

Alabama Court of Civil Appeals

Employment Cases

Ex parte City of Birmingham

870 So.2d 742 (Ala.Civ.App. 2003) 7/25/2003

A police officer was suspended based on allegations that, among other things, he inappropriately approached a woman, handcuffed her, and told her "if she felt like getting in trouble to call [him]." The hearing officer found that the suspension was supported by sufficient evidence, which included the woman's testimony and the officer's failing a polygraph test. The city personnel board accepted the hearing officer's recommendations. A three-judge panel of the trial court reversed, holding that the polygraph test was inherently unreliable to support the suspension in this case. On further appeal, the Court held that the board was not bound by the technical rules of evidence as a trial court would be and that the hearing officer's decision was based not only on the polygraph evidence, but also on the testimony of the police officer, the woman, and other witnesses. Therefore, in the Court's view, the suspension was supported by substantial evidence.

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Wrote Opinion | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Disposition: Affirmed in part, reversed in part, remanded

Positive Effect

Department of Indus. Relations v. Gulf Caribe Mar., Inc.

2004 WL 1080008 (Ala.Civ.App. 2004) 5/14/2004

A seaman sought unemployment compensation benefits for a 30-day period of unpaid "swing time" (approved vacation time) pursuant to a collective bargaining agreement. The claims examiner and appeals tribunal for the Department of Industrial Relations determined that the seaman was eligible for benefits for the vacation period. The employer appealed, arguing that the seaman should be disqualified from receiving benefits under the Alabama unemployment compensation statute that provides, "Nothing herein shall be construed or interpreted as authorizing the payment of benefits ... during any period in which [an employee] is on a leave of absence granted ... in accordance with a collective bargaining agreement." The trial court granted summary judgment in favor of the employer. In affirming, the divided Court held, among other things, that the statute indicates the intent to bar the payment of benefits based upon leaves of absence in collective bargaining agreements.

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Disposition: Affirmed

Positive Effect

Alabama Court of Civil Appeals Employment Cases

Employees' Ret. Sys. Bd. of Control v. Givhan

2004 WL 2258177 (Ala.Civ.App. 2004) 10/8/2004

Shortly after being diagnosed with a terminal illness, a state employee completed a form application for retirement benefits with the Employment Retirement System (ERS). ERS informed the employee that she could expect to receive \$649 per month for the remainder of her life, with "all benefits ceasing at" her death if she selected the "maximum retirement allowance" permitted by law. The employee requested the maximum retirement allowance. After the employee died, her estate was notified that because the employee had elected to receive the maximum retirement allowance, the estate was entitled to a "one time pro rata payment for the number of days that [the employee] lived in the month of her death." The estate, however, requested that ERS provide the estate benefits in accordance with the actuarial equivalent benefit that would give the estate the amount the employee had contributed to ERS during her employment plus interest. The Board denied the request. The trial court determined that the employee lacked the mental capacity to sign the form due to her illness and found that "equity would be served by allowing the executor to choose the actuarially equivalent retirement benefits option." The trial court awarded the estate the "unpaid balance" of the "annuity savings" in the employee's ERS account. In reversing, the divided Court held that the statute clearly requires that a valid election to receive anything other than the maximum retirement benefit, terminable upon the employee's death, must be made before the employee's retirement, which had not been done in this case.

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Dissent | - |

Disposition: Reversed and remanded

Positive Effect

Alabama Court of Civil Appeals Additional Employment Cases

Jones v. Alabama State Tenure Comm'n

871 So.2d 62 (Ala.Civ.App. 2003) 1/10/2003

Disposition: Reversed and remanded
Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Wrote Opinion | - |
| Murdock | Dissent | + |
| Pittman | Dissent | + |
| Thompson | Concur | - |

State Tenure Comm'n v. Jackson

881 So.2d 445 (Ala.Civ.App. 2003) 1/31/2003

Disposition: Reversed and remanded
Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Dissent | - |
| Murdock | Concur | + |
| Pittman | Wrote Opinion | + |
| Thompson | Concur | + |

City of Mobile v. Robertson

863 So.2d 117 (Ala.Civ.App. 2003) 4/25/2003

Disposition: Reversed and remanded
Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Wrote Opinion | + |

Fairfield Bd. of Educ. v. Acoff

868 So.2d 1105 (Ala.Civ.App. 2003) 6/27/2003

Disposition: Reversed and remanded
Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Wrote Opinion | + |
| Thompson | Concur | + |

Perine v. Kennedy

868 So.2d 1123 (Ala.Civ.App. 2003) 6/27/2003

Disposition: Reversed and remanded
Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | - |
| Murdock | Concur | - |
| Pittman | Concur | - |
| Thompson | Concur | - |

Ford v. Jefferson County

2004 WL 316462 (Ala.Civ.App. 2004) 2/20/2004

Disposition: Reversed and remanded
Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | - |
| Murdock | Wrote Opinion | - |
| Pittman | Concur | - |
| Thompson | Concur | - |

Alabama Court of Civil Appeals Additional Employment Cases

Alabama State Pers. Bd. v. Hardeman

893 So.2d 1173 (Ala.Civ.App. 2004) (1st Imp.) 4/16/2004

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Wrote Opinion | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Campbell v. CSX Transp., Inc.

