Evans Bailey Writes 5th Edition of Alabama Automobile Insurance Law

In November 2020, Thomson Reuters published the 5th Edition of Alabama Automobile Insurance Law which was written by Rushton Stakely's Evans Bailey. Evans took over as author of the work from retired Rushton Stakely Partner Ron Davenport, who wrote all prior editions. The 5th Edition is a substantial update from the 4th and contains new or reworked sections on reimbursement, dram shop actions, bad faith, and a host of other topics related to auto-accident coverage and litigation. Evans practices in Rushton Stakely's Montgomery office in the areas of media law, complex litigation, professional liability, construction law, appellate law, and (not surprisingly) insurance defense and coverage.

Paul Gaylord, III Joins Rushton Stakely Law Firm

Rushton Stakely is pleased to announce that Paul Gaylord has joined the firm as an Associate in the civil litigation department with an emphasis on employment law and medical malpractice. We congratulate him on passing the bar taken in September 2020. Prior to joining Rushton Stakely, Paul served as an active duty Air Force Intelligence Officer. While serving, he was deployed to the Middle East and Africa.

Paul received his Bachelor of Science degree from the United States Air Force Academy, and his Juris Doctorate from the

Georgetown University Law Center. He also spent one year studying at the University of Nebraska College of Law, where he earned the Excellence in Legal Writing Award and the First-Year Best Brief Award.

In addition to practicing law, Paul enjoys travelling, running half-marathons, and spending time with his family.

Charles A. Stakely, V Joins Rushton Stakely Law Firm

Rushton Stakely is proud to announce that Charlie Stakely, V has joined the firm as an Associate in the Montgomery office. We congratulate him on passing the bar exam taken in July 2020.

Charlie hails from Augusta, Georgia, where his father is Senior Pastor of Redeemer Presbyterian Church in Evans, Georgia. In 2013, Charlie graduated from Greenbrier High School where he was a two-year letterman in varsity football.

He obtained a Bachelor of Arts, summa cum laude, in English and Communication Studies in the Honors College at the University of Alabama, graduating in May of 2017. He then attended law school at the University of Alabama, receiving his J. D. in 2020.

While in law school, Charlie served on the Editorial Board of the Alabama Civil Rights and Civil Liberties Law Review. He was a member of the National Trial Advocacy Competition Team. His team was a semi-finalist in the 2018 King Competition in Sacramento, California. He was a recipient of the George Peach Taylor Trial Advocacy Award and was a member of the

Bench and Bar Legal Honor Society.

He was awarded The Best Paper Award for courses in Law and Religion and Alabama Civil Practice and Procedure.

He will follow his great grandfather, grandfather, and uncle in the practice of defense litigation at Rushton Stakely.

Best Lawyers® Names Haynes, Simmons, and Tyson Lawyer of the Year

Rushton Stakely is pleased to announce that shareholders, **William S. Haynes**, **Christopher S. Simmons**, and **Fred W. Tyson** have been selected as "Lawyers of the Year" in the 2021 Edition of *The Best Lawyers in America*®, a guide that is highly respected in the legal community. Lawyers are selected based on extensive reviews by their peers, and only one lawyer in a specific practice field and location is selected annually for this publication.

Mr. Haynes has been honored for his work in Medical Malpractice Law – Defendants in Montgomery, Alabama. He joined the firm in 1987 and has over twenty-five years' experience litigating a broad range of civil liability cases, with his primary focus is on the defense of medical malpractice cases involving physicians, dentists, hospitals, nursing homes, and other healthcare professionals. He also has experience handling other complex litigation matters in the areas of professional liability, healthcare, and insurance defense.

Mr. Simmons has been honored for his work in Litigation and

Controversy – Tax in Montgomery, Alabama. He joined the firm in 1993 and practices in state and federal taxation, corporate and business law, securities law, municipal finance, employee benefits law and estate planning. He has represented corporations, partnerships, public entities and individuals in a broad spectrum of transactions including mergers and acquisitions, tax-exempt financings, and joint ventures.

