

**IN THE SUPREME COURT**  
**OF THE STATE OF MISSISSIPPI**  
**MASTER DOCKET CALENDAR**  
**SIXTH SITTING - NOVEMBER 03 - DECEMBER 26, 2008**

**SUBMITTED CASES**

**MONDAY, NOVEMBER 03, 2008**

- 2007-CA-01028-SCT** *Julian Rose, M.D. v. Eugene Tullos*  
(Sub.) Hon. Isadore W. Patrick, Jr., Ruling Judge, Smith County Circuit Court  
(1 vol.)  
APPELLANT - Drew Martin, Jackson  
APPELLEE - David Garner, Raleigh
- 2007-IA-01512-SCT** *North Mississippi Medical Center, Inc., Elizabeth Brown, Executrix of the Estate of Alan Paul Brown, M.D., Deceased v. Janice Caldwell and Robert C. Caldwell*  
(Sub.) Hon. Sharion R. Aycock, Ruling Judge, Lee County Circuit Court  
(2 vols.)  
APPELLANT - John Wheeler, Mitchell, McNutt & Sams, P.A., Tupelo  
APPELLEE - Cynthia Mitchell, Merkel & Cocke, P. A., Clarksdale
- 2007-KA-01643-SCT** *Gus Wilkins, Jr. v. State of Mississippi*  
(Sub.) Hon. Lee J. Howard, Ruling Judge, Lowndes County Circuit Court  
(3 vols.)  
APPELLANT - W. Daniel Hinchcliff, Jackson  
APPELLEE - Billy Gore, Office of the Attorney General, Jackson
- 2007-KA-01994-SCT** *Michael Benard Miller v. State of Mississippi*  
(Sub.) Hon. Marcus D. Gordon, Ruling Judge, Scott County Circuit Court  
(2 vols.)  
APPELLANT - Edmund J. Phillips, Jr., Newton  
APPELLEE - W. Glenn Watts, Office of the Attorney General, Jackson

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**SUBMITTED CASES**

**MONDAY, NOVEMBER 03, 2008**

- 2007-CA-02023-SCT** *Danny Holland v. The Peoples Bank & Trust Company*  
(Sub.) Hon. L. Joseph Lee, Ruling Judge, Panola County Circuit Court  
(8 vols.)  
APPELLANT - Robert Whitwell, Farese, Farese, & Farese, P.A.,  
Ashland  
APPELLEE - Scott Hendrix, Mitchell, McNutt & Sams, P.A.,  
Tupelo
- 2007-IA-02054-SCT** *Issaquena Warren Counties Land Co., LLC, Gary K. Blakeney, Kenneth D. Blakeney, Earnest K. Blakeney, Rose C. Blakeney, Robert D. Ainsworth, Pam Haley, Keith Hawsey, Tommy L. Thrash, Josh L. Thrash, Mike Sutton, Michael R. McTurner, Donna M. McTurner, Ervin Ray, Fay Ray, Gary Ray, Hugh J. Parker, Cynthia B. Parker, Joey Haven and Marty Elrod v. Warren County, Mississippi*  
(Sub.) Hon. Vicki R. Barnes, Ruling Judge, Warren County Chancery Court  
(2 vols.)  
APPELLANT - Lisa Reppeto, Watkins, Ludlam, Winter & Stennis, P.A., Jackson  
APPELLEE - Kenneth Rector, Wheelless, Shappley, Bailess & Rector, LLP, Vicksburg
- 2007-CA-02157-SCT** *Edward E. Shelnut v. The Department of Human Services of The State of Mississippi*  
(Sub.) Hon. J. Dewayne Thomas, Ruling Judge, Hinds County Chancery Court  
(4 vols.)  
APPELLANT - Patricia Peterson Smith, Vicksburg  
APPELLEE - James Jason Bayles, MS Department of Human Services, Jackson

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**SIXTH SITTING - NOVEMBER 03 - DECEMBER 26, 2008**

**SUBMITTED CASES**

**MONDAY, NOVEMBER 03, 2008**

**2008-CA-00216-SCT** *J.D. Gully v. State of Mississippi*  
(Sub.) Hon. Lester F. Williamson, Jr., Ruling Judge, Lauderdale County  
Circuit Court  
(4 vols.)  
APPELLANT - Charles Wright, Jr., Wright & Williamson, PLLC,  
Meridian  
APPELLEE - Lisa Blount, Office of the Attorney General, Jackson

**2008-CA-00222-SCT** *Raul Fonte and Helen Flammer v. Audubon Insurance Company*  
(Sub.) Hon. Stephen B. Simpson, Ruling Judge, Harrison County Circuit  
Court  
(4 vols.)  
APPELLANT - John Scialdone, Balch & Bingham LLP, Gulfport  
APPELLEE - Walker Jones, III, Jackson