892 So.2d 923 (Ala.Civ.App. 2004) 5/14/2004

Disposition: Affirmed in part, reversed in part, remanded

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | - |
| Murdock | Concur | - |
| Pittman | Concur | - |
| Thompson | Concur | - |

Barnett v. Allison

2004 WL 1908327 (Ala.Civ.App. 2004) 8/27/2004

Disposition: Reversed and remanded

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | - |
| Murdock | Concur | - |
| Pittman | Concur | - |
| Thompson | Wrote Opinion | - |

Ex parte State Dep't of Human Res.

2004 WL 2128979 (Ala.Civ.App. 2004) 9/24/2004

Disposition: Petition granted in part, denied in part

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | - |
| Murdock | Concur/Dissent | + |
| Pittman | Concur | - |
| Thompson | Concur | - |

City of Mobile v. Robertson

897 So.2d 1156 (Ala.Civ.App. 2004) 10/8/2004

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Dissent | - |
| Murdock | Dissent | - |
| Pittman | Concur | + |
| Thompson | Wrote Opinion | + |

Glass v. City of Dothan Pers. Bd.

2004 WL 2481226 (Ala.Civ.App. 2004) 11/5/2004

Disposition: Reversed and remanded

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Wrote Opinion | - |
| Murdock | Concur | - |
| Pittman | Dissent | + |
| Thompson | Concur | - |

Alabama Court of Civil Appeals Additional Employment Cases

Jim Walter Res., Inc. v. Riles

2004 WL 2756274 (Ala.Civ.App. 2004) 12/3/2004

Disposition: Reversed and remanded
Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Segrest v. Lewis

2005 WL 434416 (Ala.Civ.App. 2005) 2/25/2005

Disposition: Reversed and remanded
Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | Concur | + |
| Crawley | Concur | + |
| Murdock | Wrote Opinion | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Alabama Court of Civil Appeals Insurance Cases

Illinois Nat'l Ins. Co. v. Castro

887 So.2d 281 (Ala.Civ.App. 2003) 11/21/2003

An insured sought uninsured motorist (UM) benefits after being involved in an automobile accident while a passenger in a car driven by her spouse. The insurer declined coverage based on a "named driver" exclusion in the policy that states the insurer "will not provide coverage or defend or pay for any claim arising out of an accident or loss which occurs while any vehicle insured under this policy is driven" by certain drivers named in the exclusion form. The spouse was identified as a named driver. The insured claimed that the exclusion applied only to liability coverage, rather than to all coverage afforded under the policy. The trial court granted summary judgment in favor of the insured and awarded \$20,000 in UM benefits. In reversing, the Court held that the exclusion meant what it said and applied to "any claim," including a claim for UM benefits, "arising out of an accident or loss" occurring while the spouse was driving the car.

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Wrote Opinion | + |
| Thompson | Concur | + |

Disposition: Reversed and remanded

Positive Effect

Burt v. Shield Ins. Co.

2004 WL 870457 (Ala.Civ.App. 2004) (1st Imp.) 4/23/2004

After an insured was involved in an automobile accident with a customer who was test-driving a vehicle owned by a car dealership, the insured sued the dealership for damages and sought uninsured motorist (UM) benefits from his own automobile insurer. The amount of UM coverage available to the insured under his own policy was \$20,000. The dealership had at least \$2 million in liability insurance coverage and although the customer did not have insurance he was covered under the dealer's policy in the amount of \$25,000 by virtue of the fact he had been driving the dealership's vehicle. In claiming against his UM insurer, the insured argued that the fact that the dealership had ample coverage on its vehicle was irrelevant: the customer driving the dealership's vehicle did not. (The motor vehicle statute provides that UM coverage is for the protection of persons who are "legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury.") After the insured settled the claims on the UM claim against the dealership for \$255,000, the trial court granted summary judgment in favor of the insurer. In affirming, the divided Court held that the insured was not entitled to UM benefits because the dealership was the "owner" of the vehicle in question under the statute, the insured had sued the dealership because of that fact, and the insured conceded that he would not be entitled to a verdict sufficient in size to exceed the dealership's liability insurance coverage for the accident.

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Dissent | - |
| Pittman | Concur | + |
| Thompson | Wrote Opinion | + |

Disposition: Affirmed

Positive Effect

Alabama Court of Civil Appeals Insurance Cases

Alfa Specialty Ins. Co. v. Jennings

2005 WL 78301 (Ala.Civ.App. 2005) 1/14/2005

An insured crashed into a mobile home after he lost control of his truck while fleeing from the police in a high-speed chase. The insured subsequently pleaded guilty to aggravated fleeing, a felony, and reckless-endangerment, a misdemeanor, and was ordered to pay restitution to the mobile home owners. The insurer sought a declaratory judgment that it had no duty to pay the insured's medical expenses or defend and indemnify the insured from any claim filed against him by the owners based on a "criminal acts" exclusion in the automobile policy that excluded coverage for "any liability arising out of the use of a car in connection with the commission of ... a criminal act by a covered person." The owners and their carrier, however, claimed that the exclusion violated public policy and was void. The trial court denied judgment in favor of the insurer. On appeal, the divided Court held that the exclusion was enforceable in the context of this case.

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Wrote Opinion | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Alabama Court of Civil Appeals

Additional Insurance Cases

United Servs. Auto. Ass'n v. Hobbs

858 So.2d 966 (Ala.Civ.App. 2003) 3/28/2003

Disposition: Affirmed in part, reversed in part, remanded
Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Nationwide Ins. Co. v. Nicholas

868 So.2d 457 (Ala.Civ.App. 2003) 6/20/2003

Disposition: Affirmed
Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | - |
| Murdock | Concur | - |
| Pittman | Dissent | + |
| Thompson | Concur | - |

Carolina Cas. Ins. Co. v. Miss Deanna's Child Care-Med Net, L.L.C.

