

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

Monday, October 3, 2005

GRANTS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
Diane Button v. Mitchell Waite M2005-01553-SC-10-CV	Williamson Chancery Russ Heldman 31256	Koch, P.J., M.S. Cain, J Clement, J Vacated	Rule 11	Granted - Application of Diar *Birch, J., Dissenting * Appellee's Motion for an exte file response - Denied as Moot. *Appellee's Motion to Reconsid Denied.*
USHA Haley v. University of Tennessee-Knoxville, et al. M2005-00998-SC-R23-CQ	U.S. District Court Eastern District 3:30-CV-292		Rule 23	Granted - Certification Accept Filed - 9/29/05
James A. Vaughn v. State of Tennessee M2004-00458-SC-R11-PC	Sumner Criminal Jane Wheatcraft 64-1999	Wedemeyer, J Affirmed	Rule 11	Granted - Application of James Vaughn

¹ . . . This Court accepts certification of the following question of law:

Does the withdrawal or voluntary non-suit of a claim filed with the Tennessee Claims Commission, done prior to any action being taken by the Claims Commission, still activate the waiver provision of Tennessee Code Annotated _ 9-8-307(b) to require dismissal of a plaintiff's federal and/or state cause of action arising from the same act or omission as the claim before the Claims Commission?

Knoxville

State of Tennessee v. Ronald Allen E2004-01308-SC-R11-CD	Washington County Lynn W. Brown 27518	Wade, J Affirmed as Modified	Rule 11	Granted - Application of the S Tennessee. “For the purpose of remanding 1 to the Court of Criminal Appeal reconsideration in light of <u>State Gomez</u> , 163 S.W. 3d 632 (Tenn - And - Denied - Application of Ronald
State of Tennessee v. Bruce Wayne Scarborough E2004-01332-SC-R11-CD	Knox Criminal Mary Beth Leibowitz 75589	Ogle, J Affirmed	Rule 11	Granted - Application of Bruce Scarborough.

Jackson

Donna J. Overman v. Altama Delta Corporation W2005-00794-SC-R9-CV	Henderson Chancery James F. Butler 18722		Rule 9	Granted - Application of Altan Corporation
State of Tennessee v. Gustavo Chavez W2004-01154-SC-R11-CD	Decatur County C. Creed McGinley 03-CR-140	McLin, J Affirmed as Modified; Sep. Dissent by Hayes, J	Rule 11	Granted - Application of the S Tennessee. “For the purpose of remanding 1 to the Court of Criminal Appeal Court of Criminal Appeals is di decide the case on its merits in accordance with this Court’s op <u>State v. Gomez</u> , 163 S.W. 3d 632 2005).
State of Tennessee v. Mack T. Transou W2003-02966-SC-R11-CD	Madison County Roy B. Morgan 02-360	Woodall, J Affirmed	Rule 11	Granted - Application of Mack Transou.

**SUPREME COURT OF TENNESSEE
SUPREME COURT DISCRETIONARY APPEALS**

Monday, October 3, 2005

DENIALS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
John Haws Burrell v. Tennessee Board of Probation and Parole M2005-00496-SC-R11-CV	Davidson Circuit Barbara N. Haynes 03C-3384	Cain, J Cottrell, J Clement, JJ Dismissed	Rule 11	Denied - Application of John Haws Burrell.
<u>Knoxville</u>				
Monica McPeek, et al. v. Melinda S. Lockhart E2004-01034-SC-R11-CV	Sullivan Circuit Richard E. Ladd C34130(L)	Swiney, J Affirmed and Remanded	Rule 11	Denied - Application of Eldridge McPeek
Patricia Robinson v. Frank Schriener, et al. E2005-01080-SC-S09-CV	Hamilton Circuit Jackie Schulten 03C1661	Susano, J Swiney, J Lee, JJ Denied	Rule 9	Denied - Application of Frank Schriener and Keith Sanford
Brett W. Woodroof v. Nathan E. Fisher, et al. E2004-00303-SC-R11-CV	Sullivan Chancery John S. McLellan, III 29888(M)	Lee, J Affirmed as Modified;	Rule 11	Denied - Application of Brett W. Woodroof

		Remanded		
Jackson				
Stanley Harvell v. Glen Turner W2004-02643-SC-R11-HC	Hardeman County Blackwood, J 9753	Glenn, J Affirmed Pursuant to Rule 20	Rule 11	Denied - Application of Stanley Harvell.
In the Matter of: The Estate of Frances E. Milam, Deceased W2003-03061-SC-R11-CV	Shelby Probate Donn Southern C-7556	Highers, J Affirmed in Part, Reversed in Part, and Remanded	Rule 11	Denied - Application of J. Harvey Herring.
State of Tennessee v. Barbara Ann Bryant a/d/a Barbara Ann Fayne W2004-01245-SC-R11-CD	Tipton County Joseph H. Walker 4713	Witt, J Affirmed	Rule 11	Denied - Application of Barbara Ann Bryant.
State of Tennessee v. John H. Parker W2004-00911-SC-R11-CO	Madison Circuit Roy B. Morgan C-03-371	Williams, J Affirmed	Rule 11	Denied - Application of John H. Parker.