

KENTUCKY COURT OF APPEALS

JANUARY 12, 2024 MINUTES

RELEASED: 10:00 A.M.

10. TARELL THOMAS v.  
COMMONWEALTH OF KENTUCKY [2021-CA-1520-MR](#) HICKMAN  
**NOT TO BE PUBLISHED**  
**OPINION AFFIRMING BY JUDGE ACREE**  
CALDWELL, J. (CONCURS) AND  
LAMBERT, J. (CONCURS)
11. SARAH WILLIAMS v.  
H&B DEVELOPMENT, LLC, ET AL. [2022-CA-0143-MR](#) JEFFERSON  
[2022-CA-0180-MR](#)  
**NOT TO BE PUBLISHED**  
**OPINION REVERSING AND REMANDING**  
**APPEAL NO. 2022-CA-0143-MR AND**  
**AFFIRMING CROSS-APPEAL NO.**  
**2022-CA-0180-MR BY JUDGE TAYLOR**  
COMBS, J. (CONCURS) AND  
LAMBERT, J. (CONCURS)
12. SARAH J. ALBRO, ET AL. v.  
GARY SOMMER, ET AL. [2022-CA-0572-MR](#) JEFFERSON  
[2022-CA-0574-MR](#)  
[2023-CA-0397-MR](#)  
**NOT TO BE PUBLISHED**  
**OPINION REVERSING AND REMANDING**  
**BY JUDGE GOODWINE**  
KAREM, J. (CONCURS) AND  
LAMBERT, J. (CONCURS)
13. APRIL D. PERGREM v.  
CLARK D. PERGREM [2022-CA-0806-MR](#) MADISON  
**NOT TO BE PUBLISHED**  
**OPINION REVERSING BY JUDGE**  
**LAMBERT**  
THOMPSON, C.J. (CONCURS) AND  
ECKERLE, J. (CONCURS)

KENTUCKY COURT OF APPEALS

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RELEASED: 10:00 A.M.

14. MARCUS LEWIS v.  
CECIL F. MARTIN (KNOWN AS C.F.  
MARTIN), ET AL. [2022-CA-1265-MR](#) HART  
**NOT TO BE PUBLISHED**
- OPINION AFFIRMING BY JUDGE  
CETRULO**
- LAMBERT, J. (CONCURS) AND  
TAYLOR, J. (CONCURS)
15. WILLIAM CRAIG BURGIE v.  
COMMONWEALTH OF KENTUCKY [2023-CA-0018-MR](#) MCCracken  
**NOT TO BE PUBLISHED**
- OPINION AFFIRMING BY JUDGE EASTON**
- CALDWELL, J. (CONCURS) AND  
TAYLOR, J. (CONCURS)
16. S.A. v.  
COMMONWEALTH OF KENTUCKY,  
CABINET FOR HEALTH AND FAMILY  
SERVICES, ET AL. [2023-CA-0287-ME](#) GRAYSON  
[2023-CA-0288-ME](#)  
[2023-CA-0289-ME](#)  
**NOT TO BE PUBLISHED**
- OPINION AFFIRMING BY JUDGE  
ECKERLE**
- THOMPSON, C.J. (CONCURS) AND  
TAYLOR, J. (CONCURS)
17. TRUST OF LEE O. GASTON, A KENTUCKY  
TRUST BY AND THROUGH LARRY  
GASTON, TRUSTEE v.  
ANGELENA ETHELTON, ET AL. [2023-CA-0327-MR](#) BULLITT  
**NOT TO BE PUBLISHED**
- OPINION AFFIRMING BY JUDGE COMBS**
- ACREE, J. (CONCURS) AND  
ECKERLE, J. (CONCURS)

KENTUCKY COURT OF APPEALS

JANUARY 12, 2024 MINUTES

RELEASED: 10:00 A.M.