869 So.2d 1169 (Ala.Civ.App. 2003) 7/18/2003

Disposition: Reversed and remanded
Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Wrote Opinion | + |
| Thompson | Concur | + |

Raviv v. Hanover Ins. Co.

873 So.2d 240 (Ala.Civ.App. 2003) 8/22/2003

Disposition: Reversed
Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | - |
| Murdock | Concur | - |
| Pittman | Concur | - |
| Thompson | Wrote Opinion | - |

Farmers Ins. Co. v. Price-Williams Assocs., Inc.

873 So.2d 252 (Ala.Civ.App. 2003) 8/29/2003

Disposition: Reversed and remanded
Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Wrote Opinion | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Wolfe v. Alfa Mut. Ins. Co.

880 S.2d 1163 (Ala.Civ.App. 2003) (1st Imp.) 11/21/2003

Disposition: Affirmed in part, reversed in part, remanded
Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Wrote Opinion | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Alabama Court of Civil Appeals Additional Insurance Cases

Miller v. Allstate Ins. Co.

896 So.2d 499 (Ala.Civ.App. 2004) 2/13/2004

Disposition: Affirmed

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Dissent | - |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Wrote Opinion | + |

Lary v. Gardener

2005 WL 503054 (Ala.Civ.App. 2005) 3/4/2005

Disposition: Reversed and remanded

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | Concur | - |
| Crawley | Concur | - |
| Murdock | Concur | - |
| Pittman | Wrote Opinion | - |
| Thompson | Concur | - |

Alabama Court of Civil Appeals

Medical Malpractice Cases

Bundrick v. McAllister

882 So.2d 864 (Ala.Civ.App. 2003) 12/12/2003

After a patient was awarded \$85,000 in compensatory damages in a lawsuit filed under the Medical Liability Act, the patient filed a motion for an award of costs for bringing the lawsuit, including charges for medical records, x-ray copies, professional fees, expert witness fees, court costs, investigative services, travel expenses, and trial exhibits. The trial judge awarded all costs except travel expenses, some trial exhibit expenses, and some professional fees, for a total of \$38,332. Although recognizing the high costs involved in prosecuting a lawsuit under the Act, the Court held on appeal that the trial judge also should have excluded expert witness fees and costs for investigative services, thereby reducing the award to \$14,653. Neither Alabama statutes nor the Alabama Supreme Court provided for the allowance of expert-witness fees as taxable costs in litigation.

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Wrote Opinion | + |
| Thompson | Concur | + |

Alabama Court of Civil Appeals

Additional Medical Malpractice Cases

Dellocono v. Thomas Hosp.

894 So.2d 694 (Ala.Civ.App. 2004) 6/25/2004

Disposition: Reversed and remanded

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|--------------|-----------------------|-----------------------|
| Bryan | NA | NA |
| Crawley | Concur | - |
| Murdock | Concur | - |
| Pittman | Concur | - |
| Thompson | Concur | - |

Alabama Court of Civil Appeals

Other Liability Lawsuits

Jordan v. Continental Airlines, Inc.

893 So.2d 446 (Ala.Civ.App. 2004) 3/12/2004

The spouse of a 68-year-old airline passenger with hypertension sued an airline and city airport authority for negligence, loss of consortium, and breach of contract after the passenger died from a stroke suffered on or shortly after leaving an airplane. The plaintiff claimed that the passenger's death was caused by the failure of the airline or airport to provide him with a wheelchair when he exited the airplane. The trial court granted summary judgment for the airline and airport on the grounds that the plaintiff's expert witness, a neuroscientist who was employed as a senior research biochemist for a pharmaceutical company, was not qualified to give an opinion as to medical causation in this case. On appeal, the plaintiff contended that the witness was qualified to testify, even though he was not a licensed medical doctor, had no experience treating patients, and had never even met the passenger. The divided Court affirmed and held that the witness's knowledge regarding this particular incident was too speculative and that the trial court properly struck the expert's affidavits. The Court also held that in the context of this case the plaintiff was not entitled to recover mental-anguish damages caused by an alleged breach of contract.

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Dissent | - |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Wrote Opinion | + |

Disposition: Affirmed

Positive Effect

*Crider v. Misty Acres, Inc.

893 So.2d 1165 (Ala.Civ.App. 2004) 3/26/2004

Homebuyers brought several causes of action against real estate companies in a trial court that has jurisdiction over civil cases when the amount in controversy exceeds \$10,000. While the lawsuit was pending, the homebuyers filed for bankruptcy and listed the lawsuit against the real estate companies as exempted property valued at \$2,500. After the bankruptcy court granted the homebuyers' discharge and exempted the lawsuit from the bankruptcy estate, the real estate companies filed a motion with the trial court for summary judgment or for transfer of the case to a small claims court based on the homebuyers' claim in the bankruptcy proceedings that the lawsuit's value was \$2,500. The trial court granted summary judgment for the real estate companies. In reversing, the divided Court held that the doctrine of judicial estoppel, which prevents a party from taking a position in a case that is contrary to the position it had taken in earlier legal proceedings, did not bar the homebuyers' claims or require a transfer of their claims to a small claims court. The Court reasoned that the homebuyers' valuing of the claim at \$2,500 had not been an attempt to deceive either the bankruptcy court or their creditors. (*Judge Pittman maintained that the homebuyers should not be allowed to argue on remand that they are entitled to a greater sum in damages than the value of the claim disclosed in the bankruptcy proceedings.)