Mr. Tyson has been honored for his work in Personal Injury Litigation – Defendants in Montgomery, Alabama. He joined the firm in 1982 and has over thirty years of experience litigating a wide range of civil cases throughout the state. His practice is primarily devoted to the defense of physicians, hospitals, nurses and other healthcare professionals in medical malpractice cases. He also handles other complex litigation matters such as legal and other professional liability cases.

For 130 years, Rushton Stakely has provided the highest levels of legal service throughout the United States. Founded in 1890, the firm is now composed of over 30 experienced lawyers practicing in a broad spectrum of legal fields. From the courtroom to the board room, our lawyers will advocate for you.

Sixteen Rushton Stakely Attorneys Named Best Lawyers 2021

Rushton Stakely is pleased to announce that sixteen of our attorneys were chosen for the 2021 edition of *The Best Lawyers in America©.* The selected lawyers are: **Dennis R. Bailey**, Bet-

the-Company Litigation, Commercial Litigation, Communications Law, Litigation – Banking and Finance, Litigation – Intellectual Property, Litigation – Labor and Employment, Litigation – Real Estate, and Product Liability Litigation – Defendants; **Jeffrey W. Blitz**, Real Estate Law; **L. Peyton Chapman III**, Mass Tort Litigation/Class Actions – Defendants, and Medical Malpractice Law – Defendants; **William I. Eskridge**, Real Estate Law; **Alan T. Hargrove**, **Jr**., Insurance Law, and Litigation – Insurance; **William S**. **Haynes**, Medical Malpractice Law – Defendants, and Personal Injury Litigation – Defendants; **Paul M**. **James**, **Jr**., Personal Injury Litigation – Defendants; **J. Theodore Jackson**, **Jr**., Litigation and Controversy – Tax, Tax Law, and Trusts and Estates; **Thomas H. Keene**, Medical Malpractice Law – Defendants, and Personal Injury Litigation – Defendants; **Daniel L. Lindsey**, **Jr**., Tax Law, and Trusts and Estates; **Patrick M. Shegon**, Medical Malpractice Law – Defendants; **Christopher S. Simmons**, Employee Benefits (ERISA) Law, Litigation and Controversy – Tax, Public Finance Law, Tax Law, and Trusts and Estates; **Frank J. Stakely**, Medical Malpractice Law – Defendants, and Personal Injury Litigation – Defendants; **Fred W. Tyson**, Medical Malpractice Law – Defendants, and Personal Injury Litigation – Defendants; **Helen Crump Wells**, Tax Law, and Trusts and Estates; **Ben C. Wilson**, Litigation – Health Care, Litigation – Labor and Employment, and Medical Malpractice Law – Defendants.

Rushton Stakely is also pleased to recognize **Theresa J. Friedman** on her inclusion of *The Best Lawyers in America*: *Ones to Watch 2021 Edition* for Environmental Law and Real Estate Law.

For over 30 years, *Best Lawyers*® has been regarded as the definitive guide to legal excellence in the United States. Inclusion in the *Best Lawyers*® list is based on a rigorous national survey of leading U. S. attorneys, and *Corporate Counsel*® magazine has called *Best Lawyers*® "the most respected referral list of attorneys in practice." We are proud that

sixteen of our attorneys were recognized with this distinguished honor.

Alabama Supreme Court Affirms Summary Judgement for Termite Company

The Alabama Supreme Court recently affirmed Summary Judgment in favor of a termite company represented by Paul James, Jr. The issue in the case was whether a Wood Infestation Inspection Report ("WIIR"), had been falsely prepared by a termite company. Allegations of fraud, misrepresentation, suppression, intentional fraud, negligent inspection, wanton conduct, and other claims were also asserted against the client.

The Alabama Supreme Court affirmed the entry of Summary Judgment in favor of the termite company ending the litigation.

