



Tennessee Supreme Court
DISCRETIONARY APPEALS
Grants & Denials List
September 19, 2016 - September 23, 2016

GRANTS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Appellate Judge/Judgment	Nature Of Appeal	Action
<u>Nashville</u>				
LINDA BEARD v. JAMES WILLIAM BRANSON, ET AL. M2014-01770-SC-R11-CV	Houston County Circuit Court Robert E. Burch 1368	Clement Jr., Frank G.: Reversed	TRAP 11	Granted: Application of Linda Beard, Order filed 9-22-16 (See Attached Order)
TENNESSEE DEPARTMENT OF CORRECTIONS v. DAVID PRESSLEY M2015-00902-SC-R11-CV	Davidson County Chancery Court Claudia Bonnyman 141380I	Stafford, J. Steven: Reversed	TRAP 11	Granted: Application of Tennessee Department of Correction; Order filed 9-23-16 (See Attached Order)

IN RE ESTATE OF CALVERT HUGH FLETCHER
M2015-01297-SC-R11-CV

Putnam County Circuit Court
Steven D. Qualls
18589

Goldin, Arnold B.: Reversed

TRAP 11

Granted:
Application of
Elaine Fletched,
Janet L. Fletcher
Brady, Richard H.
Fletcher, and Peter
J. Fletcher; Order
filed 9-23-16 (See
Attached Order)

Knoxville

KENNETH M. SPIRES ET AL v. HALEY REECE
SIMPSON ET AL
E2015-00697-SC-R11-CV

Monroe County Circuit Court
J. Michael Sharp
V10359S

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

TRAP 11

Granted:
Application of
Captain Dana Trent
Hensley, Jr., Order
filed 9-22-16(See
Attached Order)

DENIALS

Style/Appeal Number

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

Appellate Judge/Judgment

Nature Of Appeal

Action

Nashville

WEST WARREN-VIOLA UTILITY DISTRICT v. JARRELL
ENTERPRISES, INC.
M2013-02217-SC-R11-CV

Coffee County Circuit Court
Vanessa Jackson
40112

Dinkins, Richard H.: Reversed

TRAP 11

Denied: Application
of Jarrell
Enterprises, Inc.,
Order filed 9-22-16

DARREN DWAYNE BRACEY v. KIMBERLY ANN ROBERTS BRACEY M2014-01865-SC-R11-CV	Robertson County Circuit Court Ross H. Hicks 74CC12013CV278	Clement Jr., Frank G.: Affirmed	TRAP 11	Denied: Application of Kimberly Ann Roberts Bracey, Order filed 9-23-16
WILLIAM WYTTENBACH v. BOARD OF TN MEDICAL EXAMINERS, ET AL. M2014-02024-SC-R11-CV	Davidson County Chancery Court Ellen H. Lyle 14436III	McBrayer, W. Neal: Affirmed	TRAP 11	Denied: Application of William Wyttenbach; Order filed 9-23-16
DONNA FAYE SHIPLEY EX REL. FRANK SHIPLEY v. ROBIN WILLIAMS M2014-02279-SC-R11-CV	Davidson County Circuit Court Joseph P. Binkley, Jr. 02C3204	Dinkins, Richard H.: Affirmed	TRAP 11	Denied: Application of Donna Faye Shipley, Order filed 9-22-16
SEARS ROEBUCK & CO. v. RICHARD H. ROBERTS, COMMISSIONER, DEPARTMENT OF REVENUE M2014-02567-SC-R11-CV	Davidson County Chancery Court Ellen H. Lyle 120612III	McBrayer, W. Neal: Affirmed	TRAP 11	Denied: Application of Sears, Roebuck, and Company(Illinois); Order filed 9-23-16