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | - |
| Murdock | Concur | - |
| Pittman | Concur* | + |
| Thompson | Concur | - |

Disposition: Reversed and remanded

Negative Effect

Alabama Court of Civil Appeals

Other Liability Lawsuits

Big 3 Motors, Inc. v. Hawie

895 So.2d 349 (Ala.Civ.App. 2004) 7/16/2004

After a tow truck rear-ended a motorist's vehicle, the motorist and his passenger sued the tow truck driver and the driver's employer for personal injuries, alleging the driver's conduct was negligent and wanton and the employer had negligently and wantonly entrusted the company's vehicle to the driver. A jury awarded \$2,750 in compensatory damages and \$15,000 in punitive damages against the driver. It also awarded \$0 in compensatory damages and \$20,000 in punitive damages against the employer. On appeal, the employer argued that the \$20,000 punitive damages award could not be sustained since there were no compensatory or nominal damages awarded against it. The Court agreed and held that the compensatory damages award against the driver could not be used as the basis for awarding punitive damages against the employer.

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Wrote Opinion | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Alabama Court of Civil Appeals Additional Other Liability Lawsuits

Washington Mut. Fin., LLC v. Steele

866 So.2d 556 (Ala.Civ.App. 2003) 1/10/2003

Disposition: Affirmed

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Wrote Opinion | - |
| Murdock | Dissent | + |
| Pittman | Dissent | + |
| Thompson | Concur | - |

Wells v. Mohammad

879 So.2d 1188 (Ala.Civ.App. 2003) 5/16/2003

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Dissent | - |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Wrote Opinion | + |

Morris Concrete, Inc. v. Warrick

868 So.2d 429 (Ala.Civ.App. 2003) 5/23/2003

Disposition: Affirmed in part, reversed in part, remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Wrote Opinion | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Harbar Constr. Co. v. Willis

871 So.2d 97 (Ala.Civ.App. 2003) 7/25/2003

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Zuicarelli v. Clark

2003 WL 22113661 (Ala.Civ.App. 2003) 9/12/2003

Disposition: Affirmed in part, reversed in part, remanded

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | - |
| Murdock | Concur/Dissent | + |
| Pittman | Concur | - |
| Thompson | Wrote Opinion | - |

Allen v. Stephens

875 So.2d 1207 (Ala.Civ.App. 2003) 9/26/2003

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Alabama Court of Civil Appeals

Additional Other Liability Lawsuits

Greene v. Byrd

897 So.2d 1107 (Ala.Civ.App. 2003) 10/10/2003

Disposition: Affirmed

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur/Dissent | - |
| Murdock | Dissent | + |
| Pittman | Dissent | + |
| Thompson | Concur | - |

Martin v. Crumpton

883 So.2d 700 (Ala.Civ.App. 2003) 12/19/2003

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Wrote Opinion | + |

Harley v. Bruno's Supermks. Inc.

888 So.2d 525 (Ala.Civ.App. 2004) 2/20/2004

Disposition: Reversed and remanded

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Wrote Opinion | - |
| Murdock | Concur | - |
| Pittman | Concur | - |
| Thompson | Dissent | + |

Alabama Farmers Coop., Inc. v. PricewaterhouseCoopers, LLP

2004 WL 406087 (Ala.Civ.App. 2004) 3/5/2004

Disposition: Affirmed

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur/Dissent | - |
| Murdock | Concur | + |
| Pittman | Wrote Opinion | + |
| Thompson | Concur | + |

Thurmond v. City of Huntsville

2004 WL 596167 (Ala.Civ.App. 2004) 3/26/2004

Disposition: Affirmed

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur/Dissent | - |
| Murdock | Concur/Dissent | - |
| Pittman | Concur | + |
| Thompson | Wrote Opinion | + |

Duncan v. Windhover Condo. Ass'n

896 So.2d 522 (Ala.Civ.App. 2004) 4/23/2004

Disposition: Affirmed in part, reversed in part, remanded

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Wrote Opinion | - |
| Murdock | Concur/Dissent | + |
| Pittman | Concur | - |
| Thompson | Concur | - |

Alabama Court of Civil Appeals

Additional Other Liability Lawsuits

Palmer, LLC v. Chris Clark Grading & Paving, Inc.

895 So.2d 358 (Ala.Civ.App. 2004) 7/30/2004

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Wrote Opinion | + |
| Thompson | Concur | + |

Quinlan v. Jones

2004 WL 2201258 (Ala.Civ.App. 2004) 10/1/2004

Disposition: Affirmed in part, reversed in part, remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur/Dissent | - |
| Murdock | Concur/Dissent | - |
| Pittman | Concur | + |
| Thompson | Concur | + |

Savelle v. Armstrong

2004 WL 2633315 (Ala.Civ.App. 2004) 11/19/2004

Disposition: Reversed and remanded

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Wrote Opinion | - |
| Murdock | Concur | - |
| Pittman | Concur | - |
| Thompson | Concur | - |

Langham v. Wampol

2004 WL 2756290 (Ala.Civ.App. 2004) (1st Imp.) 12/3/2004

Disposition: Affirmed in part, vacated in part, dismissed in part

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur/Dissent | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Bruno's Supermkts., Inc. v. Massey

2005 WL 434406 (Ala.Civ.App. 2005) 2/25/2005

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | Concur | + |
| Crawley | Concur | + |
| Murdock | Wrote Opinion | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Harris v. Preskitt

