

**COURT OF APPEALS OF KENTUCKY**

03/21/2008 AT 10:00 A.M.

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346	THOMPSON (PATRICIA) VS. MCLEAN COUNTY, KY , ET AL. OPINION AFFIRMING IN PART, VACATING IN PART, AND REMANDING CAPERTON (PRESIDING JUDGE) VANMETER (CONCURS) AND KNOPF (CONCURS)	<a href="#">2006-CA-000172 -MR</a> NOT TO BE PUBLISHED	MCLEAN
347	CHALFANT (KAREN), ET AL. VS. CHALFANT (MARTIN J.) OPINION AFFIRMING IN PART, REVERSING IN PART, AND REMANDING WINE (PRESIDING JUDGE) DIXON (CONCURS) AND THOMPSON (DISSENTS AND FILES SEPARATE OPINION)	<a href="#">2006-CA-000229 -MR</a> NOT TO BE PUBLISHED	SHELBY
348	GREEK (GORDON H.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING ACREE (PRESIDING JUDGE) KELLER (CONCURS) AND MOORE (CONCURS)	<a href="#">2006-CA-000459 -MR</a> NOT TO BE PUBLISHED	WOODFORD
349	DOERR (TERRY J.) VS. DOERR (BEVERLY A.) OPINION REVERSING AND REMANDING ACREE (PRESIDING JUDGE) COMBS (CONCURS) AND TAYLOR (CONCURS)	<a href="#">2006-CA-000739 -MR</a> TO BE PUBLISHED	JEFFERSON
350	MILGROM (AARON) VS. BURSTEIN (MARALYN) OPINION AFFIRMING KNOPF (PRESIDING JUDGE) COMBS (CONCURS) AND DIXON (CONCURS)	<a href="#">2006-CA-000959 -MR</a> NOT TO BE PUBLISHED	WOODFORD

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352	FRANK (JOHN) VS. THE ESTATE OF JOHN ENDERIE OPINION AFFIRMING NICKELL (PRESIDING JUDGE) CAPERTON (CONCURS) AND TAYLORS (CONCURS)	<a href="#">2006-CA-001106 -MR</a> TO BE PUBLISHED	JEFFERSON
353	PATRICK (BENETTA) VS. COMMONWEALTH OF KENTUCKY OPINION VACATING AND REMANDING GUIDUGLI (PRESIDING JUDGE) MOORE (CONCURS) AND LAMBERT (CONCURS)	<a href="#">2006-CA-001125 -MR</a> NOT TO BE PUBLISHED	MAGOFFIN
354	FICHTER (JEFFREY) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING ACREE (PRESIDING JUDGE) NICKELL (CONCURS) AND GUIDUGLI (CONCURS)	<a href="#">2006-CA-001497 -MR</a> NOT TO BE PUBLISHED	GRAVES
355	BANDY (NOW BEESLEY) (MARILYN ELIZABETH) VS. BANDY (LAWRENCE DALE) OPINION AFFIRMING ACREE (PRESIDING JUDGE) COMBS (CONCURS) AND TAYLOR (CONCURS)	<a href="#">2006-CA-001546 -MR</a> NOT TO BE PUBLISHED	JEFFERSON
356	SIMS (RICHARD A.) VS. SIMS (JAN MITCHELL) OPINION AFFIRMING ACREE (PRESIDING JUDGE) CAPERTON (CONCURS) AND LAMBERT (CONCURS)	<a href="#">2006-CA-001743 -MR</a> NOT TO BE PUBLISHED	DAVIESS

