

KENTUCKY COURT OF APPEALS

FEBRUARY 24, 2023 MINUTES

RELEASED: 10:00 A.M.

136. ANITA KELLY, PERSONAL REPRESENTATIVE OF THE ESTATE OF MAE LOUISE COPLEY v. MAGNUM DRILLING OF OHIO, INC., ET AL. [2021-CA-0512-MR](#) LAWRENCE  
**NOT TO BE PUBLISHED**
- OPINION VACATING AND REMANDING BY JUDGE EASTON**
- THOMPSON, C.J. (CONCURS) AND TAYLOR, J. (CONCURS)
137. CHRISTINA MARCUM v. COMMONWEALTH OF KENTUCKY [2021-CA-0516-MR](#) MADISON  
**NOT TO BE PUBLISHED**
- OPINION AFFIRMING BY JUDGE ACREE**
- THOMPSON, C.J. (CONCURS) AND CETRULO, J. (CONCURS)
138. MASONIC HOMES OF KENTUCKY, INC. D/B/A MASONIC HOME OF LOUISVILLE v. ANNETTE WILEY, INDIVIDUALLY AND AS ADMINISTRATRIX AND PERSONAL REPRESENTATIVE OF THE ESTATE OF CHARLOTTE BLAIR, ET AL. [2021-CA-0544-MR](#) JEFFERSON  
**TO BE PUBLISHED**
- OPINION REVERSING AND REMANDING BY JUDGE MCNEILL**
- CALDWELL, J. (CONCURS) AND TAYLOR, J. (DISSENTS AND FILES SEPARATE OPINION)
139. RITA R. WHITE, ET AL. v. TIARA M. FOWLER, ET AL. [2021-CA-0668-MR](#) JEFFERSON  
**NOT TO BE PUBLISHED**
- OPINION AFFIRMING BY JUDGE DIXON**
- LAMBERT, J. (CONCURS) AND MCNEILL, J. (CONCURS)

KENTUCKY COURT OF APPEALS

FEBRUARY 24, 2023 MINUTES

RELEASED: 10:00 A.M.

140. BENJAMIN DELBERT COFFEY v. COMMONWEALTH OF KENTUCKY [2021-CA-0774-MR](#) MCCREARY  
**NOT TO BE PUBLISHED**  
**OPINION AFFIRMING BY JUDGE MCNEILL**  
DIXON, J. (CONCURS) AND  
LAMBERT, J. (CONCURS)
141. BOARD OF EDUCATION OF PARIS, KENTUCKY v. JASON EARLYWINE [2021-CA-0788-MR](#) FRANKLIN  
**TO BE PUBLISHED**  
**OPINION AFFIRMING IN PART, REVERSING IN PART, AND REMANDING BY JUDGE EASTON**  
COMBS, J. (CONCURS) AND  
MCNEILL, J. (CONCURS)
142. TRAVIS LAY v. COMMONWEALTH OF KENTUCKY [2021-CA-0791-MR](#) LAWRENCE  
**NOT TO BE PUBLISHED**  
**OPINION AFFIRMING BY JUDGE LAMBERT**  
THOMPSON, C.J. (CONCURS) AND  
DIXON, J. (CONCURS)
143. SAMUAL AUSTIN MILLER v. COMMONWEALTH OF KENTUCKY [2021-CA-0968-MR](#) CHRISTIAN  
[2021-CA-1220-MR](#)  
**NOT TO BE PUBLISHED**  
**OPINION VACATING AND REMANDING BY JUDGE TAYLOR**  
THOMPSON, C.J. (CONCURS) AND  
EASTON, J. (CONCURS)
144. NATASHA L. YORK v. JOSH D. YORK [2021-CA-1113-MR](#) CRITTENDEN  
**NOT TO BE PUBLISHED**  
**OPINION AFFIRMING BY JUDGE MCNEILL**  
DIXON, J. (CONCURS) AND  
TAYLOR, J. (CONCURS)

KENTUCKY COURT OF APPEALS

FEBRUARY 24, 2023 MINUTES

RELEASED: 10:00 A.M.