2005 WL 564037 (Ala.Civ.App. 2005) 3/11/2005

Disposition: Affirmed

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | Concur | + |
| Crawley | Concur | + |
| Murdock | Dissent | - |
| Pittman | Concur | + |
| Thompson | Wrote Opinion | + |

Alabama Court of Civil Appeals

Additional Other Liability Lawsuits

Fowler v. CEG Entm't

2005 WL 927507 (Ala.Civ.App. 2005) 4/22/2005

Disposition: Affirmed

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|--------------|-----------------------|-----------------------|
| Bryan | Concur | + |
| Crawley | Concur/Dissent | - |
| Murdock | Concur/Dissent | - |
| Pittman | Concur | + |
| Thompson | Wrote Opinion | + |

Dolgencorp, Inc. v. Pounders

2005 WL 1125325 (Ala.Civ.App. 2005) 5/13/2005

Disposition: Affirmed in part, reversed in part, remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|--------------|-----------------------|-----------------------|
| Bryan | Concur | + |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Wrote Opinion | + |
| Thompson | Concur | + |

Alabama Court of Civil Appeals

Product Liability Cases

Copenhagen Reinsurance Co. v. Champion Home Builders Co., Inc.

872 So.2d 848 (Ala.Civ.App. 2003) 8/8/2003

After a fire destroyed an insured's mobile home approximately three weeks after it had been set up, the insurer's investigators examined the remains of the mobile home and opined that the fire "may have" resulted from electrical problems within the home. (The insured also claimed to have experienced electrical problems with the lights and outlets in the mobile home.) The insurer then removed and discarded the debris and the investigators kept photographs of the scene and the only remaining physical evidence, some wiring and a receptacle-branch circuit unit. The manufacturer of the mobile home did not receive notice of the fire until the insurer, as the insured's subrogee, filed a lawsuit against it for, among other things, damages under the Alabama Extended Manufacturer's Liability Doctrine (AEMLD), which imposes liability on a manufacturer for making an unreasonably dangerous or defective product. The manufacturer's fire inspector, who was never given the opportunity to inspect the remnants of the mobile home, reported that based on his examination of the wire fragments, it appeared that the damage to the wire could have been caused by heat exposure during the fire "as opposed to electrical activity" and noted there were many cigarette butts at the fire scene (which could be considered as the cause of the fire.) The manufacturer's inspector concluded, "It would be impossible for me or someone else to conclude, to a reasonable degree of certainty, that a particular defect ... caused the fire without the ability to physically examine the debris from the fire." As a result, the manufacturer moved for summary judgment because the insurer had failed to preserve the remnants of the mobile home for the manufacturer's own inspection. The trial court granted the motion. On appeal, the Court held that dismissal of all of the insurer's claims was not warranted and the insurer could proceed to trial on the AEMLD claim that the wiring and the circuit unit were defective and caused the fire, even though the manufacturer never had the opportunity to examine the remnants of the mobile home to determine what the other factors, if any, may have caused the fire.

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Wrote Opinion | - |
| Murdock | Concur | - |
| Pittman | Concur | - |
| Thompson | Concur | - |

Disposition: Affirmed in part, reversed in part, remanded

Negative Effect

Alabama Court of Civil Appeals Workers' Compensation Cases

Eldeco, Inc. v. Romines

884 So.2d 867 (Ala.Civ.App. 2003) 8/29/2003

An employee of a business that performed electrical contracting work sought workers' compensation benefits, claiming that the stress of the job caused his hypertension, which he characterized as a compensable on-the-job nonaccidental physical injury. The employer argued that the claim was not compensable under the Workers' Compensation Act because it involved a mental injury that was not proximately caused or produced by a physical injury. The trial court found that the on-the-job stress caused the employee's high blood pressure and that the employee established both legal and medical causation required for an award of benefits for a non-accidental injury. On appeal, the divided Court reversed, ruling that the trial court applied the "legal-and-medical causation" test before answering the threshold inquiry of whether the employee's claim was based on a mental or physical injury. The Court held that although the stress produced some physical symptoms, such as hypertension, the stress was in fact a mental injury for which the Act prevented recovery. The Court noted that it was not inclined to broaden the terms of the Act to require employers to provide worker's compensation benefits under a nonaccidental-injury theory for physical symptoms caused by a stress that was not a result of a physical injury.

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Wrote Opinion | + |

Disposition: Reversed and remanded

Positive Effect

Mercy Med. v. Keao

900 So.2d 429 (Ala.Civ.App. 2003) 11/7/2003

A registered nurse went to her personal physician after experiencing back pain at work. She asked the physician to write a letter to her employer representing that the injury was not work-related in order to recover disability benefits instead of workers' compensation benefits. After she received all of the short-term and long-term disability benefits that were available to her and began receiving Social Security disability benefits, she filed a claim for workers' compensation benefits against the employer alleging that her injury was work related. The trial court found that the nurse was permanently and totally disabled, and awarded workers' compensation benefits. On appeal, the divided Court held that an employee is barred from seeking workers' compensation benefits after applying for and receiving disability benefits. (The Alabama Supreme Court later reversed this decision.)