18. ANTWON FRENCH v. CELIA MAE RUBIO [2023-CA-0746-ME](#) FAYETTE  
**NOT TO BE PUBLISHED**
- OPINION AFFIRMING BY JUDGE LAMBERT**
- ACREE, J. (CONCURS) AND KAREM, J. (CONCURS)
19. K.E.H. v. C.R.L., ET AL. [2023-CA-0783-ME](#) BULLITT  
**NOT TO BE PUBLISHED**
- OPINION REVERSING AND REMANDING BY JUDGE ECKERLE**
- THOMPSON, C.J. (CONCURS) AND KAREM, J. (CONCURS)
20. E.L.R. v. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. [2023-CA-0784-ME](#) MONTGOMERY  
**NOT TO BE PUBLISHED**
- OPINION AFFIRMING BY JUDGE ECKERLE**
- THOMPSON, C.J. (CONCURS) AND KAREM, J. (CONCURS)
21. S.M. v. CABINET FOR HEALTH AND FAMILY SERVICES, COMMONWEALTH OF KENTUCKY, ET AL. [2023-CA-0895-ME](#) KENTON  
**NOT TO BE PUBLISHED**
- OPINION AFFIRMING BY JUDGE CETRULO**
- LAMBERT, J. (CONCURS) AND TAYLOR, J. (CONCURS IN RESULT ONLY)

KENTUCKY COURT OF APPEALS

JANUARY 12, 2024 MINUTES

RELEASED: 10:00 A.M.

22. BELINDA TYGRET v.  
NORTON HEALTHCARE, ET AL.

[2023-CA-1201-WC](#)  
**NOT TO BE  
PUBLISHED**

WORKERS'  
COMPENSATION  
BOARD

**OPINION AFFIRMING BY JUDGE  
CETRULO**

LAMBERT, J. (CONCURS) AND  
TAYLOR, J. (CONCURS)

**ORDERS DISMISSING**

CATHY LYNN MOORE (NOW HIGHLEY) v.  
ALBERT KEITH MOORE

[2023-CA-0064-MR](#)

BATH

**Entered: JANUARY 09, 2024**

PAUL M. TAYLOR v.  
DAVE DERRICK, ET AL.

[2023-CA-0453-MR](#)

OLDHAM

**Entered: JANUARY 03, 2024**

MICHAEL A. NICKLES v.  
ANDY BESHEAR, IN HIS OFFICIAL CAPACITY  
AS GOVERNOR OF THE COMMONWEALTH OF  
KENTUCKY

[2023-CA-0629-MR](#)

FRANKLIN

**Entered: JANUARY 03, 2024**

LARRY SLAVEY v.  
DONNA RUCKEL AS EXECUTRIX OF THE  
ESTATE OF LLOYD RUCKEL, ET AL.

[2023-CA-0777-MR](#)

LINCOLN

**Entered: JANUARY 03, 2024**

ESTATE OF SALLIE ANN NEWTON, BY AND  
THROUGH ADMINISTRATRIX, MARY KING v.  
KEITH NEWTON

[2023-CA-0841-MR](#)

MCCRACKEN

**Entered: JANUARY 03, 2024**

KENTUCKY COURT OF APPEALS

JANUARY 12, 2024 MINUTES

RELEASED: 10:00 A.M.

**ORDERS DISMISSING**

CAROL YATES v.  
RANDALL THOMPSON, ET AL.

[2023-CA-0875-MR](#)

HARDIN

**Entered: JANUARY 03, 2024**

GREGORY MCCLAIN v.  
CITY OF OWINGSVILLE, ET AL.

[2023-CA-1030-MR](#)

BATH

**Entered: JANUARY 03, 2024**

JAMES H. HOPPER v.  
TERRY WARE

[2023-CA-1084-MR](#)

JEFFERSON

**Entered: JANUARY 03, 2024**

APPALACHIAN COMMUNITY CARE, LLC v.  
MCKESSON MEDICAL-SURGICAL, INC.

[2023-CA-1176-MR](#)

PIKE

**Entered: JANUARY 03, 2024**

WILLIAM AYERS v.  
VINCENT APRILE

[2023-CA-1308-MR](#)

JEFFERSON

**Entered: JANUARY 03, 2024**

RICHARD M. YOUNG v.  
DISCOVER BANK

[2023-CA-1309-MR](#)

MARTIN

**Entered: JANUARY 03, 2024**

MISTI ROBERTSON v.  
MICHAEL ROBERTSON

[2023-CA-1195-MR](#)

MADISON

**Entered: JANUARY 03, 2024**

**KENTUCKY COURT OF APPEALS**

**JANUARY 12, 2024 MINUTES**

**RELEASED: 10:00 A.M.**

**ORDERS DISMISSING**

SHAZIA MAHMOOD v.  
GOODSTER, LLC, ET AL.

