

IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 10 - JULY 02, 2010

SUBMITTED CASES

MONDAY, MAY 10, 2010

- 2008-KA-01637-SCT** *Tonnie L. Thomas v. State of Mississippi*
(Sub.) Hon. Richard A. Smith, Ruling Judge, Washington County Circuit Court
 (12 vols.)
 APPELLANT - George Kelly, Jr., Greenville
 APPELLEE - Jeffrey Klingfuss, Office of the Attorney General, Jackson
- 2008-CA-01932-SCT** *Herbert Lee, Jr. v. Gloria Thompson and Deborah Dixon*
(Sub.) Hon. Bobby Burt DeLaughter, Ruling Judge, Hinds County Circuit Court
 (6 vols.)
 APPELLANT - Leonard McClellan, Jackson
 APPELLEE - Lance Stevens, Stevens & Ward, P.A., Jackson
- 2008-CA-02011-SCT** *John P. Mladineo and Sherry Mlandineo v. Richard Earl Schmidt, Michael Felsher Insurance Agency and Nationwide Property & Casualty Insurance Company*
(Sub.) Hon. Billy G. Bridges, Ruling Judge, Jackson County Circuit Court
 (19 vols.)
 APPELLANT - Charles Wilbanks, Jr., Wells, Moore, Simmons & Hubbard, PLLC, Jackson
 APPELLEE - H. Mitchell Cowan, Watkins, Ludlam, Winter & Stennis, P.A., Jackson

**IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 10 - JULY 02, 2010**

SUBMITTED CASES

MONDAY, MAY 10, 2010

2009-CA-00928-SCT *City of Jackson, Mississippi and Jackson Police Department v. Edna Harris, Individually and as Administratrix of the Estate of Desmonde Harris and James Harris, Individually*

(Sub.) Hon. W. Swan Yerger, Ruling Judge, Hinds County Circuit Court
(3 vols.)

APPELLANT - Kimberly Banks, Office of the City Attorney,
Jackson

APPELLEE - Charles Mullins, Coxwell & Associates, PLLC,
Jackson

2009-CA-01260-SCT *Dennis C. Sweet, III, and Kimberly Noel Sweet v. TCI MS, Inc., TCI MS Investments, Inc. (TCI MS Investments, Inc.); and Michael V. Cory, In His Official Capacity As A Member and Principal In The Law Firm of Danks, Miller, Hamer & Cory*

(Sub.) Hon. Ray Hillman Montgomery, Ruling Judge, Hinds County
Chancery Court

(3 vols.)

APPELLANT - Thomas J. Bellinder, Jackson

APPELLEE - Rebecca B. Cowan, Currie Johnson Griffin Gaines &
Myers, P.A., Jackson

IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 10 - JULY 02, 2010

SUBMITTED CASES

TUESDAY, MAY 11, 2010

2009-SA-01105-SCT *City of Jackson, Mississippi and Jackson Water Partnership v. United Water Services, Inc. and United Water Services of Mississippi, LLC*

(Sub.) Hon. W. Swan Yerger, Ruling Judge, Hinds County Circuit Court
(4 vols.)

APPELLANT - Pieter Teeuwissen, Office of the City Attorney, Jackson; Dale Danks, Jr., Danks Miller & Cory, Jackson; James A. Peden, Jr., Stennett, Wilkinson & Peden, P.A., Jackson

APPELLEE - Robert Gibbs, Brunini, Grantham, Grower & Hewes, PLLC, Jackson

2009-KA-01323-SCT *Jerry Lamar Whitlock v. State of Mississippi*

(Sub.) Hon. Samac S. Richardson, Ruling Judge, Rankin County Circuit Court
(7 vols.)

APPELLANT - Benjamin A. Suber, Office of Indigent Appeals, Jackson

APPELLEE - Stephanie B. Wood, Office of the Attorney General, Jackson

2010-BD-00111-SCT *The Mississippi Bar v. Robert E. Clark*

(Sub.) (0 vol.)