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MASTER DOCKET CALENDAR  
SIXTH SITTING - NOVEMBER 03 - DECEMBER 26, 2008**

**SUBMITTED CASES**

**TUESDAY, NOVEMBER 04, 2008**

- 2004-KA-00625-SCT** *Keith Duran Sanders v. State of Mississippi*  
(Sub.) Hon. Marcus D. Gordon, Ruling Judge, Neshoba County Circuit Court  
(3 vols.)  
APPELLANT - Edmund J. Phillips, Jr., Newton  
APPELLEE - Jeffrey A. Klingfuss, Office of the Attorney General, Jackson
- 2006-CA-00439-SCT** *Legacy Care, Inc., Legacy Health Care Services, Inc., American Legacy Properties, LLC f/k/a Greenville Convalescent Home d/b/a Legacy Manor Nursing & Rehabilitation Center, H. Ken Beebe, Jr., and Greenville Convalescent Home, Inc. v. Susie Green, by and through Tressie Green, Next Friend for the Use and Benefit of Susie Green*  
(Sub.) Hon. Richard A. Smith, Ruling Judge, Washington County Circuit Court  
(6 vols.)  
APPELLANT - Camille Evans, Butler, Snow, O'Mara, Stevens & Cannada, PLLC, Jackson; Anastasia Jones, Watkins & Eager, Jackson  
APPELLEE - Mary Hitt, West Point
- 2007-CA-00325-SCT** *The Goodyear Tire & Rubber Company f/k/a Kelly Springfield, Inc. and Big 10 Tire Company v. Nicholas L. Kirby, Jr., Administrator of the Estate of Travis C. Kirby, Deceased and Nicholas L. Kirby, Jr., Shirley S. Kirby, Nicholas L. Kirby, III, Individually Riley D. Strickland and Sidney Odom*  
(Sub.) Hon. Forrest A. Johnson, Jr., Ruling Judge, Copiah County Circuit Court  
(65 vols.)  
APPELLANT - Michael W. Baxter, Copeland Cook Taylor & Bush, P.A., Ridgeland; Rick D. Norton, Byran Nelson, P.A.  
APPELLEE - Michael Allred, Allred Law Firm, Jackson; James W. Kitchens, Kitchens & Ellis

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**MASTER DOCKET CALENDAR**  
**SIXTH SITTING - NOVEMBER 03 - DECEMBER 26, 2008**

**SUBMITTED CASES**

**TUESDAY, NOVEMBER 04, 2008**

**2007-KA-01539-SCT** *Cora Ann Turner v. State of Mississippi*  
(Sub.) Hon. Frank G. Vollar, Ruling Judge, Warren County Circuit Court  
(4 vols.)  
APPELLANT - Erin Pridgen, Mississippi Office of Indigent Appeals, Jackson  
APPELLEE - LaDonna Holland, Office of the Attorney General, Jackson

**2007-KA-02279-SCT** *Lee Darreln Nix v. State of Mississippi*  
(Sub.) Hon. Stephen B. Simpson, Ruling Judge, Harrison County Circuit Court  
(3 vols.)  
APPELLANT - Benjamin Suber, Mississippi Office of Indigent Appeals, Jackson  
APPELLEE - Jeffrey A. Klingfuss, Office of the Attorney General, Jackson

**2008-KA-00021-SCT** *Brenda Liddell v. State of Mississippi*  
(Sub.) Hon. Albert B. Smith, III, Ruling Judge, Tunica County Circuit Court  
(3 vols.)  
APPELLANT - Leslie Lee, Mississippi Office of Indigent Appeals, Jackson  
APPELLEE - W. Daniel Hinchliff, Jackson; Jeffrey A. Klingfuss, Office of the Attorney General, Jackson

**IN THE SUPREME COURT**  
**OF THE STATE OF MISSISSIPPI**  
**MASTER DOCKET CALENDAR**  
**SIXTH SITTING - NOVEMBER 03 - DECEMBER 26, 2008**

**SUBMITTED CASES**

**TUESDAY, NOVEMBER 04, 2008**

**2008-CA-00256-SCT** *Robinson Property Group, L.P., A Mississippi Limited Partnership  
d/b/a Horseshoe Casino and Hotel v. Mary S. Mitchell*  
(Sub.) Hon. Charles E. Webster, Ruling Judge, Tunica County Circuit  
Court  
(5 vols.)  
APPELLANT - J. Chandley Crawford, Memphis, TN  
APPELLEE - Robert Q. Whitwell, Farese, Farese, & Farese, P.A.,  
Ashland

**2008-BR-01200-SCT** *In Re: Petition for Reinstatement of Warner Hodges, III*  
(Sub.) (0 vol.)  
APPELLANT - Adam Bradley Kilgore, The Mississippi Bar,  
Jackson  
APPELLEE - Pro Se

**IN THE SUPREME COURT**  
**OF THE STATE OF MISSISSIPPI**  
**MASTER DOCKET CALENDAR**  
**SIXTH SITTING - NOVEMBER 03 - DECEMBER 26, 2008**

**SUBMITTED CASES**

**WEDNESDAY, NOVEMBER 05, 2008**

**2006-CA-02052-SCT** *Julie Mabus v. St. James Episcopal Church, Episcopal Diocese of Mississippi, Inc., and Jerry McBride*

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

(21 vols.)