JOHNATHAN LEE McDONOUGH v. SLOAN MARIE McDONOUGH M2015-00027-SC-R11-CV	Montgomery County Circuit Court Philip E. Smith MCCCCVDV112223	Swiney, D. Michael: Affirmed	TRAP 11	Denied: Application of Johnathan Lee McDonough; Order filed 9-23-16
DEBORAH C. RUSSELL v. HSBC MORTGAGE SERVICES, INC. ET AL. M2015-00197-SC-R11-CV	Davidson County Circuit Court Thomas W. Brothers 06C1899, 07C3102	Bennett, Andy D.: Affirmed in Part, Reversed in Part	TRAP 11	Denied: Application of HSBC Mortgage Services, Ins., Order filed 9-22-16
ELYSE J. REID v. ROOMS TO GO, A TENNESSEE CORPORATION M2015-00269-SC-R11-CV	Davidson County Circuit Court Joseph P. Binkley, Jr. 14C845	Dinkins, Richard H.: Affirmed	TRAP 11	Denied: Application of Elyse J. Reid; Order filed 9-23-16
IN RE: AMERICAN BONDING COMPANY M2015-00315-SC-R11-CD	Williamson County Circuit Court Michael Binkley 0012, ICR106001	Ogle, Norma McGee: Affirmed	TRAP 11	Denied: Application of American Bonding Company; Order filed 9-23-16
THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY v. OWNERS OF PROPERTY WITH DELINQUENT DEMOLITION LIENS FILED WITH THE REGISTER OF DEED'S OFFICE IN	Davidson County Chancery Court Carol L. McCoy 140442II	Swiney, D. Michael: Reversed McBrayer, W. Neal: Dissent	TRAP 11	Denied: Application of Regions Bank Corp., COA Opinion designated "Not For

DAVIDSON COUNTY, TENNESSEE, ET AL.

M2015-00318-SC-R11-CV

Citation" with
Supreme Court
Rule 4(E); Order
filed 9-23-16 (See
Attached Order)

STATE OF TENNESSEE v. RICKY FLAMINGO BROWN,
SR.

M2015-00415-SC-R11-CV

Tennessee Claims Commission
Commissioner, TN. Claims
Commission (Middle Division)
T20141406

Dinkins, Richard H.: Affirmed

TRAP 11

Denied: Application
of Ricky Flamingo,
Order filed 9-22-16

LAJEANRA POLK v. STATE OF TENNESSEE

M2015-00431-SC-R11-PC

Montgomery County Circuit Court
William R. Goodman, III
40801092

Ogle, Norma McGee: Affirmed

TRAP 11

Denied: Application
of Lajeandra E. Polk,
Order filed 9-22-16

STATE OF TENNESSEE v. JUAN JOSE REYES

M2015-00504-SC-R11-CD

DeKalb County Criminal Court
David A. Patterson
2013-CR-99

Glenn, Alan E.: Affirmed

TRAP 11

Denied: Application
of Juan Jose Reyes;
Order filed 9-23-16

JANA HILL v. MICHAEL GANNON, ET AL.

M2015-00528-SC-R11-CV

Putnam County Circuit Court
Jonathan L. Young
12N0303

Armstrong, Kenny W.: Affirmed

TRAP 11

Denied: Application
of Jana Hill, Order
filed 9-22-16

STATE OF TENNESSEE v. CEDRIC JONES M2015-00720-SC-R11-CD	Davidson County Criminal Court Cheryl A. Blackburn 2010-B-1532	Easter, Timothy L.: Affirmed	TRAP 11	Denied: Application of Cedric Jones; All motions filed by Cedric Jones Denied, Chief Justice Jeffrey S. Bivins not participating; Order filed 9-22-16
JIMMIE D. GULLEY, ET AL. v. ROBERTSON COUNTY PLANNING & ZONING COMMISSION M2015-00734-SC-R11-CV	Robertson County Chancery Court Laurence M. McMillan, Jr. CH12CV160	Dinkins, Richard H.: Affirmed	TRAP 11	Denied: Application of Jimmie D. Gulley, Order filed 9-23-16
STATE OF TENNESSEE v. PAUL BRENT BAXTER M2015-00939-SC-R11-CD	Bedford County Circuit Court Forest A. Durard, Jr. 17832	Thomas Jr., D. Kelly: Affirmed	TRAP 11	Denied: Application of Paul Brent Baxter; Order filed 9-23-16
JUSTIN L. HORSTEAD v. STATE OF TENNESSEE M2015-01070-SC-R11-PC	Montgomery County Circuit Court John H. Gasaway, III 41200426	Wedemeyer, Robert W.: Affirmed	TRAP 11	Denied: Application of Justin L. Horstead, Order filed 9-22-16

