

**CHANCERY COURT PART 2 MOTION DOCKET FEBRUARY 8, 2010 P. 1**

98-P    IN THE MATTER OF THE    )    CHAMBLISS, BAHNER & STOPHEL  
360    ESTATE OF:    )    MOTION TO FILE ACCOUNTING  
    )  
    CLARA L. SWINGLE    )  
    )

**DISPOSITION:**

00-P    IN THE MATTER OF THE    )    BAKER, DONELSON, BEARMAN,  
056    ESTATE OF:    )    CALDWELL & BERKOWITZ  
    )    PRO SE  
    MARY GLADYS GIBSON    )    MOTION FOR APPOINTMENT  
    )    OF ALTERNATE CLERK & MASTER  
    )

**DISPOSITION:**

00-P    IN THE MATTER OF THE    )    GRANT, KONVALINKA & HARRISON  
189    ESTATE OF:    )    MOTION FOR ADDITIONAL TIME  
    )  
    WILLIAM ISSAC WELLS    )  
    )

**DISPOSITION:**

04-P    IN THE MATTER OF THE    )    GRANT, KONVALINKA & HARRISON  
399    ESTATE OF:    )    MOTION FOR ADDITIONAL TIME  
    )  
    PAUL L. DODD    )  
    )

**DISPOSITION:**

**CHANCERY COURT PART 2 MOTION DOCKET FEBRUARY 8, 2010 P. 2**

06-P IN THE MATTER OF THE ) BAKER, DONELSON, BEARMAN  
052 ESTATE OF: ) CALDWELL & BERKOWITZ  
) MOTION FOR ACTION ON  
THOMAS EUGENE SINOR ) OBJECTIONS TO CLERK AND  
) MASTER'S REPORT  
) SPEARS, MOORE, REBMAN &  
) WILLIAMS  
) HUSCH-BLACKWELL-SANDERS  
) HUGH F. KENDALL  
) C. GEORGE CAUDLE  
)

**DISPOSITION:**

06-P IN THE MATTER OF THE ) PATRICK, BEARD, SCHULMAN &  
143 ESTATE OF: ) JACOWAY  
) MOTION FOR PERMISSION TO  
BRUCE J. NEAL ) COMPENSATE LEGAL COUNSEL  
) ANDREW BERKE  
) MARTIN J. LEVITT  
)

**DISPOSITION:**

07-P IN THE MATTER OF THE ) PATY RYMER & ULIN  
624 ESTATE OF: ) MOTION TO APPROVE  
) INTERIM FEES  
) MARY ANN MCINTYRE )  
) Also Known As MAUREEN )  
) MCINTYRE )  
)

**DISPOSITION:**

**CHANCERY COURT PART 2 MOTION DOCKET FEBRUARY 8, 2010 P. 3**

08-P    IN THE MATTER OF THE    )    BRIAN P. MICKLES  
523    ESTATE OF:    )    MOTION FOR APPROVAL OF FEES  
    )  
    JOHN DAVID FRANKLIN    )  
    )

**DISPOSITION:**

09-P    IN THE MATTER OF THE    )    LLOYD STANLEY  
513    ESTATE OF:    )    MOTION TO APPROVE FEES  
    )    AND EXPENSES  
    DONALD MICHAEL LEO    )  
    )

**DISPOSITION:**

09-P    IN THE MATTER OF THE    )    SAMPLES, JENNINGS, RAY & CLEM  
534    ESTATE OF:    )    MOTION TO APPROVE FINAL  
    )    ATTORNEYS' FEES AND EXPENSES  
    JESSICA LOREN    )  
    BURKHART    )  
    )

**DISPOSITION:**

09-P    IN THE MATTER OF THE    )    PETER C. ENSIGN  
631    ESTATE OF:    )    MOTION TO APPOINT GUARDIAN  
    )    AND/OR FOR CLARIFICATION  
    ROY THOMAS TUCKER    )  
    )

