



Tennessee Supreme Court
DISCRETIONARY APPEALS
Grants & Denials List
October 24, 2016 - October 28, 2016

GRANTS

Style/Appeal Number

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

Appellate Judge/Judgment

Nature Of Appeal

Action

Jackson

STATE OF TENNESSEE v. ANGELA AYERS
W2014-00781-SC-R11-CD

Shelby County Criminal Court
J. Robert Carter, Jr.
1203161

Montgomery Jr., Robert H.: Affirmed
in Part, Reversed in Part, Dismissed

TRAP 11

Grant/Remanded:
Application of State
of Tennessee;
Order filed 10-24-16
(See Attached
Order)

STATE OF TENNESSEE v. ANTONIO HENDERSON
and MARVIN DICKERSON
W2015-00151-SC-R11-CD

Shelby County Criminal Court
Paula L. Skahan
1205649

Holloway Jr., Robert L.: Affirmed in
Part, Reversed in Part

TRAP 11

Granted:
Application of
Antonio Henderson;
Order filed 10-24-16
Denied: Application
of Marvin Dickerson
; Order filed 10-24-
16 (See Attached
Order)

DENIALS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Appellate Judge/Judgment	Nature Of Appeal	Action
<u>Nashville</u>				
TRISHA GRANT EX REL HUDSON K., ET AL v. KIA MOTORS CORPORATION M2016-01469-SC-R23-CV	U.S. District Court, Eastern District (West. Div.) Harry S. Mattice, Jr. 414cv79HSMCHS		SCt Rule 23	Declined:Certificatio n of the questions declined; Order filed 10-24-16 (See Attached Order)
<u>Jackson</u>				
STATE OF TENNESSEE v. CHRISTOPHER SWIFT and MARQUAVIOUS HOUSTON W2013-00842-SC-R11-CD	Shelby County Criminal Court James C. Beasley, Jr. 1104531	Ogle, Norma McGee: Affirmed in Part, TRAP 11 Reversed in Part Easter, Timothy L.: Concur in Part/Dissent in Part		Denied: Application of Marquavious Houston; Order filed 10-24-16
RODRICKO THOMAS v. JERRY LESTER, WARDEN W2014-00686-SC-R11-HC	Lauderdale County Circuit Court Joe H. Walker, III 6739	Glenn, Alan E.: Affirmed	TRAP 11	Denied: Application of Rodricko Thomas; Order filed 10-24-16

STATE OF TENNESSEE v. CORDRICUS ARNOLD W2015-00702-SC-R11-CD	Shelby County Criminal Court W. Mark Ward 1303894	Williams, John Everett: Affirmed	TRAP 11	Denied: Application of Cordrius Arnold, Opinion of Court of Appeals designated "Not For Citation" with Supreme Court Rule 4(E); Order filed 10-24-16 (See Attached Order)
ANTHONY DEWAYNE BLAYLOCK v. STATE OF TENNESSEE W2015-01560-SC-R11-PC	Madison County Circuit Court Roy B. Morgan, Jr. C15170	Glenn, Alan E.: Affirmed	TRAP 11	Denied: Application of Anthony Dewayne Blaylock; Order filed 10-24-16
IN RE ICELYN A., ET AL. W2016-00304-SC-R11-PT	Shelby County Juvenile Court Dan H. Michael AA3892	Stafford, J. Steven: Affirmed in Part, Reversed in Part	TRAP 11	Denied: Application of the mother, Melissa A.; Order filed 10-24-16
RANDY HART v. TRI-COUNTY CONSTRUCTION, INC., MAX HENRY and JOHN DOE BONDING, CO. W2016-01346-SC-R11-CV	Henry County Chancery Court Carma Dennis McGee 21651	Per Curiam: Case Dispositional Decision	TRAP 11	Denied: Application of Max Henry; Order filed 10-24-16

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

STATE OF TENNESSEE v. ANGELA AYERS

**Criminal Court for Shelby County
No. 1203161**

No. W2014-00781-SC-R11-CD

ORDER

Upon consideration of the application for permission to appeal 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 Criminal Appeals for reconsideration in light of this Court's opinion in State of Tennessee v. Willie Duncan, which opinion was released at Jackson on October 14, 2016.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

**STATE OF TENNESSEE v. ANTONIO HENDERSON and MARVIN
DICKERSON**

**Criminal Court for Shelby County
No. 1205649**

No. W2015-00151-SC-R11-CD

ORDER

Upon consideration of the applications for permission to appeal of Antonio Henderson and Marvin Dickerson, and the record before us, the application of Antonio Henderson is granted and the application of Marvin Dickerson is denied.

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**

**TRISHA GRANT EX REL HUDSON K., ET AL v. KIA MOTORS
CORPORATION**

**Rule 23 Certified Question of Law
from the United States District Court
for the Eastern District of Tennessee**

No. 414cv79HSMCHS

No. M2016-01469-SC-R23-CV

ORDER

Pursuant to Tennessee Supreme Court Rule 23, a certification order was filed in this Court on July 21, 2016, 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 declines certification of the following questions of law:

1. Does the expiration of the Tennessee 10-year statute of repose applicable to product liability actions bar an adult parent from claiming medical expenses incurred on behalf of her minor children whose claims have been tolled under the same statute?
2. If the answer to Question A is “yes,” is the “waiver rule” as established in Smith and relied upon in *Palanki*¹ applicable in a product liability action to allow a minor to maintain a personal claim for medical expenses where there is no showing that the minor actually paid for, or was legally obligated to pay, the medical expenses?

Upon thorough review, it appears to this Court that the questions certified by the federal district court in this case have already been determined by that court. The federal

¹ *Palanki ex rel. Palanki v. Vanderbilt Univ.*, 215 S.W.3d 380 (Tenn. Ct. App. 2006)

district court resolved both of the certified questions on May 10, 2016, in its ruling on defendant's motion for partial summary judgment. Plaintiff did not seek certification of those questions until May 13, 2016, after having received an unfavorable ruling from the federal district court. Certification was not appropriate at that point. *See City of Columbus v. Hotels.com, L.P.*, 693 F.3d 642, 654 (6th Cir. 2012) (citations omitted) (“The appropriate time to seek certification of a state-law issue is before a District Court resolves the issue, not after receiving an unfavorable ruling.’ The view that state-law issue certification should be sought before, not after, a district court resolves the issue, is shared by many of our sister circuits.”) Further, in this case, resolution of the certified questions will not be “determinative of the cause.” Tenn. Sup. Ct. R. 23 (providing for certification where the questions of law will be dispositive). At most, resolution of these questions will be determinative of only that portion of the cause seeking recovery of damages for past and future medical expenses.

For these reasons, the Court declines the certification.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

STATE OF TENNESSEE v. CORDRICUS ARNOLD

**Criminal Court for Shelby County
No. 1303894**

No. W2015-00702-SC-R11-CD

ORDER

Upon consideration of the application for permission to appeal of Cordrius Arnold and the record before us, the application is denied.

The opinion of the Court of Criminal Appeals is designated “Not For Citation” in accordance with Supreme Court Rule 4, § E.

PER CURIAM