ESSAM H. ESHAK v. STATE OF TENNESSEE M2015-01154-SC-R11-PC	Davidson County Criminal Court Cheryl A. Blackburn 2009D3394	Thomas Jr., D. Kelly: Affirmed	TRAP 11	Denied: Application of Essam Eshak, Order filed 9-22-16
IN RE ESTATE LOIS CULP M2015-01421-SC-R11-CV	Wayne County Chancery Court Stella L. Hargrove 2014PR194	Goldin, Arnold B.: Affirmed	TRAP 11	Denied: Application of Donnie J. Culp; Order filed 9-23-16
ELIZABETH MESMER COCKE v. THOMAS LAWRENCE HUNT COCKE M2015-01440-SC-R11-CV	Davidson County Circuit Court Philip E. Smith 11D1732	Gibson, Brandon O.: Affirmed	TRAP 11	Denied: Application of Elizabeth Mesmer Cocke; Order filed 9-23-16
SANDRA GIBSON v. YOUNG MEN'S CHRISTIAN ASSOCIATION OF MIDDLE TENNESSEE M2015-01465-SC-R11-CV	Rutherford County Circuit Court J. Mark Rogers 68283	Gibson, Brandon O.: Reversed	TRAP 11	Denied: Application of Sandra Gibson; Order filed 9-23-16
STATE OF TENNESSEE v. BERNARD NELSON M2015-01690-SC-R11-CD	Montgomery County Circuit Court Ross H. Hicks CC14-CR-991	Wedemeyer, Robert W.: Affirmed	TRAP 11	Denied: Application of Bernard Nelson; Order filed 9-23-16

JENNIFER HANNAH v. STATE OF TENNESSEE M2015-01766-SC-R11-PC	Davidson County Criminal Court Steve R. Dozier 2008-D-4138	Thomas Jr., D. Kelly: Affirmed	TRAP 11	Denied: Application of Jennifer Elizabeth Hannah; Order filed 9-22-16
STATE OF TENNESSEE v. KEVIN O'DONNELL STONE a.k.a KEVIN GARDNER M2015-01874-SC-R11-CD	Robertson County Circuit Court William R. Goodman, III 2011-CR-103, 2011-CR-486, 2013-CR-528, 2013-CR-530, 2013-CR-531, 2014-CR-281	Wedemeyer, Robert W.: Affirmed	TRAP 11	Denied: Application of Kevin O'Donnell Stone, Order filed 9-22-16
JOSEPH GILBERT WILLIAMS, JR. v. STATE OF TENNESSEE M2015-02063-SC-R11-PC	Davidson County Criminal Court Mark J. Fishburn 2011-D-3554	Wedemeyer, Robert W.: Dismissed	TRAP 11	Denied: Application of Joseph Gilbert Williams, Jr., Order filed 9-22-16
AUSTIN DAVIS, ET AL. v. COVENANT PRESBYTERIAN CHURCH OF NASHVILLE, ET AL. M2015-02154-SC-R11-CV	Davidson County Circuit Court Kelvin D. Jones 13C2510	Goldin, Arnold B.: Affirmed	TRAP 11	Denied: Application of Austin Davis, Catherine Davis, and Daisy Davis, Order filed 9-23-16

EDWARD PINCHON v. STATE OF TENNESSEE M2016-00608-SC-R11-PC	Davidson County Criminal Court J. Randall Wyatt, Jr. 98-A-307	Holloway Jr., Robert L., Wedemeyer, Robert W., Woodall, Thomas T.: Case Dispositional Decision	TRAP 11	Denied: Application of Edward Earl Pinchon; Order filed 9-23-16
STATE FARM FIRE AND CASUALTY COMPANY v. SPECIALTY SURGERY CENTER, PLLC, ET AL. M2016-01240-SC-R23-CV	U.S. District Court, Middle District Kevin H. Sharp 215cv00026		SCt Rule 23	Denied: Court denies certification; Order filed 9-23-16 (See Attached Order)
STATE OF TENNESSEE v. DONALD J. VAUGHN M2016-01419-SC-R10-CD	Davidson County Criminal Court Mark J. Fishburn 2009C2285	Holloway Jr., Robert L., Wedemeyer, Robert W., Woodall, Thomas T.: Case Dispositional Decision	TRAP 10 (from Interm. Court)	Dismissed: Application of Donald J. Vaughn; Order filed 9-22-16