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

APPELLEE - Pro Se

IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 10 - JULY 02, 2010

SUBMITTED CASES

WEDNESDAY, MAY 12, 2010

- 2008-KA-00549-SCT** *Wanda Clark v. State of Mississippi*
(Sub.) Hon. Kenneth L. Thomas, Ruling Judge, Coahoma County Circuit Court
 (7 vols.)
 APPELLANT - Cheryl Webster, Clarksdale
 APPELLEE - Stephanie Wood, Office of the Attorney General, Jackson
- 2008-KA-01509-SCT** *Marvin Terrell King v. State of Mississippi*
(Sub.) Hon. Margaret Carey-McCray, Ruling Judge, Washington County Circuit Court
 (5 vols.)
 APPELLANT - Phillip Broadhead, Criminal Appeals Clinic, University of Mississippi School of Law, University; Leslie S. Lee, Office of Indigent Appeals, Jackson
 APPELLEE - John R. Henry, Jr., Office of the Attorney General, Jackson
- 2008-IA-01563-SCT** *Charles Burnwatt and Debra Burnwatt, as Parents and Wrongful Death Beneficiaries of William Alexander Burnwatt, Deceased, on Behalf of Themselves and all Other Wrongful Death Beneficiaries of William Alexander Burnwatt, Deceased v. Ear, Nose & Throat Consultants of North Mississippi, PLLC and John F. Laurenzo, M.D.*
(Sub.) Hon. Robert William Elliott, Ruling Judge, Lafayette County Circuit Court
 (10 vols.)
 APPELLANT - Cynthia Mitchell, Merkel & Cocke, P.A., Clarksdale
 APPELLEE - Shelby Milam, Hickman, Goza & Spragins, PLLC, Oxford

**IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 10 - JULY 02, 2010**

SUBMITTED CASES

WEDNESDAY, MAY 12, 2010

- 2008-KA-01733-SCT** *Jeremy Dale Davis v. State of Mississippi*
(Sub.) Hon. Paul S. Funderburk, Ruling Judge, Monroe County Circuit Court
 (4 vols.)
 APPELLANT - Thomas Brahan, Aberdeen
 APPELLEE - Scott Stuart, Office of the Attorney General, Jackson
- 2008-CA-01997-SCT** *The City of Jackson, Mississippi v. The Estate of Otha Stewart, Deceased, By and Through its Administrator, Emma Womack*
(Sub.) Hon. Winston L. Kidd, Ruling Judge, Hinds County Circuit Court
 (7 vols.)
 APPELLANT - Claire Hawkins, Jackson
 APPELLEE - James Bobo, Brandon
- 2009-KA-00216-SCT** *Tonnie L. Thomas v. State of Mississippi*
(Sub.) Hon. Richard A. Smith, Ruling Judge, Washington County Circuit Court
 (5 vols.)
 APPELLANT - Leslie Lee, Office of Indigent Appeals, Jackson
 APPELLEE - John R. Henry, Jr., Office of the Attorney General, Jackson
- 2009-KA-00420-SCT** *James David Poole a/k/a Jim v. State of Mississippi*
(Sub.) Hon. Paul S. Funderburk, Ruling Judge, Monroe County Circuit Court
 (3 vols.)
 APPELLANT - Gary Goodwin, Columbus
 APPELLEE - Laura Tedder, Office of the Attorney General, Jackson

**IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 10 - JULY 02, 2010**

SUBMITTED CASES

WEDNESDAY, MAY 12, 2010

2009-IA-00464-SCT *Maliyah Ashunti Hubbard, Minor, By and Through Tiffany Hubbard, Her Mother and Natural Guardian v. McDonald's Corporation, Michael L. Retzer d/b/a McDonald's*
(Sub.) Hon. Joseph H. Loper, Jr., Ruling Judge, Grenada County Circuit Court
 (3 vols.)
 APPELLANT - William Walker, Jr., Oxford
 APPELLEE - Susan O'Neal, Lake Tindall, LLP, Greenville

