

IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 05 - JUNE 27, 2008

SUBMITTED CASES

MONDAY, MAY 05, 2008

EN BANC

2008-DR-00717-SCT *Earl Wesley Berry v. State of Mississippi*

(Sub.)

Hon. Andrew K. Howorth, Ruling Judge, Chickasaw County
Circuit Court

(0 vols.)

APPELLANT - James Craig; Glenn Swartzfager, Mississippi
Office of Capital Post-Conviction Counsel, Jackson

APPELLEE - Marvin L. White, Office of the Attorney General,
Jackson

IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 05 - JUNE 27, 2008

SUBMITTED CASES

MONDAY, MAY 05, 2008

2004-CA-02532-SCT *Candice Young, Personal Representative of the Wrongful Death Beneficiaries of Cherie S. Hancock, Deceased v. Donald C. Guild, M.D.*

(Sub.) Hon. Jannie M. Lewis, Ruling Judge, Yazoo County Circuit Court

(9 vols.)

APPELLANT - Ronald Kirk, Flora; Benjamin McGee, Oxford
APPELLEE - Denise Wesley, Currie Johnson Griffin Gaines & Myers, P.A., Jackson

2006-IA-02138-SCT *Delta Health Group, Inc., Scott J. Bell, Sharon Sauerwein, Nora Segues and Shelby Nursing, Rehabilitation Center f/k/a Chateau Manor Nursing Center and Pensacola Health Trust v. The Estate of Ellen Pope, By and Through James Payne, Individually and as the Personal Representative, for the Use and Benefit of the Estate of Ellen Pope, and on Behalf of and for the Use and Benefit of the Wrongful Death Beneficiaries of Ellen Pope*

(Sub.) Hon. Kenneth L. Thomas, Ruling Judge, Bolivar County Circuit Court

(3 vols.)

APPELLANT - Gaye Nell Currie, Jackson; Benjamin Philley, Jackson

APPELLEE - Douglas Bryant Chaffin, Hattiesburg; A. Lance Reins, Hattiesburg

2007-CA-00267-SCT *In Re: Body of Victoria Spiers Age 10, Deceased: Carmen D. Hastings v. Joel Scott Spiers*

(Sub.) Hon. Forrest A. Johnson, Jr., Ruling Judge, Adams County Circuit Court

(2 vols.)

APPELLANT - Edwin Woods, Jr., Vicksburg

APPELLEE - James Priest, Jr., Jackson

IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
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THIRD SITTING - MAY 05 - JUNE 27, 2008

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MONDAY, MAY 05, 2008

2007-CA-00316-SCT *Leanora McClain, Individually and on Behalf of the Wrongful Death Beneficiaries of Carlton McClain, Deceased v. Steven G. Clark, M.D., Bennie B. Wright, M.D., Tarence E. Wade, M.D., and Bolivar Medical Center*

(Sub.) Hon. Charles E. Webster, Ruling Judge, Bolivar County Circuit Court
(8 vols.)
APPELLANT - Charles Merkel, Jr., Merkel & Cocke, P.A., Clarksdale
APPELLEE - Jason Dare, Greenville; James Wilson, IV, Upshaw, Williams, Biggers, Beckham & Riddick, Greenwood; Anastasia Jones, Watkins & Eager, Jackson; Kimberly Howland, Wise Carter Child & Caraway, P.A., Jackson

2007-CA-00522-SCT *Kristy (Strait) Lorenz v. Travis Strait*

(Sub.) Hon. Kenneth M. Burns, Ruling Judge, Lowndes County Chancery Court
(3 vols.)
APPELLANT - J. Douglas Ford, Ford & Ray, PLLC, Columbus
APPELLEE - J. Tyson Graham, Graham & Segrest, LLP, Columbus

2007-CA-00601-SCT *Michael L. Bridge v. Mayor and Board of Aldermen of the City of Oxford, Mississippi, Lucy Lynn Robinson, Mary Sue Robinson and Ralph Coleman*