[2022-CA-0891-MR](#)  
[2022-CA-0936-MR](#)

FAYETTE

**Entered: JANUARY 08, 2024**

AMANDA J. DONOVAN v.  
STACEY A. ASH

[2023-CA-0449-MR](#)

HARDIN

**Entered: JANUARY 03, 2024**

DAVID KHAZAI v.  
SHAHPAR SHABAB

[2023-CA-1178-MR](#)

JEFFERSON

**Entered: JANUARY 03, 2024**

**ORDERS DENYING PETITIONS FOR REHEARING**

ASIEL IRAOLA-LOVACO v.  
COMMONWEALTH OF KENTUCKY

[2022-CA-1044-MR](#)

FAYETTE

**Entered: JANUARY 04, 2024**

DILVER DILSON HERNANDEZ-AVILA v.  
COMMONWEALTH OF KENTUCKY

[2022-CA-1266-MR](#)

BELL

**Entered: JANUARY 08, 2024**

CHANCELLOR ANTHONY v.  
KENTUCKY JUSTICE AND PUBLIC SAFETY  
CABINET, DEPARTMENT OF CRIMINAL  
JUSTICE TRAINING

[2023-CA-0243-MR](#)

FRANKLIN

**Entered: JANUARY 05, 2024**

GENERAL MOTORS v.  
THOMAS PAYNE, ET AL.

[2023-CA-0722-WC](#)

WORKERS'  
COMPENSATION  
BOARD

**Entered: JANUARY 04, 2024**

KENTUCKY COURT OF APPEALS

JANUARY 12, 2024 MINUTES

RELEASED: 10:00 A.M.

**ORDERS DENYING MOTIONS FOR DISCRETIONARY REVIEW**

NATHAN DUHOVIS v.  
EMRICK SERVICES, INC. D/B/A ADVANCED  
STEAMWAY

[2023-CA-1172-D](#)

JEFFERSON

**Entered: JANUARY 02, 2024**

LARRY COONTZ v.  
COMMONWEALTH OF KENTUCKY

[2023-CA-1004-D](#)

MERCER

**Entered: JANUARY 02, 2024**

**ORDERS DENYING PETITIONS FOR WRIT OF PROHIBITION**

LAKE CUMBERLAND REGIONAL HOSPITAL, LLC,  
D/B/A LAKE CUMBERLAND REGIONAL HOSPITAL v.  
HON. KAELIN G. REED, JUDGE,  
PULASKI CIRCUIT COURT, ET AL.

[2023-CA-0949-OA](#)

PULASKI

**AND**

DALE RUTLEDGE, M.D., ET AL. v.  
HON. KAELIN G. REED, JUDGE,  
PULASKI CIRCUIT COURT, ET AL.

[2023-CA-0987-OA](#)

**Entered: JANUARY 03, 2024**

PUBLIC SERVICE COMMISSION OF KENTUCKY v.  
HON. JAMES A. WETHINGTON, JUDGE,  
DAVIESS CIRCUIT COURT, ET AL.

[2023-CA-0989-OA](#)

DAVIESS

**Entered: JANUARY 09, 2024**

MARGARET AVERELL, ET AL. v.  
HON. TIFFANY YAHR, JUDGE,  
FAYETTE CIRCUIT COURT, ET AL.

[2023-CA-1090-OA](#)

FAYETTE

**Entered: JANUARY 09, 2024**

**KENTUCKY COURT OF APPEALS**

**JANUARY 12, 2024 MINUTES**

**RELEASED: 10:00 A.M.**

**ORDER GRANTING IN PART AND DENYING IN PART PETITION FOR WRIT OF MANDAMUS**

MICHAEL HARPER v.  
HON. KATHLEEN LAPE, JUDGE,  
KENTON CIRCUIT COURT, ET AL.

[2023-CA-1066-OA](#)

KENTON

**Entered: JANUARY 02, 2024**