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SUPREME COURT OF ALABAMA

OCTOBER TERM, 2011-2012

1101367

Ex parte Scott A. Cascaden

**PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF CIVIL APPEALS**

(In re: Scott A. Cascaden

v.

Winn-Dixie Montgomery, LLC)

**(Mobile Circuit Court, CV-10-16;
Court of Civil Appeals, 2100295)**

MAIN, Justice.

WRIT DENIED. NO OPINION.

Malone, C.J., and Woodall and Bolin, JJ., concur.

Murdock, J., concurs specially.

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MURDOCK, Justice (concurring specially).

I concur in denying the petition for the writ of certiorari in this case. I find no probability of merit in the assertion by the petitioner, Scott A. Cascaden, that he made a sufficient showing to the trial court that Winn-Dixie Montgomery, LLC, as an entity, had knowledge at the time of its most recent offer of employment to Cascaden that Cascaden previously had injured his back. See Rule 39(f), Ala. R. App. P.