(Sub.) Hon. Robert William Elliott, Ruling Judge, Lafayette County Circuit Court
(9 vols.)
APPELLANT - Jerry Mills, Pyle, Mills, Dye & Pittman, Ridgeland
APPELLEE - Paul B. Watkins, Jr., Mayo Mallette PLLC, Oxford; Pope S. Mallette, Oxford; Joyce Freeland, Oxford; T. H. Freeland, Oxford

IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
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MONDAY, MAY 05, 2008

2007-CA-00729-SCT *Kimberly Todd, Natural Mother and Next Friend of Lily Todd, a Minor v. First Baptist Church of West Point*

(Sub.) Hon. Lee J. Howard, Ruling Judge, Clay County Circuit Court
(6 vols.)
APPELLANT - Richard Shane McLaughlin, Tupelo
APPELLEE - Wade G. Manor, Jackson

2007-KA-00732-SCT *Harvey Lavell Reid a/k/a Harvey Leave Reid v. State of Mississippi*

(Sub.) Hon. Marcus D. Gordon, Ruling Judge, Newton County Circuit Court
(2 vols.)
APPELLANT - Edmund Phillips, Jr., Newton
APPELLEE - Jeffrey Klingfuss, Office of the Attorney General, Jackson

2007-CA-00764-SCT *Hazem Barmada v. Ara K. Pridjian, M.D.*

(Sub.) Hon. Roger T. Clark, Ruling Judge, Harrison County Circuit Court
(3 vols.)
APPELLANT - Wendy Hollingsworth, Ocean Springs
APPELLEE - Gail Nicholson, Nicholson & Nicholson, Gulfport

2007-CA-00873-SCT *James Malcolm Harris, Jr. v. Kimbroughly (Elam) Harris*

(Sub.) Hon. Mitchell M. Lundy, Jr., Ruling Judge, DeSoto County Chancery Court
(2 vols.)
APPELLANT - Malenda Meacham, Hernando
APPELLEE - M. Zummach, Sparkman - Zummach, P.C., Southaven

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OF THE STATE OF MISSISSIPPI
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MONDAY, MAY 05, 2008

- 2007-CA-00902-SCT** *Hoyt Forbes and Hilda Forbes v. General Motors Corporation*
(Sub.) Hon. R. I. Prichard, III, Ruling Judge, Marion County Circuit
Court
(2 vols.)
APPELLANT - Wayne Dowdy, Magnolia
APPELLEE - Paul Cassisa, Jr., Bernard, Cassisa, Elliott & Davis,
P.A., Oxford
- 2007-CA-00952-SCT** *Greater Canton Ford Mercury, Inc. v. Pearl Lee Lane*
(Sub.) Hon. William E. Chapman, III, Ruling Judge, Madison County
Circuit Court
(1 vol.)
APPELLANT - Thomas Wicker, Holland, Ray, Upchurch &
Hillen, P.A., Tupelo
APPELLEE - J. Randolph, II, Ridgeland
- 2007-JP-01956-SCT** *Mississippi Commission on Judicial Performance v. Frank L.
Sutton, Sr.*
(Sub.) Hon. Franklin M. Coleman, Ruling Judge
(3 vols.)
APPELLANT - Luther Brantley, III, Mississippi Commission on
Judicial Performance, Jackson
APPELLEE - Sorie Tarawally, Jackson

IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 05 - JUNE 27, 2008

SUBMITTED CASES

TUESDAY, MAY 06, 2008

- 2006-IA-01877-SCT** *Ameristar Casino Vicksburg, Inc. v. Jimmy L. Duckworth*
(Sub.) Hon. Isadore W. Patrick, Jr., Ruling Judge, Warren County
 Circuit Court
 (2 vols.)
 APPELLANT - Timothy Moore, Currie Johnson Griffin Gaines
 & Myers, P.A., Jackson
 APPELLEE - Mark Prewitt, Vicksburg
- 2007-CA-00010-SCT** *Southeast Foods, Inc., d/b/a Super Valu and Fred Henry,*
(Sub.) *Individually and as Manager v. Rhudro Wince*
 Hon. Albert B. Smith, III, Ruling Judge, Bolivar County Circuit
 Court
 (9 vols.)
 APPELLANT - LeAnn Nealey, Butler, Snow, O'Mara, Stevens &
 Cannada, PLLC, Jackson
 APPELLEE - Ellis Turnage, Cleveland
- 2007-CA-00102-SCT** *Leroy Calvert, Jr. v. Brian D. Griggs and Tanya N. Griggs*
(Sub.) Hon. Kenneth M. Burns, Ruling Judge, Clay County Chancery
 Court
 (2 vols.)
 APPELLANT - Gary Goodwin, Columbus
 APPELLEE - Michelle Easterling, Edwards, Storey, Marshall &
 Helveston, West Point
- 2007-KA-00614-SCT** *Wayne Gilpatrick v. State of Mississippi*
(Sub.) Hon. William E. Chapman, III, Ruling Judge, Rankin County
 Circuit Court
 (3 vols.)
 APPELLANT - Lance Mixon, Jackson
 APPELLEE - LaDonna Holland, Office of the Attorney General,
 Jackson

IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
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THIRD SITTING - MAY 05 - JUNE 27, 2008

SUBMITTED CASES

TUESDAY, MAY 06, 2008

2007-CA-00640-SCT *Lake Caroline Owner's Association and Lake Caroline, Inc. v. A & F Properties, LLC and Madison County Board of Supervisors*

(Sub.) Hon. Samac S. Richardson, Ruling Judge, Madison County Circuit Court

(4 vols.)

APPELLANT - Steven H. Smith, DunbarMonroe, PLLC, Jackson

APPELLEE - Robert Cirilli, Jr., Brunini, Grantham, Grower & Hewes, PLLC, Jackson; G. Todd Burwell, Latham & Burwell, PLLC, Ridgeland

2007-CA-01189-SCT *Guy "Phil " Ruff, Jr. v. The Estate of Guy P. Ruff, Sr., Myra Eason Ruff, In Her Capacity as Executrix of the Estate of Guy P. Ruff, Sr., Margaret Anne Ruff Cargo, In Her Capacity as Executrix of the Estate of Guy P. Ruff, Sr., and David Clifton Ruff, In His Capacity as Executor of the Estate of Guy P. Ruff, Sr.*

(Sub.) Hon. Glenn Alderson, Ruling Judge, Benton County Chancery Court

(2 vols.)

APPELLANT - Edwin Priest, Tupelo

APPELLEE - Stephan McDavid, McDavid & Associates, P.C., Oxford

2007-KA-01358-SCT *Leroy Stewart v. State of Mississippi*

(Sub.) Hon. Lamar Pickard, Ruling Judge, Jefferson County Circuit Court

(3 vols.)

APPELLANT - Brenda Patterson, Mississippi Office of Indigent Appeals, Jackson

APPELLEE - Billy L. Gore, Office of the Attorney General, Jackson

IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
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SUBMITTED CASES