145. KEITH E. PORTER v.  
COMMONWEALTH OF KENTUCKY [2021-CA-1171-MR](#) BOYD  
**NOT TO BE PUBLISHED**  
**OPINION AFFIRMING BY JUDGE EASTON**  
COMBS, J. (CONCURS) AND  
MCNEILL, J. (CONCURS)
146. DENNIS MAYNARD, ET AL. v.  
HEATH PRESTON, ET AL. [2021-CA-1396-MR](#) MARTIN  
**NOT TO BE PUBLISHED**  
**OPINION AFFIRMING BY JUDGE**  
**GOODWINE**  
THOMPSON, C.J. (CONCURS) AND  
CALDWELL, J. (CONCURS)
147. S.C. v.  
CABINET FOR HEALTH AND FAMILY  
SERVICES, ET AL. [2021-CA-1491-ME](#) MERCER  
[2022-CA-0604-ME](#)  
**NOT TO BE PUBLISHED**  
**AND**  
S.C. v.  
H.J., A CHILD, ET AL.  
**OPINION VACATING, IN PART, AND**  
**AFFIRMING, IN PART BY JUDGE**  
**CETRULO**  
DIXON, J. (CONCURS) AND  
TAYLOR, J. (CONCURS)
148. KEVIN MITCHELL FOX v.  
COMMONWEALTH OF KENTUCKY [2022-CA-0177-MR](#) NELSON  
**NOT TO BE PUBLISHED**  
**OPINION AFFIRMING BY JUDGE**  
**ECKERLE**  
THOMPSON, C.J. (CONCURS) AND  
CETRULO, J. (CONCURS)

KENTUCKY COURT OF APPEALS

FEBRUARY 24, 2023 MINUTES

RELEASED: 10:00 A.M.

149. ROY SMOTHERS v. COMMONWEALTH OF KENTUCKY  
**OPINION AFFIRMING BY CHIEF JUDGE THOMPSON**  
CETRULO, J. (CONCURS) AND ECKERLE, J. (CONCURS)
- [2022-CA-0209-MR](#)  
[2022-CA-0210-MR](#)  
**NOT TO BE PUBLISHED**
- MARION
150. DONALD E. HOWARD v. COMMONWEALTH OF KENTUCKY  
**OPINION AFFIRMING BY JUDGE CETRULO**  
DIXON, J. (CONCURS) AND EASTON, J. (CONCURS)
- [2022-CA-0215-MR](#)  
**NOT TO BE PUBLISHED**
- CARROLL
151. CHRIS JOHNSON v. AKERS DEVELOPMENT, LLC, ET AL.  
**OPINION AFFIRMING BY JUDGE CETRULO**  
DIXON, J. (CONCURS) AND EASTON, J. (CONCURS)
- [2022-CA-0318-MR](#)  
**TO BE PUBLISHED**
- PIKE
152. JESSICA ALLGEIER v. JEFFREY WAGNER  
**OPINION AFFIRMING IN PART, REVERSING IN PART, AND REMANDING BY JUDGE DIXON**  
CETRULO, J. (CONCURS) AND EASTON, J. (CONCURS)
- [2022-CA-0376-ME](#)  
[2022-CA-0377-ME](#)  
**NOT TO BE PUBLISHED**
- JEFFERSON

**KENTUCKY COURT OF APPEALS**

**FEBRUARY 24, 2023 MINUTES**

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

153. JP MORGAN MORTGAGE ACQUISITION CORP. v. BRYAN C. HIX, ADMINISTRATOR OF THE ESTATE OF JOHN R. FERGUSON, JR., ET AL. [2022-CA-0578-MR](#) [2022-CA-0650-MR](#) FRANKLIN  
**NOT TO BE PUBLISHED**

**OPINION AFFIRMING BY JUDGE CETRULO**

DIXON, J. (CONCURS) AND EASTON, J. (CONCURS AND FILES SEPARATE OPINION)

154. BRIAN DOUGLAS v. SHELBY CARTER [2022-CA-0804-ME](#) JEFFERSON  
**NOT TO BE PUBLISHED**

**OPINION AFFIRMING BY JUDGE ECKERLE**

THOMPSON, C.J. (CONCURS) AND CETRULO, J. (CONCURS)

155. ADEL M. CHOUK v. AMIRA N. CHOUK, ET AL. [2022-CA-1193-ME](#) FAYETTE  
**NOT TO BE PUBLISHED**

**OPINION AFFIRMING BY JUDGE DIXON**

ACREE, J. (CONCURS) AND JONES, J. (CONCURS)

**ORDERS DISMISSING**

LISA ALLEN, ET AL. v. SPECTRA ENERGY OPERATING COMPANY, LLC, ET AL. [2022-CA-0833-MR](#) FLOYD

**Entered: FEBRUARY 15, 2023**

ROBIN PORTER v. ASHLAND HOSPITAL CORP. D/B/A KING'S DAUGHTERS MEDICAL CENTER [2022-CA-1001-MR](#) BOYD

**Entered: FEBRUARY 15, 2023**

KENTUCKY COURT OF APPEALS

FEBRUARY 24, 2023 MINUTES

RELEASED: 10:00 A.M.