APPELLANT - Felecia Perkins, Jackson

APPELLEE - Glenn Taylor, Copeland Cook Taylor & Bush, P.A., Ridgeland

**2007-CA-00689-SCT** *Sandra Ann Craft Irby v. Estate of Henry Edward Irby, Deceased, by Gloria Dean Irby Marshall, Executrix*

(Sub.) Hon. Dan H. Fairly, Ruling Judge, Rankin County Chancery Court

(9 vols.)

APPELLANT - John Holaday, Ridgeland

APPELLEE - Christopher Tabb, Brandon

**2007-CA-01743-SCT** *Naomi Ruth McDonald and Janella Lavette McDonald v. Memorial Hospital at Gulfport and Dr. Juan Carlos Teran-Benitez*

(Sub.) Hon. Stephen B. Simpson, Ruling Judge, Harrison County Circuit Court

(7 vols.)

APPELLANT - Gerald Maples, New Orleans, LA

APPELLEE - William Whitfield, III, Copeland Cook Taylor & Bush, P.A., Ridgeland; Shellye McDonald, Gulfport

**CONSOLIDATED WITH:**

**2007-CA-02169-SCT** *Naomi Ruth McDonald and Janella Lavette McDonald v. Memorial Hospital at Gulfport and Dr. Juan Carlos Teran-Benitez*

Hon. Margaret Alfonso, Ruling Judge, Harrison County Chancery Court

APPELLANT - No Brief Filed

APPELLEE - No Brief Filed

**IN THE SUPREME COURT**  
**OF THE STATE OF MISSISSIPPI**  
**MASTER DOCKET CALENDAR**  
**SIXTH SITTING - NOVEMBER 03 - DECEMBER 26, 2008**

**SUBMITTED CASES**

**WEDNESDAY, NOVEMBER 05, 2008**

**2007-CA-01775-SCT** *Manhattan Nursing & Rehabilitation Center, LLC, Aurora Cares, LLC d/b/a Tara Cares, Bobbie Blackard and Lisa Byrd v. Ira W. Simmons*

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

(1 vol.)

APPELLANT - Hardin Pittman, Memphis, TN

APPELLEE - John Sims, III, Canton

**CONSOLIDATED WITH:**

**2007-M-01673-SCT** *Lisa Byrd, Aurora Cares, LLC d/b/a Tara Cares, Manhattan Nursing & Rehabilitation Center, LLC, Beverly Enterprises, Inc., Beverly Health & Rehabilitation Services, Inc. f/k/a Beverly California Corp., Beverly Enterprises-Mississippi, Inc. Manhattan Health Care Center d/b/a Beverly Healthcare-Manhattan d/b/a Beverly Healthcare-Eason Boulevard d/b/a Beverly Healthcare Tupelo and Bobbie Blackard v. Ira W. Simmons*

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

APPELLANT - No Brief Filed

APPELLEE - No Brief Filed

**2008-CA-00027-SCT** *Trinity Mission Health & Rehab of Holly Springs, LLC v. Ruth Lawrence, as Administratrix of the Estate of James E. Lawrence, Deceased and on Behalf of the Wrongful Death Beneficiaries of James E. Lawrence, Deceased*

(Sub.) Hon. Henry L. Lackey, Ruling Judge, Marshall County Circuit Court

(2 vols.)

APPELLANT - Heather Aby, Maxey Wann, PLLC, Jackson

APPELLEE - John Sims, III, Canton

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**OF THE STATE OF MISSISSIPPI**  
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**SIXTH SITTING - NOVEMBER 03 - DECEMBER 26, 2008**

**PANEL COURT ROOM**

**ARGUED CASES**

**WEDNESDAY, NOVEMBER 12, 2008**

**2007-KA-00970-SCT** *Scott Oliver Caldwell v. State of Mississippi*

(Arg.)

Hon. Sharion R. Aycock, Ruling Judge, Lee County Circuit Court  
(4 vols.)

APPELLANT - Phillip Broadhead, Criminal Appeals Clinic,  
University of Mississippi School of Law

APPELLEE - John Henry, Jr., Office of the Attorney General,  
Jackson

**2:00 PM**  
**(TWENTY MINUTES PER SIDE)**