**DISPOSITION:**

**CHANCERY COURT PART 2 MOTION DOCKET FEBRUARY 8, 2010 P. 4**

10-P    IN THE MATTER OF THE    )    STULCE & YANTIS  
026    ESTATE OF:    )    MOTION FOR PERMISSION TO  
    )    ENGAGE PROFESSIONAL  
    HOWELL B. DALTON, JR.    )    SERVICES  
    )

**DISPOSITION:**

**JURY DEMAND**

02-    SABRINA SMITH    )    MADDOX & ANDERSON  
0430    )    MOTION FOR CONTINUANCE  
    )    OF TRIAL (*scheduled 2-23-10*)  
    )  
    VS.    )  
    )  
    )  
    CITY OF CHATTANOOGA    )    NELSON , McMAHAN &NOBLET  
    And PHILLIP GRACE    )  
    )

**DISPOSITION:**

**JURY DEMAND**

02-    DEREK DAVENPORT    )    BURNETTE DOBSON & PINCHAK  
1014    )    MOTION TO COMPEL AND FOR  
    )    SANCTIONS  
    )  
    )  
    VS.    )  
    )  
    )  
    CHATTANOOGA AUTO    )    FRED T. HANZELIK  
    AUCTION LIMITED    )  
    LIABILITY COMPANY    )  
    )

**DISPOSITION:**



**CHANCERY COURT PART 2 MOTION DOCKET FEBRUARY 8, 2010 P. 6**

**JURY DEMAND**

06- SHERI DOUB STINSON )  
0362 )

VS. )

CITIZENS TRI-COUNTY )  
BANK, GLENN BARKER and )  
C. ANN SMITH )

COHEN & KORSAKOV  
**MOTION TO COMPEL ANSWERS**  
**TO PLAINTIFF'S SECOND**  
**INTERROGATORIES**

MILLER & MARTIN

**DISPOSITION:**

**JURY DEMAND**

07- MARY CATHERINE GENTRY) )  
0368 )

VS. )

TAGNER H. BAILEY, )  
BATTERY PLACE ) (1)  
CONDOMINIUMS, LLC, )  
GINA SAKICH, and REALTY )  
CENTER OF CHATTANOOGA (2)  
INC. )

PATY RYMER & ULIN

CAVETT & ABBOTT  
**MOTION FOR PLAINTIFF TO**  
**MAKE AN ELECTION OF**  
**REMEDIES**  
**MOTION FOR DIRECT VERDICT**

**DISPOSITION:**

**CHANCERY COURT PART 2 MOTION DOCKET FEBRUARY 8, 2010 P. 7**

07- DON AND RHONDA ) OFFICE OF W. THOMAS BIBLE  
0632 VITTETOE )  
)  
)  
)  
VS. )  
)  
)  
AGRICULTURAL ) SPICER RUDSTROM  
DISTRIBUTORS, INC., ) MOTION TO CONSIDER  
PAULA REGISTER, CARL ) AFFIDAVITS AND RECONSIDER  
PITTMAN, and JAMES ) SETTING ASIDE DEFAULT  
PITTMAN ) JUDGMENT  
)

**DISPOSITION:**

08- REGINALD I. VACHON ) PATRICK, BEARD, SCHULMAN &  
0021 ) JACOWAY  
) MOTION TO SET  
)  
VS. )  
)  
DIVERSIFIED ) W. GERALD TIDWELL  
MAINTENANCE )  
CONTRACTORS, LLC, )  
DIVERSIFIED )  
MAINTENANCE GROUP, )  
LLC, MICHAEL MCBRAYER, )  
AND JACK PAYNE )  
)

**DISPOSITION:**

**CHANCERY COURT PART 2 MOTION DOCKET FEBRUARY 8, 2010 P. 8**

08- REYNA CAPITAL ) GARNER & CONNER  
0044 CORPORATION ) MOTION TO SHOW CAUSE  
)  
)  
)  
)  
Vs. )  
)  
)  
TROTTER BUICK, INC. ) NO COUNSEL OF RECORD  
)