TUESDAY, MAY 06, 2008

- 2007-CA-01383-SCT** *Bernie Winkel and Rachel Winkel v. Windsor Windows and Doors*
(Sub.) Hon. Albert B. Smith, III, Ruling Judge, Coahoma County Circuit Court
(2 vols.)
APPELLANT - Dana Swan, Chapman, Lewis & Swan, Clarksdale
APPELLEE - William Lockett, Jr., Lockett Law Firm, Clarksdale
- 2007-CP-01552-SCT** *Ricky Smith v. Jackson State University, JSU, Department of Finance & Administration and Secretary of State*
(Sub.) Hon. J. Dewayne Thomas, Ruling Judge, Hinds County Chancery Court
(4 vols.)
APPELLANT - Pro Se
APPELLEE - Regina Quinn, Jackson; Sarah Berry, Office of the Attorney General, Jackson
- 2007-CA-01801-SCT** *Brieh S. Pigg, Individually and on Behalf of Garrett Kade Pigg, a Minor v. Express Hotel Partners, LLC d/b/a Holiday Inn Express*
(Sub.) Hon. Kenneth M. Burns, Ruling Judge, Clay County Chancery Court
(3 vols.)
APPELLANT - Victoria Rundlett, Daniel Coker Horton & Bell, P.A., Jackson
APPELLEE - David Sanders, Mitchell, McNutt Sams, P.A., Columbus

IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 05 - JUNE 27, 2008

SUBMITTED CASES

TUESDAY, MAY 06, 2008

2008-JP-00125-SCT *Mississippi Commission on Judicial Performance v. Edwin L. Pittman, Jr.*

(Sub.)

Hon. Patricia D. Wise, Ruling Judge

(2 vols.)

APPELLANT - Luther T. Brantley, III, Mississippi Commission on Judicial Performance, Jackson

APPELLEE - Jerry Mills, Pyle, Mills, Dye & Pittman, Ridgeland

2008-BR-00138-SCT *Joe Gregory Stewart v. The Mississippi Bar*

(Sub.)

(0 vol.)

APPELLANT - Michael B. Martz, Brandon

APPELLEE - Adam B. Kilgore, The Mississippi Bar, Jackson

IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 05 - JUNE 27, 2008

SUBMITTED CASES

WEDNESDAY, MAY 07, 2008

- 2006-CP-01842-SCT** *Ronald Henry Pierce v. Ernest Allan Cook, Sr.*
(Sub.) Hon. Samac S. Richardson, Ruling Judge, Rankin County Circuit Court
(9 vols.)
APPELLANT - Pro Se
APPELLEE - John Holaday, Holaday & Johnson, PLLC, Jackson
- 2007-CA-00114-SCT** *The University Medical Center v. John Henry Martin, Individually and on behalf of Wrongful Death Beneficiaries of Martha Martin, Yashica Good, Individually*
(Sub.) Hon. Winston L. Kidd, Ruling Judge, Hinds County Circuit Court
(6 vols.)
APPELLANT - Joseph L. McNamara, Copeland Cook Taylor & Bush, P.A., Ridgeland
APPELLEE - Dennis Sweet, III, Jackson
- 2007-CA-00173-SCT** *Betty G. Hartel and Husband, Waldo Hartel v. Jack B. Pruett, M.D., Spectrum Emergency Care, Inc. d/b/a SEC/EM Care and Biloxi Regional Medical Center a/k/a Biloxi HMA, Inc.*
(Sub.) Hon. Kosta N. Vlahos, Ruling Judge, Harrison County Circuit Court
(12 vols.)
APPELLANT - L. Breard, Gulfport
APPELLEE - Mark Caraway, Wise Carter Child & Caraway, P.A., Jackson
- 2007-CA-00193-SCT** *United States Fidelity and Guaranty Company of Mississippi v. Debbie Martin d/b/a Cartmell Gallery and Cartmell Gallery, LTD., LLC*
(Sub.) Hon. Robert Walter Bailey, Ruling Judge, Lauderdale County Circuit Court
(9 vols.)
APPELLANT - J. Wade Sweat, Copeland Cook Taylor & Bush, P.A., Ridgeland
APPELLEE - Charles W. Wright, Jr., Wright & Williamson, PLLC, Meridian

IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
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SUBMITTED CASES

WEDNESDAY, MAY 07, 2008

2007-CA-00232-SCT *Patricia Jones Spann, Individually and on behalf of all Wrongful Death Beneficiaries of Timothy Spann, Deceased v. Gerald J. Diaz, Jr., P.A., Formerly d/b/a Cherry, Givens, Peters, Lockett & Diaz and/or Diaz, Lewis & Giddens, PLLC*

(Sub.) Hon. Bobby Burt DeLaughter, Ruling Judge, Hinds County Circuit Court

(5 vols.)