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358	THRASHER (CURTIS) VS. PEPSI COLA COMPANY , ET AL. OPINION AFFIRMING CAPERTON (PRESIDING JUDGE) KNOPF (CONCURS) AND WINE (CONCURS)	<a href="#">2006-CA-001834 -WC</a> <a href="#">2006-CA-001846-WC</a> NOT TO BE PUBLISHED	WORKERS COMPENSATION
359	BRENNAN HUNTER FIBER RESOURCES, INC. VS. R. J. CORMAN RAILROAD PROPERTY, LLC OPINION AFFIRMING ACREE (PRESIDING JUDGE) NICKELL (CONCURS) AND BUCKINGHAM (CONCURS)	<a href="#">2006-CA-002036 -MR</a> NOT TO BE PUBLISHED	FAYETTE
360	HOPPER (CHRISTOPHER) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING ACREE (PRESIDING JUDGE) NICKELL (CONCURS) AND BUCKINGHAM (CONCURS)	<a href="#">2006-CA-002041 -MR</a> NOT TO BE PUBLISHED	NELSON
361	M. G. F., II VS. COMMONWEALTH OF KY, CABINET FOR FAMILIES & CHILDREN , ET AL. OPINION VACATING AND REMANDING MOORE (PRESIDING JUDGE) ACREE (CONCURS) AND LAMBERT (CONCURS)	<a href="#">2006-CA-002093 -ME</a> NOT TO BE PUBLISHED	TRIGG
362	LAWSON (CHRISTOPHER R.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING DIXON (PRESIDING JUDGE) COMBS (CONCURS) AND KNOPF (CONCURS)	<a href="#">2006-CA-002171 -MR</a> NOT TO BE PUBLISHED	FLOYD

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364	CROOK (TIMOTHY DALE) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING ACREE (PRESIDING JUDGE) COMBS (CONCURS) AND TAYLOR (CONCURS)	<a href="#">2006-CA-002239 -MR</a> NOT TO BE PUBLISHED	JEFFERSON
365	MILES FARM SUPPLY, LLC VS. INDEPENDENCE BANK OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) MOORE (CONCURS) AND WINE (CONCURS)	<a href="#">2006-CA-002356 -MR</a> NOT TO BE PUBLISHED	MCLEAN
366	LAWHON (TERRILL) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING ACREE (PRESIDING JUDGE) NICKELL (CONCURS) AND GUIDUGLI (CONCURS)	<a href="#">2006-CA-002434 -MR</a> NOT TO BE PUBLISHED	OWEN
367	CAREY (LEILANI CHRISTY HALE) VS. JAYNES (DONALD), ET AL. OPINION AFFIRMING COMBS (PRESIDING JUDGE) DIXON (CONCURS) AND KNOPF (CONCURS)	<a href="#">2007-CA-000148 -MR</a> TO BE PUBLISHED	MADISON
368	PARKER (TERINO) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING MOORE (PRESIDING JUDGE) ACREE (CONCURS) AND KELLER (CONCURS)	<a href="#">2007-CA-000212 -MR</a> NOT TO BE PUBLISHED	CAMPBELL

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370	PIPPIN (RICK LEE) VS. PIPPIN (MICHELLE LENE) OPINION AFFIRMING VANMETER (PRESIDING JUDGE) LAMBERT (CONCURS) AND KNOPF (CONCURS)	<a href="#">2007-CA-000313 -MR</a> NOT TO BE PUBLISHED	JEFFERSON
371	WATERS (AZURE) VS. COSMOS FINE FOOD , ET AL. OPINION AFFIRMING ACREE (PRESIDING JUDGE) CAPERTON (CONCURS) AND LAMBERT (CONCURS)	<a href="#">2007-CA-000384 -WC</a> NOT TO BE PUBLISHED	WORKERS COMPENSATION
372	SPEEDWAY SUPERAMERICA, LLC VS. ERWIN (SEBERT L.) OPINION AFFIRMING ACREE (PRESIDING JUDGE) LAMBERT (CONCURS) AND ROSENBLUM (CONCURS)	<a href="#">2007-CA-000451 -MR</a> TO BE PUBLISHED	GREENUP
373	RODGERS (JOE WILLIAM), ET AL. VS. RODGERS (LUVON) OPINION AFFIRMING DIXON (PRESIDING JUDGE) COMBS (CONCURS) AND KNOPF (CONCURS)	<a href="#">2007-CA-000492 -MR</a> NOT TO BE PUBLISHED	SCOTT
374	HARTELL (BECKY JO) VS. HARTELL (ROY JOSEPH) OPINION AFFIRMING VANMETER (PRESIDING JUDGE) KELLER (CONCURS) AND TAYLOR (CONCURS)	<a href="#">2007-CA-000498 -MR</a> NOT TO BE PUBLISHED	SHELBY