**DISPOSITION:**

**JURY DEMAND**

08- LOWDER & LOWDER ) NO COUNSEL OF RECORD  
0453 CONSTRUCTION, INC. )  
)  
)  
VS. )  
)  
)  
RICK PACK, Individually and ) LEITNER WILLIAMS DOOLEY &  
d/b/a PACK CONSTRUCTION ) NAPOLITAN  
and DEBORAH C. HICKOCK ) MOTION TO DISMISS  
)

**DISPOSITION:**

**CHANCERY COURT PART 2 MOTION DOCKET FEBRUARY 8, 2010 P. 9**

08- JERRY SIMS and ) CHARLES G. WRIGHT  
0578 SUSAN SIMS ) MOTION TO SET  
)  
)  
)  
)  
VS. )  
)  
)  
ELLIOTT S. BREWER ) PETER C. ENSIGN  
)  
)

**DISPOSITION:**

08- SHERRY ROBINSON ) WARREN & GRIFFIN  
0628 )  
)  
)  
VS. )  
)  
)  
TANDEM STAFFING ) LEITNER WILLIAMS, DOOLEY &  
SOLUTIONS, INC. ) NAPOLITAN  
) MOTION TO WITHDRAW AND  
) FOR SUBSTITUTION  
)

**DISPOSITION:**

**CHANCERY COURT PART 2 MOTION DOCKET FEBRUARY 8, 2010 P. 10**

08- D & M PROPERTIES, LLP ) PRESLEY & SIMONDS  
0806 and SWANSON HOLLOW ) **MOTION FOR DEFAULT**  
ROAD DEVELOPMENT, LLP ) **JUDGMENT**  
)  
)  
)

VS. )  
)  
)

OOLTEWAH PROVIDENCE ) SCOTT MILLIGAN  
LLC; TRAVIS H. FULLER; ) NO COUNSEL OF RECORD  
DAVID S. PRESLEY; JIM )  
HOLLEMAN; ANDREA M. )  
FULLER; and JULIANA )  
PRESLEY )  
)

**DISPOSITION:**

09- JOSEPH A. CATULLO and ) CAVETT & ABBOTT  
0044 wife, SUZANNE M. )  
CATULLO )  
)  
)

VS. )  
)  
)

BARBARA A. TIANO and ) DREADEN & COX  
DENNIS HUSKINS d/b/a ) **MOTION TO SUBSTITUTE**  
H & H HOME INSPECTION ) **COUNSEL**  
) H. OWEN MADDUX  
)

**DISPOSITION:**

**CHANCERY COURT PART 2 MOTION DOCKET FEBRUARY 8, 2010 P. 11**

09- SHERMAN-DIXIE )  
0089 CONCRETE INDUSTRIES, )  
INC. )  
)  
)  
VS. )  
)  
)  
FIRST PROJECT, LLC, and ) WEEMS & RONAN  
JOSH WHITE, Individually )  
and d/b/a WITTE )  
CONSTRUCTION )  
)

**DISPOSITION:**

09- SUNTRUST BANK )  
0144 ) (1) GARNER & CONNER  
) (2) MOTION FOR DEFAULT JUDGMENT  
) REVISED MOTION FOR  
) DEFAULT JUDGMENT  
)  
)  
VS. )  
)  
)  
SUMMIT GROUP, INC., and ) NO COUNSEL OF RECORD  
ROBBY DALE SUMMIT )  
)

**DISPOSITION:**

**CHANCERY COURT PART 2 MOTION DOCKET FEBRUARY 8, 2010 P. 12**

09- JOHN R. AND ) CHAMBLISS, BAHNER & STOPHEL  
0230 SHARON L. HAYES ) MOTION TO STRIKE ANSWER  
) FOR DEFAULT PURSUANT TO  
) ORDER ENTERED 11-13-2009  
) AND FOR DAMAGES  
)  
)  
VS. )  
)  
)  
SPARTA HOMES, LLC, ) SCARBOROUGH, FULTON & GLASS  
SPARTA HOMES, DAVID )  
VANDERHOOF, and )  
KOSTAS IANNIOS )  
)