APPELLANT - Philip Thomas, Jackson

APPELLEE - J. Thomas Ramsay, Hattiesburg

2007-CA-00276-SCT *Barnes, Broom, Dallas and McLeod, PLLC v. Estate of Marilyn I. Cappaert, Deceased*

(Sub.) Hon. Vicki R. Barnes, Ruling Judge, Warren County Chancery Court

(6 vols.)

APPELLANT - James McGee, Barnes, Broom, Dallas & McLeod, PLLC, Flowood

APPELLEE - David Sessums, Varner, Parker & Sessums, Vicksburg

2007-CA-00573-SCT *Grace K. Aikens and Joseph W. Aikens v. Dr. Dayton Whites*

(Sub.) Hon. Dale Harkey, Ruling Judge, George County Circuit Court
(4 vols.)

APPELLANT - Margaret Ellis, Kitchens & Ellis, Jackson

APPELLEE - Matthew Miller, Bryant, Dukes & Blakeslee, PLLC, Hattiesburg

2007-IA-00615-SCT *Michael L. Foss, M.D. v. Dorothy Williams, Administratrix of the Estate of Peter D. Price, Deceased*

(Sub.) Hon. Albert B. Smith, III, Ruling Judge, Coahoma County Circuit Court

(2 vols.)

APPELLANT - Jason Dare, Greenville

APPELLEE - Everett Sanders, Natchez

IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 05 - JUNE 27, 2008

SUBMITTED CASES

WEDNESDAY, MAY 07, 2008

2007-CA-00852-SCT *James A. Neely and Geneva Neely, Individually and as Heirs-at-Law and the Wrongful Death Beneficiaries of James E. Neely, Deceased v. North Mississippi Medical Center, Inc.*

(Sub.) Hon. Thomas J. Gardner, III, Ruling Judge, Lee County Circuit Court
(4 vols.)
APPELLANT - Dale Danks, Jr., Danks, Miller, Hamer & Cory, Jackson
APPELLEE - John Wheeler, Mitchell, McNutt & Sams, P.A., Tupelo

2007-KA-01005-SCT *Shannon Troy Derouen a/k/a Troy Derouen v. State of Mississippi*

(Sub.) Hon. Robert P. Krebs, Ruling Judge, Jackson County Circuit Court
(4 vols.)
APPELLANT - Brenda Patterson, Mississippi Office of Indigent Appeals, Jackson
APPELLEE - LaDonna Holland, Office of the Attorney General, Jackson

2007-KA-01031-SCT *Russell Antonio Thomas v. State of Mississippi*

(Sub.) Hon. Roger T. Clark, Ruling Judge, Harrison County Circuit Court
(3 vols.)
APPELLANT - Brenda Patterson, Mississippi Office of Indigent Appeals, Jackson
APPELLEE - W. Glenn Watts, Office of the Attorney General, Jackson

IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 05 - JUNE 27, 2008

SUBMITTED CASES

WEDNESDAY, MAY 07, 2008

2007-KA-01177-SCT *Montrell Jordan v. State of Mississippi*

(Sub.) Hon. Jannie M. Lewis, Ruling Judge, Holmes County Circuit Court
(11 vols.)
APPELLANT - Bill Waller, Sr., Waller & Waller, Jackson
APPELLEE - Deirdre McCrory, Office of the Attorney General, Jackson

2007-CP-01639-SCT *Douglas Ricardo Moody v. State of Mississippi*

(Sub.) Hon. Stephen B. Simpson, Ruling Judge, Harrison County Circuit Court
(2 vols.)
APPELLANT - Pro Se
APPELLEE - W. Glenn Watts, Office of the Attorney General, Jackson