2009-CA-00594-SCT *William Sanders v. Advanced Neuromodulation Systems, Inc.*
(Sub.) Hon. James Lamar Roberts, Jr., Ruling Judge, Lee County Circuit Court
 (2 vols.)
 APPELLANT - D. L. Jones, Jr., Jackson
 APPELLEE - Leah Ledford, Jackson

**IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 10 - JULY 02, 2010**

SUBMITTED CASES

WEDNESDAY, MAY 12, 2010

2009-CA-00603-SCT

Thelma R. Koestler and Leo C. (Mickey) Koestler, Deceased, by and through Thelma R. Koestler v. Mississippi Baptist Health Systems, Inc., Baptist Memorial Medical Center, Inc., Baptist Behavioral Health Services, William S. Cook, Jr., M.D.P.A., William S. Cook, Jr., M.D., Individually and/or in his capacity as an employee of Mississippi Baptist Medical Systems, Inc., and/or in his capacity as an employee of Mississippi Baptist Medical Center, Inc., and/or in his capacity as Medical Director of Baptist Senior Behavioral Health Services; Khari A. Omolara, P.C.; Khari A. Omolara, M.D., Individually and/or in his capacity as an employee of Mississippi Baptist Health Systems, Inc., and/or in his capacity as an employee of Mississippi Baptist Medical Center, Inc., and/or in his capacity as contractor of Baptist Behavioral Health Services; Grace Scott, R.N., Individually and/or in her capacity as an employee of Mississippi Baptist Health Systems, Inc., and/or in her capacity as an employee of Mississippi Baptist Medical Center, Inc., and/or in her capacity as an employee of Baptist Behavioral Health Services; Tiffany Parker, L.S.W., Individually and/or in her capacity as an employee of Mississippi Baptist Health Systems, Inc., and/or in her capacity as an employee of Mississippi Baptist Medical Center, Inc., and/or in her capacity as an employee of Baptist Behavioral Health Services; Becky Ivey, O.T., Individually and/or in her capacity as an employee of Mississippi Baptist Health Systems, Inc., and/or in her capacity as an employee of Mississippi Baptist Medical Center, Inc., and/or in her capacity as an employee of Baptist Behavioral Health Services; S. Inman, R.N., Individually and/or in her capacity as an employee of Mississippi Baptist Health Systems, Inc., and/or in her capacity as an employee of Mississippi Baptist Medical Center, Inc., and/or in her capacity as an employee of Baptist Behavioral Health Services; and Stacey Ashley, Individually and/or in her capacity as an employee of Mississippi Baptist Medical Center, Inc., and/or in her capacity as an employee of Baptist Behavioral Health Services
Hon. W. Swan Yerger, Ruling Judge, Hinds County Circuit Court
(2 vols.)

(Sub.)

APPELLANT - Marcie T. Southerland, Vicksburg

APPELLEE - Lorraine Boykin, Whitman B. Johnson, III, Frank F. Farmer, Currie Johnson Griffin Gaines & Myers, P.A., Jackson; Anastasia Jones, Clifford B. Ammons, Watkins & Eager, Jackson; Rex M. Shannon, III, Eugene R. Naylor, Wise Carter Child & Caraway, P.A., Jackson

**IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 10 - JULY 02, 2010**

SUBMITTED CASES

WEDNESDAY, MAY 12, 2010

2009-IA-00651-SCT *Simmons Law Group, P.A. and Heber S. Simmons, III v. Corporate Management, Inc.*

(Sub.) Hon. Kathy King Jackson, Ruling Judge, Greene County Circuit Court

(2 vols.)

APPELLANT - Alexander Guidry, Mockbee Hall & Drake, Jackson
APPELLEE - Jackye Bertucci, Gulfport

2009-KA-00805-SCT *Marcus Davis v. State of Mississippi*

(Sub.) Hon. Richard A. Smith, Ruling Judge, Leflore County Circuit Court
(3 vols.)