**DISPOSITION:**

09- TSS COMPANY, INC. ) WRIGHT & WOODWARD  
0246 ) MOTION TO SET  
)  
)  
)  
VS. )  
)  
)  
J. ROBERT McKENZIE, ) RYAN HANZELIK  
SARAH H. McKENZIE and )  
WILLIAM H. FRAYER )  
)

**DISPOSITION:**

**CHANCERY COURT PART 2 MOTION DOCKET FEBRUARY 8, 2010 P. 13**

09- CHATTANOOGA YACHT ) PATRICK, BEARD, SCHULMAN &  
0369 CLUB ) JACOWAY  
)  
)  
)  
)  
)  
VS. )  
)  
)  
)  
THE COUNTS COMPANY ) LUTHER – ANDERSON  
INC. ) MOTION TO SET  
)  
)

**DISPOSITION:**

09- KEVIN RUDEK ) PRO SE  
0460 ) MOTION TO COMPEL DISCOVERY  
)  
)  
)  
VS. )  
)  
)  
)  
CHASE BANK USA, NA ) McLEMORE & EDINGTON  
)  
)

**DISPOSITION:**

**CHANCERY COURT PART 2 MOTION DOCKET FEBRUARY 8, 2010 P. 14**

09- THE SHERWIN- ) LEITNER WILLIAMS DOOLEY &  
0514 WILLIAMS COMPANY ) NAPOLITAN  
)  
)  
)  
)  
VS. )  
)  
)  
COOPER/EDWARDS ) MARKEL & MAJOR  
DEVELOPMENT, LLC ) MOTION TO SET AND FOR  
) SCHEDULING ORDER  
)

**DISPOSITION:**

09- LOWDER & LOWDER ) SPEARS, MOORE, REBMAN &  
0593 CONSTRUCTION, INC. ) WILLIAMS  
) MOTION TO COMPEL  
)  
)  
VS. )  
)  
)  
JOHN HAUSTEIN, ) NO COUNSEL OF RECORD  
Individually and d/b/a )  
RESTORAMERICA, and )  
BKA CONSTRUCTION, LLC )  
)

**DISPOSITION:**



**CHANCERY COURT PART 2 MOTION DOCKET FEBRUARY 8, 2010 P. 16**

09- LISA RENEE QUEEN ) CINDY P. BICE  
0762 ) (1) MOTION TO SET  
)  
)  
VS. )  
)  
)  
DAVID S. GONZENBACH ) MILLER & MARTIN  
) (2) MOTION FOR DEFAULT  
) JUDGMENT  
)

**DISPOSITION: Pass to 4-12-10.**

09- JEFF WHITE ) ROBIN RUBEN FLORES  
0764 ) MOTION TO WITHDRAW  
)  
)  
VS. )  
)  
)  
CITY OF CHATTANOOGA ) NELSON, MCMAHAN & NOBLETT  
)

**DISPOSITION:**



**CHANCERY COURT PART 2 MOTION DOCKET FEBRUARY 8, 2010 P. 18**

09- MILDRED HOLLOWAY ) BERKE, BERKE & BERKE  
0900 )  
)  
)  
)  
VS. )  
)  
)  
)  
FLEXIBLE FOAM ) LEITNER, WILLIAMS, DOOLEY &  
PRODUCTS and LIBERTY ) NAPOLITAN  
MUTUAL ) MOTION TO COMPEL  
) DISCOVERY RESPONSES  
)  
)

**DISPOSITION:**

09- PRATT and ASSOCIATES, ) MILLER & MARTIN  
0901 LLC ) MOTION FOR SERVICE BY  
) PUBLICATION  
)  
)  
VS. )  
)  
)  
)  
AMANDA MICHELLE POSEY ) NO COUNSEL OF RECORD  
ALL KNOWN AND )  
UNKNOWN HEIRS OF )  
MICHAEL POSEY )  
)