**ORDERS DISMISSING**

JERRY T. HUGHES v.  
GARRARD COUNTY, KENTUCKY BY AND  
THROUGH GARRARD FISCAL COURT

[2022-CA-1344-MR](#)

GARRARD

**Entered: FEBRUARY 15, 2023**

D.U.S., II v.  
COMMONWEALTH OF KENTUCKY, CABINET  
FOR HEALTH AND FAMILY SERVICES, ET AL.

[2023-CA-0059-ME](#)

SHELBY

**Entered: FEBRUARY 20, 2023**

PATRICK NELSON v.  
SANDRA POLLARD-NELSON

[2022-CA-1434-ME](#)

JEFFERSON

**Entered: FEBRUARY 20, 2023**

NICHOLAS JAHAY WILSON v.  
COMMONWEALTH OF KENTUCKY

[2022-CA-0859-MR](#)

HART

**Entered: FEBRUARY 21, 2023**

TRION M. SHANNON v.  
COMMONWEALTH OF KENTUCKY

[2022-CA-1032-MR](#)

WARREN

**Entered: FEBRUARY 21, 2023**

NULU BARR, LLC v.  
LOUISVILLE-JEFFERSON COUNTY METRO  
GOVERNMENT, ET AL.

[2022-CA-0805-MR](#)

JEFFERSON

**Entered: FEBRUARY 15, 2023**

MAXIE PHILLIP LEE v.  
SARAH RUTH LEE (N/K/A MONROE)

[2022-CA-0872-MR](#)

MARSHALL

**Entered: FEBRUARY 15, 2023**

KENTUCKY COURT OF APPEALS

FEBRUARY 24, 2023 MINUTES

RELEASED: 10:00 A.M.

**ORDERS DISMISSING**

C&F FINANCE COMPANY v.  
JASON BOWLING

[2022-CA-1209-MR](#)

BREATHITT

Entered: FEBRUARY 15, 2023

ALLISON BALL, IN HER OFFICIAL CAPACITY AS  
KENTUCKY STATE TREASURER v.  
KIMBERLY BENNETT, ET AL.

[2022-CA-1369-MR](#)

FRANKLIN

Entered: FEBRUARY 15, 2023

PIKE COUNTY FISCAL COURT, ET AL. v.  
JOSHUA EPLING, ET AL.

[2023-CA-0004-MR](#)

PIKE

Entered: FEBRUARY 15, 2023

OHAD HOLZBERG v.  
AMY ROCHELLE GREEN, DECEASED

[2021-CA-1497-MR](#)

JEFFERSON

Entered: FEBRUARY 20, 2023

AMANDA MINES v.  
MINE SAFETY APPLIANCES COMPANY, LLC, A  
FOREIGN LIMITED LIABILITY COMPANY, ET AL.

[2019-CA-1634-MR](#)

PIKE

Entered: FEBRUARY 15, 2023

**ORDERS DENYING PETITIONS FOR REHEARING**

JAMES HARRISON v.  
DENISE MONTALTA, ET AL.

[2022-CA-0081-MR](#)

LYON

Entered: FEBRUARY 22, 2023

CUT AND SHOOT, L.L.C., ET AL. v.  
BINGHAM, GREENEBAUM, DOLL, L.L.P.

[2022-CA-0259-MR](#)

GALLATIN

Entered: FEBRUARY 16, 2023

KENTUCKY COURT OF APPEALS

FEBRUARY 24, 2023 MINUTES

RELEASED: 10:00 A.M.

**ORDERS DENYING MOTIONS FOR DISCRETIONARY REVIEW**

WEST SIDE TRUCK PARTS, LLC v.  
CHRISTOPHER DUNN, ET AL.

[2022-CA-1354-D](#)

DAVISS

Entered: FEBRUARY 21, 2023

KATHY COLEMAN v.  
PAUL COLEMAN, EXECUTOR, ET AL.

[2022-CA-1364-D](#)

JEFFERSON

Entered: FEBRUARY 20, 2023

**ORDER GRANTING MOTION FOR INTERLOCUTORY RELIEF**

ANTHEM HEALTH PLANS OF KENTUCKY, INC.  
D/B/A ANTHEM BLUE CROSS AND BLUE  
SHIELD v.  
MERIDIAN BEHAVIORAL HEALTH, INC.

[2022-CA-1370-I](#)

JEFFERSON

Entered: FEBRUARY 17, 2023