APPELLANT - Benjamin Suber, Office of Indigent Appeals, Jackson
APPELLEE - Lisa Blount, Office of the Attorney General, Jackson

2009-KA-01052-SCT *Curtis Lernard Sea v. State of Mississippi*

(Sub.) Hon. Andrew C. Baker, Ruling Judge, Yalobusha County Circuit Court

(4 vols.)

APPELLANT - George T. Holmes, Office of Indigent Appeals, Jackson

APPELLEE - Deirdre McCrory, Office of the Attorney General, Jackson

**IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 10 - JULY 02, 2010**

SUBMITTED CASES

WEDNESDAY, MAY 12, 2010

- 2009-KA-01155-SCT** *Tommy White v. State of Mississippi*
(Sub.) Hon. James McClure, III, Ruling Judge, Yalobusha County Circuit Court
 (3 vols.)
 APPELLANT - Hunter N. Aikens, Office of Indigent Appeals, Jackson
 APPELLEE - John R. Henry, Jr., Office of the Attorney General, Jackson
- 2009-IA-01472-SCT** *Mississippi Department of Mental Health and Ellisville State School v. Dakari Ronies Shaw*
(Sub.) Hon. Billy Joe Landrum, Ruling Judge, Jones County Circuit Court
 (2 vols.)
 APPELLANT - William N. Graham, Aultman, Tyner, Ruffin & Swetman, LTD, Hattiesburg
 APPELLEE - S. Wayne Easterling, Hattiesburg
- 2009-CA-01658-SCT** *A. D. Buffington and Ruth Buffington v. Mississippi State Tax Commission*
(Sub.) Hon. William H. Singletary, Ruling Judge, Hinds County Chancery Court
 (2 vols.)
 APPELLANT - Ashley Pittman, Stubblefield, Shivers & Yelverton, PLLC, Jackson
 APPELLEE - Stephanie Jones, Jackson

IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 10 - JULY 02, 2010

SUBMITTED CASES

THURSDAY, MAY 20, 2010

2009-CA-00971-SCT *Kristi Fulgham v. State of Mississippi*
(Sub.) Hon. James T. Kitchens, Jr., Ruling Judge, Oktibbeha County Circuit
 Court
 (1 vol.)
 APPELLANT - Robert Mayer, Jackson
 APPELLEE - Billy Gore, Office of the Attorney General, Jackson

**IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 10 - JULY 02, 2010**

EN BANC COURTROOM

ARGUED CASES

TUESDAY, MAY 18, 2010

EN BANC

2007-CT-02047-SCT *Arthur D. Carlisle, Administrator of the Estate of Charles E. Allen, III, Deceased v. Janet Ellen Davis Allen*
(Arg.) Hon. James H. C. Thomas, Jr., Ruling Judge, Pearl River County
 Chancery Court
 (3 vols.)
 APPELLANT - Michael J. Vallette, Ocean Springs
 APPELLEE - Joseph Fillingane, Carol Ann Estes Bustin, Hattiesburg

10:00 AM
(THIRTY MINUTES PER SIDE)

IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 10 - JULY 02, 2010

EN BANC COURTROOM

ARGUED CASES

TUESDAY, MAY 18, 2010

2009-CA-00954-SCT *Edward Bruce Kelley v. J. Donald Matherne, Ph.D.*
(Arg.) Hon. Jerry O. Terry, Sr., Ruling Judge, Harrison County Circuit
 Court
 (2 vols.)
 APPELLANT - William W. Dreher, Jr., Gulfport; John W.
 Christopher, Ridgeland
 APPELLEE - Peter C. Abide, Currie Johnson Griffin Gaines &
 Myers, P.A., Biloxi

1:30 PM
(THIRTY MINUTES PER SIDE)

**IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 10 - JULY 02, 2010**

EN BANC COURTROOM

ARGUED CASES

MONDAY, MAY 24, 2010

EN BANC

2007-DP-01312-SCT

Kristi Leigh Fulgham v. State of Mississippi

(Arg.)