2007-FC-02287-SCT *Lewis DeCarlo v. Bonus Stores, Inc. d/b/a Bill's Dollar Stores, Inc., Jimmy A. Schafer and William Fields*

(Sub.) (2 vols.)
APPELLANT - No Brief Filed
APPELLEE - Timothy Lindsay, McGlinchey Stafford, PLLC, Jackson; Kenneth Milam, Watkins & Eager, Jackson

IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 05 - JUNE 27, 2008

SUBMITTED CASES

FRIDAY, MAY 23, 2008

2006-CA-00185-SCT *Michael Crawford v. Morris Transportation, Inc., Alex Jordan, Individually and as Agent Driver of Morris Transportation, Inc., and Custom Sign Company a/k/a Custom Sign Company of Batesville, Inc. f/k/a Custom Sign Company of Grenada, Inc.*

(Sub.) Hon. Albert B. Smith, III, Ruling Judge, Coahoma County Circuit Court

(4 vols.)

APPELLANT - Derek Hopson, Clarksdale

APPELLEE - Charles Hewins, Campbell DeLong, LLP, Greenville; Gerald Jacks, Jacks, Adams & Norquist, P.A., Cleveland

CONSOLIDATED WITH:

2007-CA-00322-SCT *Michael Crawford v. Morris Transportation, Inc. and Custom Sign Company a/k/a Custom Sign Company of Batesville, Inc. f/k/a Custom Sign Company of Grenada, Inc.*

Hon. Albert B. Smith, III, Ruling Judge, Coahoma County Circuit Court

APPELLANT - No Brief Filed

APPELLEE - No Brief Filed

Note: This case was previously set for argument on May 20, 2008. Case will now be submitted.

IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 05 - JUNE 27, 2008

ARGUED CASES

STATE CAPITOL BUILDING
SUPREME COURT CHAMBERS ROOM 216

TUESDAY, JUNE 24, 2008

2006-CA-01697-SCT *William A. Causey, M.D. v. Reitha Sanders, Individually and on Behalf of all Wrongful Death Beneficiaries of Ersel Allen*
(Arg.) Hon. Tomie T. Green, Ruling Judge, Hinds County Circuit Court
(11 vols.)
APPELLANT - Joseph L. McNamara, Copeland Cook Taylor & Bush, P.A., Ridgeland
APPELLEE - Richard A. Freese, Birmingham, AL

9:30 AM
(TWENTY MINUTES PER SIDE)

Note: This case was previously set for argument on May 13, 2008, and has been rescheduled for June 24, 2008.

IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 05 - JUNE 27, 2008

ARGUED CASES

STATE CAPITOL BUILDING
SUPREME COURT CHAMBERS ROOM 216

TUESDAY, JUNE 24, 2008

2006-CA-01898-SCT *Estate of Venus Jones, M.D. Lance Wright, M.D. and Semmes-Murphy Clinic, Memphis Pathology Labs and Baptist Rapid Access Lab v. Tyson Phillips, A Minor, By and Through His Next Friend, Mary Jean Phillips and Mary Jean Phillips, Individually and as Conservator for Wilbert Phillips*

(Arg.)

Hon. Kenneth L. Thomas, Ruling Judge, Coahoma County Circuit Court

(13 vols.)

APPELLANT - Dion Shanley, Hickman, Goza & Spragins, PLLC, Madison; Shelby Duke Goza, Hickman, Goza & Spragins, PLLC, Oxford

APPELLEE - W. Eric Stracener, W. Andrew Neely, Hawkins, Stracener & Gibson, PLLC, Jackson; Thandi Wade, Tatum & Wade, Jackson; Derek Hopson, Hopson Law Firm, Clarksdale

10:30 AM
(TWENTY MINUTES PER SIDE)

Note: This case was previously set for argument on May 13, 2008, and has been rescheduled for June 24, 2008.