**DISPOSITION:**



**CHANCERY COURT PART 2 MOTION DOCKET FEBRUARY 8, 2010 P. 20**

09- CAGLE PROPERTIES, LLC ) LOGAN-THOMPSON  
0980 ) (1) MOTION TO REASSIGN  
 ) (2) MOTION TO SET  
 )  
 )  
VS. )  
 )  
 )  
RIVER OF LIFE CHURCH, ) KENNEDY, KOONTZ & FARINASH  
INC., and R.O.L. )  
ENTERPRISES, INC. )  
 )

**DISPOSITION: Notice of Bankruptcy filed 1-20-10.**

09- KARIN KENNEDY ) BERKE, BERKE & BERKE  
0988 ) MOTION TO SET  
 )  
 )  
VS. )  
 )  
 )  
 )  
CHERYL PHILLIPS, NICOLE ) NO COUNSEL OF RECORD  
CRAIG and BANK OF )  
AMERICA )  
 )

**DISPOSITION:**

**CHANCERY COURT PART 2 MOTION DOCKET FEBRUARY 8, 2010 P. 21**

09- DAVID GRIGGS )  
1013 )  
)  
)  
)  
VS. )  
)  
)  
)  
ACUITY INSURANCE ) DUNN, MacDONALD &REYNOLDS  
)  
)

**DISPOSITION:**

**JURY DEMAND**

09- KEVIN FAULKNER )  
1064 )  
)  
)  
)  
VS. )  
)  
)  
)  
JAMES E. JONES, SHEILA )  
JONES and MEDICAL ) (1) **MOTION TO AMEND VERIFIED**  
NEEDS COMPANY ) **COMPLAINT FOR TRO**  
)  
) GEARHISER, PETERS, LOCKABY  
) CAVETT & ELLIOTT  
) (2) **MOTION FOR DISSOLUTION OF**  
) **TRO AND/OR IMPOSITION OF**  
) **BOND**  
)  
)

**DISPOSITION: Special hearing on 2-3-10.**

**CHANCERY COURT PART 2 MOTION DOCKET FEBRUARY 8, 2010 P. 22**

09- SIGNAL MOUNTAIN, ) BERKE, BERKE & BERKE  
1023 IMAGING, P.C. and )  
AVINASH M. SUD, M.D. )  
)  
)  
VS. )  
)  
)  
)  
DIGITAL IMAGING OF ) CHAMBLISS, BAHNER & STOPHEL  
NORTH GEORGIA, LLC ) (1) **DEFENDANT'S MOTION TO**  
) **DISMISS** (*filed 1-15-10*)

**DISPOSITION: Pass to 2-22-10.**

**CLASS ACTION**

09- HARRY SCHIPPER ) BRAMLETT LAW OFFICES  
1042 ) WOLFE, HALDENSTEIN, ADLER,  
) FREEMAN & HERZ, LLP  
) MALINA & ASSOCIATES, P.C.  
VS. )  
)  
)  
ZAN GUERRY, PHILIP ) MILLER & MARTIN  
SANFORD, SAMUEL E. ) **DEFENDANT'S MOTION TO**  
ALLEN, ROBERT E. ) **DISMISS** (*filed 1-15-10*)  
BOSWORTH, BILL W. ) SKADDEN, ARPS, SLATE,  
STACY, RUTH W. BRINKLEY ) MEAGHER & FLOM  
JOEY B. HOGAN, GARY D. )  
CHAZEN, CHATTEM, INC., )  
And SANOFI-AVENTIS, S.A. )  
)

**DISPOSITION:**

**CHANCERY COURT PART 2 MOTION DOCKET FEBRUARY 8, 2010 P. 23**

00- KATHERYN CARROLL ) WILLIAM G. SCHWALL  
1246 ADAMS (MASON) )  
)  
)  
)  
VS. )  
)  
)  
DOUGLAS W. ADAMS ) PATY, RYMER & ULIN  
) MOTION TO SET OR WAIVE  
) MEDIATION  
)  
)