Hon. Lee J. Howard, Ruling Judge, Oktibbeha County Circuit Court
(26 vols.)

APPELLANT - James Lappan, Office of Capital Defense Counsel,
Jackson

APPELLEE - Jason Davis, Office of the Attorney General, Jackson

1:30 PM

(THIRTY MINUTES PER SIDE)

**IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 10 - JULY 02, 2010**

EN BANC COURTROOM

ARGUED CASES

TUESDAY, MAY 25, 2010

2009-CA-00158-SCT *Scott Pringle, as Next Friend and Legal Guardian of S. W. Pringle, a Minor v. James J. Kramer, M.D., Kramhearst Behavioral Institute, LLC*

(Arg.)

Hon. Samac S. Richardson, Ruling Judge, Rankin County Circuit Court

(3 vols.)

APPELLANT - Dennis Horn, Shirley Payne, Horn & Payne, PLLC, Madison

APPELLEE - Robert S. Addison, John Waits, Daniel Coker Horton & Bell, P.A., Jackson

1:30 PM

(THIRTY MINUTES PER SIDE)

**IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 10 - JULY 02, 2010**

EN BANC COURTROOM

ARGUED CASES

TUESDAY, JUNE 08, 2010

2009-CA-00433-SCT *Pinecrest, LLC and Mastercare, Inc. v. Eula Jane Harris, Executrix of the Estate of Myrtle R. Callendar, for the Use and Benefit of the Estate of Myrtle Callendar, and for the Use and Benefit of the Wrongful Death Beneficiaries of Myrtle Callendar*

(Arg.) Hon. David H. Strong, Jr., Ruling Judge, Copiah County Circuit Court
(8 vols.)

APPELLANT - Charles Wilbanks, Jr., Wells, Moore, Simmons & Hubbard, PLLC, Jackson

APPELLEE - Anthony Reins, Tampa, FL

CONSOLIDATED WITH:

2006-CA-00329-SCT *Eula Jane Harris, Executrix of the Estate of Myrtle R. Callendar, for the Use and Benefit of the Estate of Myrtle R. Callendar, and for the Use and Benefit of the Wrongful Death Beneficiaries of Myrtle R. Callendar v. G. Ron Guins and Ellen B. Harrigill*

Hon. Lamar Pickard, Ruling Judge, Copiah County Circuit Court

APPELLANT - Douglas Chaffin, Hattiesburg

APPELLEE - Jeffrey A. Varas, Varas & Morgan, PLLC, Hazlehurst

CONSOLIDATED WITH:

2007-M-01622-SCT *Eula Jane Harris, Executrix of the Estate of Myrtle R. Callendar, for the use and benefit of the Estate of Myrtle Callendar, and for the use and benefit of the wrongful death beneficiaries of Myrtle R. Callendar v. Pinecrest, LLC, Mastercare, Inc. and Pinecrest Facilities, Inc., John Does 1 through 10 and Unidentified Entities 1 through 10 (as to Pine Crest Guest Home)*

Hon. Lamar Pickard, Ruling Judge, Copiah County Circuit Court

APPELLANT - No Brief Filed

APPELLEE - No Brief Filed

**10:00 AM
(THIRTY MINUTES PER SIDE)**

**IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI
MASTER DOCKET CALENDAR
THIRD SITTING - MAY 10 - JULY 02, 2010**

EN BANC COURTROOM

ARGUED CASES

MONDAY, JUNE 14, 2010

EN BANC

2006-CT-01843-SCT *Demarious Latwan Banyard a/k/a Lil Murray a/k/a Mur-Mur v. State of Mississippi*

(Arg.)

Hon. Tomie T. Green, Ruling Judge, Hinds County Circuit Court
(5 vols.)

APPELLANT - Robert B. McDuff, Robert McDuff Law Office,
Jackson; Bryan A. Stevenson, Montgomery, AL

APPELLEE - LaDonna C. Holland, Office of the Attorney General,
Jackson

1:30 PM

(THIRTY MINUTES PER SIDES)