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Wrote Opinion | + |
| Murdock | Dissent | - |
| Pittman | Concur | + |
| Thompson | Concur | + |

Disposition: Reversed and remanded

Positive Effect

Alabama Court of Civil Appeals Workers' Compensation Cases

Collier v. City of Brundidge

897 So.2d 1118 (Ala.Civ.App. 2003) (1st Imp.) 12/12/2003

After an employee was injured in a work-related motor vehicle accident, the employer agreed to pay worker's compensation benefits and entered into a settlement agreement reserving its right to seek reimbursement from a third party recovery arising from the accident. The employee brought a claim against the other motorist whose automobile liability insurer had declared bankruptcy. The Alabama Insurance Guaranty Association (AIGA) assumed the obligations of the bankrupt insurer and paid the employee \$125,000. The employer then petitioned the trial court for a credit against the workers' compensation liability in the amount the employee received from AIGA. The trial court awarded the credit. On appeal, the employee claimed that the Guaranty Association Act expressly prohibits the employer from asserting a credit against the funds paid to the employee by AIGA, rather than by a third party's insurance carrier. The divided Court held that the Act, which states a covered claim "excludes any amount due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation recoveries or otherwise," prevents an employer from receiving a credit for workers' compensation benefits that have been or will be paid. The majority reasoned that the purpose of AIGA is to make injured individuals whole despite an insurer's insolvency, and that the legislature in enacting AIGA had decided to shift the loss for any insurer's insolvency to the entire insurance industry. (The dissenting judges argued that "nothing in the statute prevents an employer ... from seeking reimbursement or 'subrogation' from an amount already paid to a claimant by AIGA or from any other monies that may come into the possession of the claimant.") (The Alabama Supreme Court later reversed this decision.)

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Dissent | + |
| Murdock | Dissent | + |
| Pittman | Wrote Opinion | - |
| Thompson | Concur | - |

Disposition: Reversed and remanded

Negative Effect

Alabama Court of Civil Appeals

Additional Workers' Compensation Cases

Ex parte Spriggs Enters.

879 So.2d 587 (Ala.Civ.App. 2003) 1/10/2003

Disposition: Writ issued

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Wrote Opinion | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

USX Corp. v. Bradley

881 So.2d 421 (Ala.Civ.App. 2003) 1/17/2003

Disposition: Affirmed

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Wrote Opinion | - |
| Murdock | Concur | - |
| Pittman | Dissent | + |
| Thompson | Dissent | + |

Ex parte Winn-Dixie Montgomery, Inc.

865 So.2d 432 (Ala.Civ.App. 2003) 1/31/2003

Disposition: Petition denied

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | - |
| Murdock | Concur | - |
| Pittman | Dissent | + |
| Thompson | Concur | - |

State Employees Injury Comp. Trust Fund v. Shade

869 So.2d 1136 (Ala.Civ.App. 2003) 2/21/2003

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Wrote Opinion | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Lemons v. State Dept. of Fin.

856 So.2d 847 (Ala.Civ.App. 2003) 3/7/2003

Disposition: Reversed and remanded

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | - |
| Murdock | Concur/Dissent | - |
| Pittman | Concur | - |
| Thompson | Concur | - |

Gober v. Alabama Dep't of Corr.

871 So.2d 838 (Ala.Civ.App. 2003) 3/14/2003

Disposition: Affirmed

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Dissent | - |
| Pittman | Concur | + |
| Thompson | Concur | + |

Alabama Court of Civil Appeals

Additional Workers' Compensation Cases

Innisfree Corp. v. Estate of Jourdan

867 So.2d 348 (Ala.Civ.App. 2003) 3/28/2003

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Wrote Opinion | + |

Werner Co. v. Williams

871 So.2d 845 (Ala.Civ.App. 2003) 4/18/2003

Disposition: Affirmed in part, reversed in part, remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Wrote Opinion | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Kimbrell v. White

863 So.2d 105 (Ala.Civ.App. 2003) 4/25/2003

Disposition: Affirmed in part, reversed and remanded in part

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Wrote Opinion | - |
| Murdock | Concur | - |
| Pittman | Concur | - |
| Thompson | Dissent | + |

Ex parte Alabama Power Co.

863 So.2d 1099 (Ala.Civ.App. 2003) (1st Imp.) 5/2/2003

Disposition: Writ issued

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Wrote Opinion | + |
| Thompson | Concur | + |

Dairyman's Supply Co., Inc. v. Teal

863 So.2d 1109 (Ala.Civ.App. 2003) 5/2/2003

Disposition: Affirmed

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Wrote Opinion | - |
| Murdock | Concur | - |
| Pittman | Concur | - |
| Thompson | Dissent | + |

Buco Bldg. Constructors, Inc. v. Myrick

863 So.2d 1130 (Ala.Civ.App. 2003) 5/9/2003

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Dissent | - |
| Pittman | Wrote Opinion | + |
| Thompson | Concur | + |

Alabama Court of Civil Appeals

Additional Workers' Compensation Cases

Drummond Co., Inc. v. Myers

868 So.2d 468 (Ala.Civ.App. 2003) 6/20/2003

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Wrote Opinion | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

International Paper Co. v. Melton

866 So.2d 1158 (Ala.Civ.App. 2003) 6/27/2003

Disposition: Affirmed

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | - |
| Murdock | Wrote Opinion | - |
| Pittman | Dissent | + |
| Thompson | Concur | - |

Patterson v. Liz Claiborne, Inc.

872 So.2d 181 (Ala.Civ.App. 2003) 6/27/2003

Disposition: Affirmed

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Dissent | - |
| Pittman | Concur | + |
| Thompson | Wrote Opinion | + |

Smith v. Tyson Foods, Inc.