**DISPOSITION:**

07- SOJOURNER X. HIGH ) TEETER LAW OFFICE  
0072 (NASH) ) MOTION TO REQUIRE  
) MEDIATION  
)  
)  
)  
VS. )  
)  
)  
TSHOMBE MUSA HIGH ) NO COUNSEL OF RECORD  
)  
)

**DISPOSITION:**

**CHANCERY COURT PART 2 MOTION DOCKET FEBRUARY 8, 2010 P. 24**

07- CATHERINE P. GULAS )  
0247 )

CAMPBELL & CAMPBELL  
**MOTION FOR APPOINTMENT  
OF SPECIAL MASTER**

VS. )

THOMAS M. GULAS )

LUTHER – ANDERSON )

**DISPOSITION:**

07- CONNIE JEAN IRWIN )  
0604 )

CINDY BICE  
**MOTION FOR RESTRAINING  
ORDER**

VS. )

ROY KENNETH IRWIN )

SANDRA J. BOTT )

**DISPOSITION:**





**MOTIONS PASSED FROM PREVIOUS DOCKETS**

01-P IN THE MATTER OF THE ) SAMPLES, JENNINGS, RAY & CLEM  
487 ESTATE OF: ) **MOTION FOR ADDITIONAL TIME**  
) GREGORY WILLETT, KURT FAIRES  
BARNIE JOE HAGAN )  
)

**DISPOSITION:**

08-P IN THE MATTER OF THE ) SAMPLES, JENNINGS, RAY & CLEM  
371 ESTATE OF: ) **MOTION FOR ADDITIONAL TIME**  
)  
MARGUERITE J. DICKENS )  
)

**DISPOSITION: Pass to 3-22-10.**

97- STEVEN PORRECA ) THORNBURY, MORGAN &  
1058 ) RICHARDSON  
) **MOTION TO SET**  
)  
)  
)  
VS. )  
)  
)  
CHILI'S, INC., AND ) LEITNER, WILLIAMS, DOOLEY &  
LIBERTY MUTUAL ) NAPOLITAN  
INSURANCE COMPANY )  
)

**DISPOSITION:**

**MOTIONS PASSED FROM PREVIOUS DOCKETS**

09- MICKEL G. HOBACK ) W. GERALD TIDWELL, JR.  
0965 ) **MOTION TO AMEND PETITION**  
) **FOR WRIT OF CERTIORARI**  
)  
)  
VS. )  
)  
)  
)  
)  
THE CITY OF ) NELSON, MCMAHAN & NOBLETT  
CHATTANOOGA )

**DISPOSITION:**

07- SUSAN R. BUSH and ) PATRICK, BEARD, SCHULMAN &  
0792 COLLEEN B. DAVIS ) JACOWAY  
) DAVIS & HOSS  
)  
)  
VS. )  
)  
)  
)  
HAMILTON COUNTY, ) MILLER & MARTIN  
HAMILTON COUNTY ) **MOTION FOR SUMMARY**  
TRUSTEE, TRUSTEE CARL ) **JUDGMENT (filed 11-5-09)**  
E. LEVI, in his official capacity) MARY NEIL SOUTHERLAND  
)

**DISPOSITION: Set for 2-8-09 @ 1:30 p.m.**



**MOTIONS PASSED FROM PREVIOUS DOCKETS**

09- YASMIN VIRTUCIO ) PATY, RYMER & ULIN  
0450 GUFFEY ) (2) MOTION TO SELL REAL ESTATE  
)  
)  
)  
VS. )  
)  
)  
)  
JAMES NEAL GUFFEY ) HANZELIK & ASSOCIATES  
) (1) MOTION TO SELL REAL  
) PROPERTY  
)  
)  
)

**DISPOSITION:**

09- THOMAS BRIAN CORNETT ) SAMPLES, JENNINGS, RAY & CLEM  
0620 ) MOTION FOR DEFAULT and  
) CONTEMPT  
)  
)  
)  
VS. )  
)  
)  
)  
STEPHANIE DAWN ) CINDY BICE  
CORNETT )  
)

**DISPOSITION:**