply, Ltd, d/b/a White Cap Construction Supply, and Robert Maples and the entire record in this cause, the Court is of the opinion that the application should be, and is hereby, granted for the purpose of remanding the case to the Court of Appeals for reconsideration in light of Michelle Rye et al. v. Women's Care Center of Memphis, M PLLC et al., \_\_\_\_ S.W.3d \_\_\_\_ (Tenn. 2015), No. W2013-00804-SC-R11-CV.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**DOMINICK J. LEONARDO v. ASHLI LEONARDO**

**Circuit Court for Davidson County  
No. 11D3328**

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**No. M2014-00372-SC-R11-CV**

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**ORDER**

Upon consideration of the application for permission to appeal of Ashli Head Millraney Leonardo and the record before us, the application is granted and the judgment of the Court of Appeals is vacated solely with respect to the modification of child support. This case is remanded to the trial court with the direction that the trial court permit discovery and conduct a hearing on the issue of the appropriateness of any modification of child support and the proper amount of child support if it is determined that child support is appropriately subject to modification.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**STATE OF TENNESSEE v. STANLEY BERNARD GIBSON**

**Criminal Court for Davidson County  
No. 2009B1143**

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**No. M2014-00598-SC-R11-CD**

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**ORDER**

Upon consideration of the application for permission to appeal of Stanley Bernard Gibson 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. SUSAN GAIL STEPHENS**

**Circuit Court for Coffee County  
No. 35064F**

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**No. M2014-01270-SC-R11-CD**

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**ORDER**

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

Pursuant to Tennessee Rule of Appellate Procedure 16(b), this case is consolidated for oral argument with State of Tennessee v. Gary Hamilton, No. E2014-01585-SC-R11-CD.

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

**STATE OF TENNESSEE v. GARY HAMILTON**

**Criminal Court for Knox County  
No. 102689**

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**No. E2014-01585-SC-R11-CD**

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**ORDER**

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

Pursuant to Tennessee Rule of Appellate Procedure 16(b), this case is consolidated for oral argument with State of Tennessee v. Susan Gail Stephens, No. M2014-01270-SC-R11-CD.

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

**COMMERCIAL PAINTING COMPANY, INC. v. THE WEITZ COMPANY,  
LLC ET AL.**

**Chancery Court for Shelby County  
No. CH0615733**

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**No. W2013-01989-SC-R11-CV**

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**ORDER**

Upon consideration of the application for permission to appeal of The Weitz Company, LLC (“Weitz”) and the record before us, the Court is of the opinion that the application should be, and is hereby, granted for the purpose of remanding the case to the Court of Appeals for reconsideration in light of the Court’s decision in Michelle Rye et al. v. Women’s Care Center of Memphis, M PLLC et al., No. W2013-00804-SC-R11-CV, 2015 WL 6457768, \_\_\_ S.W.3d \_\_\_ (Tenn. 2015). The Court of Appeals is directed on remand to consider all of the grounds for partial summary judgment raised by Weitz in the trial court and on appeal. The Court of Appeals is further directed that should it affirm the trial court’s grant of partial summary judgment in favor of Weitz on remand, it is then to address the issues raised by the parties with respect to the contract claims.

PER CURIAM