884 So.2d 861 (Ala.Civ.App. 2003) 8/1/2003

Disposition: Reversed and remanded

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | - |
| Murdock | Wrote Opinion | - |
| Pittman | Concur | - |
| Thompson | Concur | - |

Avondale Mills, Inc. v. Gallups

873 So.2d 237 (Ala.Civ.App. 2003) 8/22/2003

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Wrote Opinion | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Hardee's Food Sys., Inc. v. Hood

875 So.2d 301 (Ala.Civ.App. 2003) 9/5/2003

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Alabama Court of Civil Appeals

Additional Workers' Compensation Cases

Osorio v. K&D Erectors, Inc.

882 So.2d 347 (Ala.Civ.App. 2003) 9/12/2003

Disposition: Application overruled

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Lumber v. Ramer

875 So.2d 1200 (Ala.Civ.App. 2003) 9/26/2003

Disposition: Affirmed in part, reversed in part, remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Wrote Opinion | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Bynum & Livestock Comm'n Co., Inc. v. Whisenant

880 So.2d 453 (Ala.Civ.App. 2003) 9/26/2003

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Wrote Opinion | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Miller & Miller Constr. Co., Inc. v. Madewell

878 So.2d 1171 (Ala.Civ.App. 2003) 10/31/2003

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Wrote Opinion | + |
| Thompson | Concur | + |

Goodyear Tire & Rubber Co. v. Latta

878 So.2d 1181 (Ala.Civ.App. 2003) 10/31/2003

Disposition: Affirmed in part, reversed in part, remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Wrote Opinion | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Steelcase, Inc. v. Richardson

893 So.2d 413 (Ala.Civ.App. 2003) 10/31/2003

Disposition: Affirmed in part, reversed in part, remanded

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | - |
| Murdock | Concur | - |
| Pittman | Dissent | + |
| Thompson | Concur | - |

Alabama Court of Civil Appeals

Additional Workers' Compensation Cases

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|--|--|--|---|
| <p>Premdor Corp. v. Jones 880 So.2d 1148 (Ala.Civ.App. 2003) 11/14/2003</p> <p>Disposition: Reversed and remanded Positive Effect</p> | <p>Judge Bryan Crawley Murdock Pittman Thompson</p> | <p>Judge's Ruling NA Concur Wrote Opinion Concur Concur</p> | <p>Judge's Rating NA + + + +</p> |
|--|--|--|---|

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|---|--|---|---|
| <p>Musgrove Constr., Inc. v. Malley 2003 WL 22928632 (Ala.Civ.App. 2003) 12/12/2003</p> <p>Disposition: Affirmed in part, reversed in part, remanded Positive Effect</p> | <p>Judge Bryan Crawley Murdock Pittman Thompson</p> | <p>Judge's Ruling NA Wrote Opinion Dissent Concur Concur</p> | <p>Judge's Rating NA + - + +</p> |
|---|--|---|---|

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|---|--|--|---|
| <p>Wal-Mart Stores, Inc. v. Gardner 885 So.2d 168 (Ala.Civ.App. 2003) 12/30/2003</p> <p>Disposition: Reversed and remanded Positive Effect</p> | <p>Judge Bryan Crawley Murdock Pittman Thompson</p> | <p>Judge's Ruling NA Concur Wrote Opinion Concur Concur</p> | <p>Judge's Rating NA + + + +</p> |
|---|--|--|---|

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|--|--|--|---|
| <p>Fort James Operating Co. v. Irby 895 So.2d 282 (Ala.Civ.App. 2004) 1/9/2004</p> <p>Disposition: Affirmed in part, reversed in part, remanded Negative Effect</p> | <p>Judge Bryan Crawley Murdock Pittman Thompson</p> | <p>Judge's Ruling NA Concur Concur/Dissent Concur Wrote Opinion</p> | <p>Judge's Rating NA - + - -</p> |
|--|--|--|---|

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|--|--|---|---|
| <p>Drummond Co., Inc. v. Green 895 So.2d 977 (Ala.Civ.App. 2004) 1/16/2004</p> <p>Disposition: Affirmed Negative Effect</p> | <p>Judge Bryan Crawley Murdock Pittman Thompson</p> | <p>Judge's Ruling NA Wrote Opinion Dissent Concur Concur</p> | <p>Judge's Rating NA - + - -</p> |
|--|--|---|---|

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|--|--|--|---|
| <p>Fort James Operating Co. v. Kirklewski 893 So.2d 434 (Ala.Civ.App. 2004) 2/6/2004</p> <p>Disposition: Affirmed in part, reversed in part, remanded Positive Effect</p> | <p>Judge Bryan Crawley Murdock Pittman Thompson</p> | <p>Judge's Ruling NA Concur Concur Wrote Opinion Concur</p> | <p>Judge's Rating NA + + + +</p> |
|--|--|--|---|

Alabama Court of Civil Appeals

Additional Workers' Compensation Cases

Page v. Cox & Cox, Inc.

892 So.2d 413 (Ala.Civ.App. 2004) 3/5/2004

Disposition: Reversed and remanded

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | - |
| Murdock | Wrote Opinion | - |
| Pittman | Dissent | + |
| Thompson | Dissent | + |

Halsey v. Dillard's, Inc.