Knoxville

STATE OF TENNESSEE v. JOSEPH ANTHONY RIVERA E2014-01832-SC-R11-CD	Knox County Criminal Court Steven Wayne Sword 95079	Montgomery Jr., Robert H.: Affirmed	TRAP 11	Denied: Application of Joseph Anthony Rivera Order filed 9-23-16
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JULIA H. "ROBIN" MEYERS, ET AL. v. FIRST TENNESSEE BANK, N.A. E2014-01943-SC-R11-CV	Greene County Chancery Court Douglas T. Jenkins 20100144	Susano Jr., Charles D.: Affirmed	TRAP 11	Denied: Application of First Tennessee Bank, N.A., Order filed 9-22-16
DORIS ANN WHALEY v. STATE OF TENNESSEE E2014-02378-SC-R11-PC	Washington County Criminal Court Robert E. Cupp 37706	Ogle, Norma McGee: Affirmed	TRAP 11	Denied: Application of Doris Ann Whaley; Order filed 9-23-16
VINCENTE ACOSTA v. KITY SONIA ACOSTA E2015-00215-SC-R11-CV	Hamilton County Circuit Court John B Bennett 11D341	Susano Jr., Charles D.: Affirmed	TRAP 11	Denied: Application of Vincente Acosta; Order filed 9-23-16
STATE OF TENNESSEE v. PAUL CLIFFORD MOORE JR E2015-00585-SC-R11-CD	Knox County Criminal Court Steven Wayne Sword 99919	McMullen, Camille R.: Affirmed	TRAP 11	Denied: Application of Paul Clifford Moore, Jr., Order filed 9-22-16
RONNIE MILLS v. STATE OF TENNESSEE E2015-01066-SC-R11-PC	Knox County Criminal Court Steven Wayne Sword 95923	Thomas Jr., D. Kelly: Affirmed	TRAP 11	Denied: Application of Ronnie Mills, Order filed 9-22-16

DALTON B. LISTER v. STATE OF TENNESSEE E2015-01325-SC-R11-PC	Bradley County Criminal Court Andrew M. Freiberg 14CR458	Montgomery Jr., Robert H.: Affirmed	TRAP 11	Denied: Application of Dalton Lister; Order filed 9-23-16
TIM ADAMS, ET AL v. CMH HOMES, INC. E2015-01526-SC-R11-CV	McMinn County Chancery Court Jerri Bryant 2014CV195	Susano Jr., Charles D.: Affirmed	TRAP 11	Denied: Application of CMH Homes, Inc., COA Opinion designated "Not For Citation" with Supreme Court Rule 4(E); Order filed 9-23-16(See Attached Order)
BRANDON SUTTON v. STATE OF TENNESSEE E2015-01729-SC-R11-PC	Jefferson County Circuit Court O. Duane Slone 12236	Witt Jr., James Curwood: Affirmed	TRAP 11	Denied: Application of Brandon Sutton; Order filed 9-23-16
STATE OF TENNESSEE v. MARY DREW GENTRY E2015-01738-SC-R11-CD	Blount County Circuit Court David Reed Duggan C21210	Holloway Jr., Robert L.: Affirmed	TRAP 11	Denied: Application of Mary Drew Gentry Order filed 9-22-16