Rushton Stakely Offices Temporarily Switch to Remote Work Environment Amid

COVID-19 Concerns

At Rushton Stakely, our top priority is the health and safety of our employees, our clients, our business partners, and our neighbors. In light of the evolving situation related to COVID-19, and based on guidelines of federal and state officials, our firm has decided to close temporarily until June 8th. Although our office is closed, our attorneys and staff will continue to work remotely to handle the needs of our clients. If you need assistance or need to speak to someone directly, please contact our administrator at 334-207-9930.

Bailey Wins in Bankruptcy

On February 27, 2020, Evans Bailey's client was awarded a summary judgment in a case alleging the violation of the automatic stay before Judge Tamara Mitchell in the Bankruptcy Court for the Northern District of Alabama. The Debtor alleged that the defendant, Evans' client, violated the automatic stay when it settled claims with the Debtor's property insurer after the insurer had made payments directly to the Debtor on his property insurance policy in violation of the standard mortgagee clause in the policy. The Court found that the amounts paid because of a violation of the mortgagee clause in the policy were not property of the Debtor's estate. It also found the Debtor had suffered no damages because the amounts paid to the Defendant were used, in part, to satisfy the Debtor's mortgage with the Defendant. Johnson v. Apex Mortgage, A.P. No. 18-00178-TOM (Bankr. N.D. Ala.).

Alabama Supreme Court Affirms $570,000 Judgment

On November 22, 2019, the Alabama Supreme Court affirmed a $570,000 judgment in favor of Dennis Bailey and Evans Bailey's client in case involving the violation of a pre-nuptial agreement. On a matter of first impression, the Court was asked to opine whether the Employee Retirement and Income Security Act ("ERISA") barred claims for violation of a pre-nuptial agreement after the plan administrator had distributed death benefits to the deceased's spouse. Writing for a unanimous Court, Justice Shaw agreed with federal courts and the Supreme Court of Georgia and found that ERISA did not bar state law contract claims post-distribution by the plan administrator. Accordingly, the Court affirmed the lower court's entry of judgment in favor of Dennis and Evans' client, the deceased's estate and sole-heir. William Eskridge and Rick McBride assisted in the representation of the estate and heir. Moore v. Moore, AL. Sup. Ct. No. 1180482.

Bailey, Bailey, and Davis Win Appeal of Libel Verdict Against Broadcasting Company

The Rushton Stakely trial and appellate team of Dennis Bailey, Katie Davis and Evans Bailey obtained a unanimous decision from the Alabama Supreme Court reversing a libel verdict

against Birmingham Broadcasting LLC (WVTM-TV) a/k/a Channel 13 as well as a judgment rendered for Channel 13 on all claims. The opinion was written by Justice Sarah H. Stewart and released Feb. 28, 2020.

The plaintiff was the subject of a "To Catch a Predator" segment authored by Jefferson County Sheriff Mike Hale and broadcast by Channel 13. The sheriff displayed the mugshot of the plaintiff and stated that arrest warrants had been issued for the plaintiff for failing to register as a sex offender relating to decades old conviction for misdemeanor possession of obscene videos. After the broadcast, the plaintiff's counsel convinced the local assistant district attorney that the sheriff's office had been mistaken and that registration was not required. The warrants were withdrawn. The sheriff's office contacted Channel 13 and advised the warrants were withdrawn. The next week on "To Catch a Predator" the plaintiff's mugshot was again shown under the words "Charges Dropped" and it was stated the charges were withdrawn. Despite the applicability of the reporter's privilege, summary judgment was denied and the case proceeded to trial where a jury awarded the plaintiff $250,000. Dennis Bailey and Katie Davis defended the case at trial.

On appeal, Dennis Bailey, Katie Davis and Evans Bailey prepared the briefs and Dennis Bailey presented oral argument to the Alabama Supreme Court. On Feb. 28, 2020, the court, speaking through Justice Sarah H. Stewart, unanimously reversed the jury verdict and rendered judgment for Channel 13 holding that the broadcast was privileged.

Members of the Sheriff's office were also sued but dismissed on summary judgment. The Supreme Court of Alabama affirmed the dismissal of those claims on sovereign immunity grounds.