897 So.2d 1142 (Ala.Civ.App. 2004) 3/12/2004

Disposition: Reversed and remanded

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | - |
| Murdock | Dissent | + |
| Pittman | Concur | - |
| Thompson | Wrote Opinion | - |

Masterbrand Cabinets, Inc. v. Ruggs

891 So.2d 869 (Ala.Civ.App. 2004) 4/16/2004

Disposition: Affirmed in part, reversed in part, remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Jim Walter Res., Inc. v. Riles

2004 WL 1044832 (Ala.Civ.App. 2004) 5/7/2004

Disposition: Affirmed

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | - |
| Murdock | Dissent | + |
| Pittman | Dissent | + |
| Thompson | Concur | - |

Ex parte Brookwood Med. Ctr., Inc.

895 So.2d 1000 (Ala.Civ.App. 2004) 5/7/2004

Disposition: Petition granted, writ issued

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Wrote Opinion | + |
| Thompson | Concur | + |

BE & K Constr. Co. v. Reeves

898 So.2d 738 (Ala.Civ.App. 2004) 5/7/2004

Disposition: Affirmed in part, reversed in part, remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Wrote Opinion | + |

Alabama Court of Civil Appeals

Additional Workers' Compensation Cases

Addison Fabricators, Inc. v. Davis

892 So.2d 440 (Ala.Civ.App. 2004) 5/14/2004

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Wrote Opinion | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Fireman's Fund Ins. Co. v. Gray

898 So.2d 753 (Ala.Civ.App. 2004) 6/4/2004

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Clear Creek Transp., Inc. v. Peebles

2004 WL 1462531 (Ala.Civ.App. 2004) 6/30/2004

Disposition: Affirmed

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Dissent | + |
| Murdock | Wrote Opinion | - |
| Pittman | Dissent | + |
| Thompson | Concur | - |

V.I. Prewett & Son, Inc. v. Brown

896 So.2d 564 (Ala.Civ.App. 2004) 8/20/2004

Disposition: Affirmed in part, reversed in part, remanded

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | - |
| Murdock | Concur/Dissent | + |
| Pittman | Concur | - |
| Thompson | Wrote Opinion | - |

Valtex, Inc. v. Brown

897 So.2d 332 (Ala.Civ.App. 2004) 9/10/2004

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Wrote Opinion | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Alpine Assoc. Indus. Servs., Inc. v. Smitherman

897 So.2d 391 (Ala.Civ.App. 2004) 10/1/2004

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Wrote Opinion | + |
| Thompson | Concur | + |

Alabama Court of Civil Appeals

Additional Workers' Compensation Cases

Ex parte Fort James Operating Co.

2004 WL 2375615 (Ala.Civ.App. 2004) 10/22/2004

Disposition: Writ issued

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Wrote Opinion | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

VF Jeanswear v. Taylor

899 So.2d 1002 (Ala.Civ.App. 2004) 10/22/2004

Disposition: Affirmed in part, reversed in part, remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Wrote Opinion | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Wal-Mart Stores, Inc. v. Pitts

900 So.2d 1240 (Ala.Civ.App. 2004) 11/12/2004

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Wrote Opinion | + |
| Thompson | Concur | + |

Bullin v. Correctional Med. Servs., Inc.

2004 WL 2633560 11/19/2004

Disposition: Reversed and remanded

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | - |
| Murdock | Concur | - |
| Pittman | Wrote Opinion | - |
| Thompson | Concur | - |

Miller & Miller Constr. Co., Inc. v. Madewell

901 So.2d 733 (Ala.Civ.App. 2004) 11/19/2004

Disposition: Reversed and rendered

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Wrote Opinion | + |
| Thompson | Concur | + |

Kimberly-Clark Corp. v. Sawyer

901 So.2d 738 (Ala.Civ.App. 2004) 11/19/2004

Disposition: Reversed and remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Wrote Opinion | + |

Alabama Court of Civil Appeals

Additional Workers' Compensation Cases

Beard v. Mobile Press Register, Inc.

2004 WL 2827970 (Ala.Civ.App. 2004) 12/10/2004

Disposition: Affirmed

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Wrote Opinion | + |
| Thompson | Concur | + |

Fort James Operating Co. v. Crump

2004 WL 2914278 (Ala.Civ.App. 2004) 12/17/2004

Disposition: Affirmed in part, reversed in part, remanded

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | - |
| Murdock | Dissent | + |
| Pittman | Concur | - |
| Thompson | Dissent | + |

Jones v. ARD Contracting, Inc.

2004 WL 2914292 (Ala.Civ.App. 2004) 12/17/2004

Disposition: Reversed and remanded

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | - |
| Murdock | Wrote Opinion | - |
| Pittman | Concur | - |
| Thompson | Concur | - |

Sheffield v. Choctaw Transp., Inc.

2005 WL 78305 (Ala.Civ.App. 2005) 1/14/2005

Disposition: Reversed and remanded

Negative Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | NA | NA |
| Crawley | Concur | - |
| Murdock | Concur | - |
| Pittman | Concur | - |
| Thompson | Wrote Opinion | - |

Stone & Webster Constr., Inc. v. Lanier

2005 WL 628920 (Ala.Civ.App. 2005) 3/18/2005

Disposition: Affirmed in part, reversed in part, remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | Concur | + |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Concur | + |

Fort James Operating Co., Inc. v. Irby

2005 WL 995447 (Ala.Civ.App. 2005) 4/29/2005

Disposition: Affirmed in part, reversed in part, remanded

Positive Effect

| Judge | Judge's Ruling | Judge's Rating |
|----------|----------------|----------------|
| Bryan | Concur | + |
| Crawley | Concur | + |
| Murdock | Concur | + |
| Pittman | Concur | + |
| Thompson | Wrote Opinion | + |