RAFIA NAFEEES KHAN v. REGIONS BANK, ET AL. E2015-01891-SC-R11-CV	Knox County Chancery Court Clarence E. Pridemore, Jr. 1897322	Stafford, J. Steven: Affirmed	TRAP 11	Denied: Application of Rafia N. Khan; Order filed 9-23-16
STATE OF TENNESSEE v. DEVIN LAMAR JAMISON E2015-01894-SC-R11-CD	Knox County Criminal Court Bobby R. McGee 101604	Witt Jr., James Curwood: Reversed	TRAP 11	Denied: Application of Devin Lamar Jamison; Order filed 9-23-16
DELWIN L HUGGINS, ET AL. v. R ELLSWORTH MCKEE, ET AL. E2015-01942-SC-R11-CV	Hamilton County Chancery Court Jon K. Blackwood 071061	Stafford, J. Steven: Affirmed in Part, Reversed in Part	TRAP 11	Denied: Application of John P. Konvalinka, Order filed 9-22-16
JOHN F. MANNING, SR. v. CRYSTAL JOAN MANNING, ET AL. E2015-02082-SC-R11-CV	Hamblen County Chancery Court Douglas T. Jenkins 2014CV83	McClarty, John W.: Reversed	TRAP 11	Dismissed: Application of Crystal Joan Manning, Motion for voluntary dismissal granted; Order filed 9-22-16

STATE OF TENNESSEE v. BRIAN E. DODSON E2016-00037-SC-R11-CD	Bradley County Criminal Court Sandra Donaghy 13-CR-050, 13-CR-051	Witt Jr., James Curwood: Dismissed	TRAP 11	Denied: Application of Brian E. Dodson; Order filed 9-23-16
STATE OF TENNESSEE v. JOHN EDWARD DAWSON E2016-00123-SC-R11-CD	McMinn County Criminal Court Sandra Donaghy 2014-CR-179	Holloway Jr., Robert L.: Affirmed	TRAP 11	Denied: Application of John Edward Dawson; Order filed 9-23-16
JANICE LACROIX, ET AL. v. SEVENSON ENVIRONMENTAL SERVICES, INC., ET AL. E2016-00927-SC-R11-CV	Roane County Circuit Court Michael S. Pemberton 14843	Frierson II, Thomas R., McClarty, John W., Swiney, D. Michael: Case Dispositional Decision	TRAP 11	Denied: Application of Severson Environmental Services, Inc., Order filed 9-22-16
<u>Jackson</u>				
STATE OF TENNESSEE v. MARC BAECHTLE W2014-01737-SC-R11-CD	Shelby County Criminal Court James C. Beasley, Jr. 1201214	Wedemeyer, Robert W.: Affirmed	TRAP 11	Denied: Application of Marc Baechtle, Order filed 9-22-16

STATE OF TENNESSEE v. PAMELA MOSES W2014-01986-SC-R11-CD	Shelby County Criminal Court James C. Beasley, Jr. 1300818	Woodall, Thomas T.: Affirmed	TRAP 11	Denied: Application of Pamela Moses, Order filed 9-22-16
STATE OF TENNESSEE v. MAURICE BLOCKER W2015-00053-SC-R11-CD	Shelby County Criminal Court W. Mark Ward 1203071	McMullen, Camille R.: Affirmed	TRAP 11	Denied: Application of Maurice Blocker, Order filed 9-22-16
STATE OF TENNESSEE v. DELSHUN JONES W2015-00156-SC-R11-CD	Shelby County Criminal Court Glenn Ivy Wright 1204777	Glenn, Alan E.: Affirmed	TRAP 11	Denied: Application of Delshun Jones, CCA Opinion designated "Not For Citation" with Supreme Court Rule 4(E); Order filed 9-23-16 (See Attached Order)
MARQUON GREEN v. STATE OF TENNESSEE W2015-00162-SC-R11-PC	Madison County Circuit Court Roy B. Morgan, Jr. C14265	Woodall, Thomas T.: Affirmed	TRAP 11	Denied: Application of Marquon Green, Order filed 9-22-16