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376	FINANCE AND ADMINISTRATION CABINET VS. DUPONT PERFORMANCE ELASTOMERS, L.L.C. OPINION AFFIRMING LAMBERT (PRESIDING JUDGE) VANMETER (CONCURS) AND KNOPF (CONCURS)	<a href="#">2007-CA-000685 -MR</a> NOT TO BE PUBLISHED	JEFFERSON
377	PRESTON (AUDREY) VS. PLEASUREVILLE CHEVRON, LLC OPINION AFFIRMING DIXON (PRESIDING JUDGE) COMBS (CONCURS) AND KNOPF (CONCURS)	<a href="#">2007-CA-000721 -MR</a> NOT TO BE PUBLISHED	HENRY
378	HEALTH SYSTEMS INCORPORATED VS. VICKIE GRUBB , ET AL. OPINION AFFIRMING CAPERTON (PRESIDING JUDGE) COMBS (CONCURS) AND MOORE (CONCURS)	<a href="#">2007-CA-000795 -WC</a> NOT TO BE PUBLISHED	WORKERS COMPENSATION
379	MOTORISTS MUTUAL INSURANCE COMPANY VS. CINCINNATI INSURANCE COMPANY OPINION VACATING AND REMANDING VANMETER (PRESIDING JUDGE) LAMBERT (CONCURS) AND KNOPF (CONCURS)	<a href="#">2007-CA-000818 -MR</a> NOT TO BE PUBLISHED	JEFFERSON
380	LEWIS (WILLIAM LEWIS) VS. FRANK AND POLLY ASBURY, ET AL CLAYTON (PRESIDING JUDGE) LAMBERT (CONCURS) AND GRAVES (CONCURS)	<a href="#">2007-CA-000839 -MR</a> NOT TO BE PUBLISHED	HARLAN

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382	JOHNSON (APRIL) VS. PATTERSON (TERRY) OPINION VACATING AND REMANDING BUCKINGHAM (PRESIDING JUDGE) ACREE (CONCURS) AND NICKELL (CONCURS)	<a href="#">2007-CA-000884 -MR</a> NOT TO BE PUBLISHED	OWEN
383	MILLER (JOHN DAVID) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING KELLER (PRESIDING JUDGE) TAYLOR (CONCURS) AND VANMETER (CONCURS)	<a href="#">2007-CA-000900 -MR</a> NOT TO BE PUBLISHED	JEFFERSON
384	DOSS (BRANDON L.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING MOORE (PRESIDING JUDGE) ACREE (CONCURS) AND KELLER (CONCURS)	<a href="#">2007-CA-000918 -MR</a> NOT TO BE PUBLISHED	MUHLENBERG
385	T. K. VS. COMMONWEALTH OF KENTUCKY , ET AL. OPINION VACATING AND REMANDING TAYLOR (PRESIDING JUDGE) KELLER (CONCURS) AND VANMETER (CONCURS)	<a href="#">2007-CA-000950 -ME</a> NOT TO BE PUBLISHED	JEFFERSON
386	MESSER (TONY), ET AL. VS. ROBINSON (MONA) OPINION REVERSING ACREE (PRESIDING JUDGE) STUMBO (CONCURS) AND GRAVES (CONCURS)	<a href="#">2007-CA-000977 -MR</a> TO BE PUBLISHED	CLAY

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388	MCCAWLEY (DEBORAH K.) VS. ELLIS (ROML L.) OPINION AFFIRMING VANMETER (PRESIDING JUDGE) KELLER (CONCURS) AND TAYLOR (CONCURS)	<a href="#">2007-CA-001355 -ME</a> NOT TO BE PUBLISHED	JEFFERSON

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ORDER DISMISSING AND REMANDING:

OTIS LEE HOLLAN

2007-CA-000198-MR

BREATHITT

VS.

COMMONWEALTH OF KENTUCKY

ENTERED: 03/17/2008

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ORDER DENYING DISCRETIONARY REVIEW:

ROGER D. LAM

2007-CA-002382-D

HOPKINS

VS.

JERRY ALMON

ENTERED: 03/19/2008

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ORDERS DISMISSING:

RONALD MAHAN

2006-CA-002414-MR

BOONE

VS.

ANDREW J. SCHOLEFIELD

ENTERED: 03/17/2008

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GREENUP

LAURA SUE YOUNG  
AND

AND

GARY STEVEN YOUNG  
VS.