STATE OF TENNESSEE v. TERRELL HAYES W2015-00661-SC-R11-CD	Shelby County Criminal Court J. Robert Carter, Jr. 1303971	Easter, Timothy L.: Affirmed	TRAP 11	Denied: Application of Terrell Hayes, Order filed 9-22-16
STATE OF TENNESSEE v. SHAWN ROYAL HILL W2015-00710-SC-R11-CD	Tipton County Circuit Court Joe H. Walker, III 7697	Wedemeyer, Robert W.: Affirmed	TRAP 11	Denied: Application of Shawn Royal Hill; Order filed 9-23-16
STATE OF TENNESSEE v. LARRY MICHAEL BERKLEY W2015-00831-SC-R11-CD	Lauderdale County Circuit Court Joe H. Walker, III 9714	McMullen, Camille R.: Affirmed	TRAP 11	Denied: Application of Larry Michael Berkley; Order filed 9-23-16
STATE OF TENNESSEE v. RODERICK WILLIAMS W2015-00832-SC-R11-CD	Shelby County Criminal Court Lee V. Coffee 1305948	Easter, Timothy L.: Affirmed	TRAP 11	Denied: Application of Roderick Williams; Order filed 9-23-16
STATE OF TENNESSEE v. DARRYL CLAXTON W2015-00885-SC-R11-CD	Shelby County Criminal Court Chris Craft 1302927	Holloway Jr., Robert L.: Affirmed	TRAP 11	Denied: Application of Darryl Claxton; Order filed 9-23-16

STATE OF TENNESSEE v. CHRISTOPHER BROWN W2015-00990-SC-R11-CD	Shelby County Criminal Court J. Robert Carter, Jr. 1305989	Holloway Jr., Robert L.: Affirmed	TRAP 11	Denied: Application of Christopher Brown, Order filed 9-22-16
AMEALE HUDSON v. STATE OF TENNESSEE W2015-01096-SC-R11-PC	Madison County Circuit Court Kyle Atkins 13267	Holloway Jr., Robert L.: Affirmed	TRAP 11	Denied: Application of Ameale Hudson; Order filed 9-23-16
STATE OF TENNESSEE v. NICHOLAS GRACE W2015-01177-SC-R11-CD	Shelby County Criminal Court James C. Beasley, Jr. 1203064	McMullen, Camille R.: Affirmed	TRAP 11	Denied: Application of Nicholas Grace, Order filed 9-22-16
STATE OF TENNESSEE v. MICAH ENGLAND W2015-01804-SC-R11-CD	Madison County Circuit Court Donald H. Allen 1530	Montgomery Jr., Robert H.: Affirmed	TRAP 11	Denied: Application of Micah England; Order filed 9-23-16
CAROL MOONEY, ET AL. v. GENUINE PARTS COMPANY D/B/A NATIONAL AUTOMOTIVE ASSOCIATION INC. ("NAPA"), ET AL. W2015-02080-SC-R11-CV	Crockett County Circuit Court Clayburn Peebles 3306	Gibson, Brandon O.: Affirmed	TRAP 11	Denied: Application of Carol Mooney, Order filed 9-23-16

TIMOTHY ROBERSON v. STATE OF TENNESSEE
W2016-01108-SC-R11-CO

Gibson County (Trenton) Circuit
Court
Clayburn Peeples
14863

Dyer, J. Ross, Glenn, Alan E.,
McMullen, Camille R.: Case
Dispositional Decision

TRAP 11

Denied: Application
of Timothy
Roberson; Order
filed 9-23-16

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

LINDA BEARD v. JAMES WILLIAM BRANSON, ET AL.

**Circuit Court for Houston County
No. 1368**

No. M2014-01770-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Linda Beard 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

TENNESSEE DEPARTMENT OF CORRECTION v. DAVID PRESSLEY

**Chancery Court for Davidson County
No. 141380I**

No. M2015-00902-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of TENNESSEE DEPARTMENT OF CORRECTION 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

IN RE ESTATE OF CALVERT HUGH FLETCHER

**Circuit Court for Putnam County
No. 18589**

No. M2015-01297-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Elaine Fletcher, Janet L. Fletcher Brady, Richard H. Fletcher, and Peter J. Fletcher and the record before us, the application is granted. Further, the Tennessee Bankers Association filed a motion for leave to file an amicus curiae answer in support of the application for permission to appeal, and the answer was lodged with the motion. The motion is granted, and the Tennessee Bankers Association's answer will be filed upon entry of this Order.

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

KENNETH M. SPIRES, ET AL. v. HALEY REECE SIMPSON, ET AL.

**Circuit Court for Monroe County
No. V103595**

No. E2015-00697-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Captain Dana Trent Hensley, Jr., 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

**THE METROPOLITAN GOVERNMENT OF NASHVILLE AND
DAVIDSON COUNTY v. OWNERS OF PROPERTY WITH DELINQUENT
DEMOLITION LIENS FILED WITH THE REGISTER OF DEED'S
OFFICE IN DAVIDSON COUNTY, TENNESSEE, ET AL.**

**Chancery Court for Davidson County
No. 140442II**

No. M2015-00318-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Regions Bank Corp. and the record before us, the application is denied.

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

PER CURIAM

Roger A. Page, J., not participating.

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**THE METROPOLITAN GOVERNMENT OF NASHVILLE AND
DAVIDSON COUNTY v. OWNERS OF PROPERTY WITH DELINQUENT
DEMOLITION LIENS FILED WITH THE REGISTER OF DEED'S
OFFICE IN DAVIDSON COUNTY, TENNESSEE, ET AL.**

**Chancery Court for Davidson County
No. 140442II**

No. M2015-00318-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Regions Bank Corp. and the record before us, the application is denied.

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

PER CURIAM

Roger A. Page, J., not participating.

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

**STATE FARM FIRE AND CASUALTY COMPANY v. SPECIALTY
SURGERY CENTER, PLLC, ET AL.**

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

No. 215cv00026

No. M2016-01240-SC-R23-CV

ORDER

Pursuant to Tennessee Supreme Court Rule 23, a certification order was filed in this Court on June 22, 2016, by the United States District Court for the Middle 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. Can a patient maintain a strict products liability action against an ambulatory surgery center licensed under Tennessee Code Title 68, or a physician licensed under Tennessee Code Title 63, for an injury sustained during an epidural steroid injection procedure, given the definition of a “health care liability action” under Tenn. Code Ann. § 29-26-101 and the burden requirements established by Tenn. Code Ann. § 29-26-115?
2. Is an ambulatory surgery center, licensed pursuant to Tennessee Code Title 68, “engaged in the business of selling” the steroid administered during an epidural steroid injection procedure, so as to be strictly liable as a “seller” under Tenn. Code Ann. § 29-28-106?

Upon thorough review, it appears to this Court that question 1 above, which is dispositive of this insurance coverage/declaratory judgment action, has already been answered in the underlying multi-district tort litigation, such that this Court’s

consideration of the certified questions in this case is unnecessary and would not be dispositive. See Order Certifying Questions of Law to Tennessee Supreme Court Under Tennessee Supreme Court Rule 23, p.5 n.5; Tenn. Sup. Ct. R. 23 (providing for certification where the questions of law will be dispositive). On August 5, 2016, the United States District Court for the District of Massachusetts, the court in which is pending the underlying multi-district tort litigation, granted the motion for partial summary judgment of Specialty Surgery Center, PLLC and Kenneth R. Lister, M.D., defendants in both the underlying multi-district tort litigation and in this case. In doing so, that court effectively held that the Tennessee Products Liability Act, Tenn. Code Ann. §§ 29-28-101 et seq., cannot apply to the claims of the plaintiffs against these defendants in the underlying multi-district tort litigation given the countervailing Tennessee Health Care Liability Act Tenn. Code Ann. §§ 29-26-101 et seq., and so answered certified question 1. See In Re: New England Compounding Pharmacy, Inc. Products Liability Litigation, MDL No. 13-2419-RWZ, Case 1:13-md-02419-RWZ, Document 3027 (filed August 5, 2016).

For these reasons, the Court denies the certification.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

TIM ADAMS ET AL. v. CMH HOMES, INC.

**Chancery Court for McMinn County
No. 2014CV195**

No. E2015-01526-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of CMH Homes, Inc. and the record before us, the application is denied.

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

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

STATE OF TENNESSEE v. DELSHUN JONES

**Criminal Court for Shelby County
No. 1204777**

No. W2015-00156-SC-R11-CD

ORDER

Upon consideration of the application for permission to appeal of Delshun Jones and the record before us, the application is denied. In addition, the pro se application is dismissed.

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

PER CURIAM