2007-CA-002165-MR

LAURA SUE YOUNG  
ENTERED: 03/17/2008

TERESA COLLIER  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED: 03/17/2008

2007-CA-002606-MR

BALLARD

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ORDER AFFIRMING:

EARL WALLER  
VS.  
RANDY STOVALL, WARDEN  
LEE ADJUSTMENT CENTER  
ENTERED: 03/13/2008

2007-CA-002250-MR

LEE

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ORDER DENYING MOTION TO RECONSIDER FROM PREVIOUS WEEK ENDING 03/14/2008:

DAVID BUTLER  
VS.  
NELDA BIGGERSTAFF; ET AL  
ENTERED: 03/14/2008

2007-CA-001970-MR

MONROE

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ORDER DENYING MOTION FOR BELATED APPEAL FROM PREVIOUS WEEK ENDING 03/14/2008:

TIMOTHY L. FUQUA  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED: 03/13/2008

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JEFFERSON

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ORDER GRANTING PETITION FOR WRIT OF PROHIBITION AND/OR MANDAMUS FROM  
FROM PREVIOUS WEEK ENDING 03/14/2008:

KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION  
VS.  
HON. PHILLIP J. SHEPHERD,  
JUDGE, FRANKLIN CIRCUIT COURT  
AND  
FRANKLIN ALUMINUM, LLC  
ENTERED: 03/13/2008

2007-CA-002494-OA

FRANKLIN

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ORDER DENYING PETITION FOR WRIT OF MANDAMUS AND/OR PROHIBITION:

PATRICK SEEWRIGHT  
VS.  
HON. GEOFFREY MORRIS, JUDGE  
JEFFERSON CIRCUIT COURT  
AND COMMONWEALTH OF KENTUCKY  
ENTERED: 03/13/2008

2007-CA-002132-OA

JEFFERSON

COMMONWEALTH OF KENTUCKY,  
CABINET FOR HEALTH & FAMILY SERVICES  
VS.  
HON WALTER F. MAGUIRE, JUDGE,  
ROCKCASTLE FAMILY COURT  
AND  
BRET DAVIS POYNTER; ET AL  
ENTERED: 03/13/2008

2007-CA-002277-OA

ROCKCASTLE

JEFFREY AVERITT  
VS.  
HON. JOHN L. ATKINS, JUDGE  
CHRISTIAN CIRCUIT COURT  
AND  
COMMONWEALTH OF KENTUCKY  
ENTERED: 03/14/2008

2007-CA-002294-OA

CHRISTIAN

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LADON D. WHITFIELD  
VS.  
HON. CRAIG CLYMER, JUDGE  
McCRACKEN CIRCUIT COURT  
AND  
COMMONWEALTH OF KENTUCKY  
ENTERED: 03/13/2008

2007-CA-002551-OA

McCRACKEN

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ORDERS DISMISSING:

JESSE R. MCNUTT  
VS.  
BRENDA D. RENFROE  
ENTERED: 03/14/2008

2007-CA-001561-MR

CALLOWAY

DIANA PORTER  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED: 03/13/2008

2007-CA-001902-MR

WOLFE

HARRODSBURG FIRST FINANCIAL  
BANCORP, INC.; ET AL  
VS.  
LARRY SUTHERLAND; ET AL  
ENTERED: 03/13/2008

2007-CA-002102-MR  
AND  
2007-CA-002296-MR

ANDERSON

ASHER ENVIROMENTAL, INC.;  
AND RICHARD A. LINKER  
VS.  
WHIT-MART, INC.; AND  
WHITMAN PROPERTIES II, LLC  
ENTERED: 03/13/2008

2007-CA-002106-MR

JEFFERSON

LAWSON BENTLEY  
VS.  
KIMBERLY DAWN BENTLEY; RAY  
DAVID HAMILTON; LIDDIE CASEBOLT,  
INDIVIDUALLY; AND LIDDIE CASEBOLT,  
AS ADMINISTRATRIX OF THE ESTATE OF  
BUDDY RAY SLONE  
ENTERED: 03/14/2008

2007-CA-002246-MR  
AND  
2008-CA-000030-MR

PIKE

MARGARET A. ALCORN  
VS.  
DAVID W. MCCOY  
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ERIN MURPHY BOWEN AND JAMES BOWEN VS. THE BOARD OF EDUCATION OF GALLATIN COUNTY SCHOOL DISTRICT ENTERED: 03/13/2008	2007-CA-002404-MR	GALLATIN
TOMMY S. MATTINGLY AND MARY MARGARET MATTINGLY VS. WILLIAM DARRELL ESSEX AND BECKY ESSEX ENTERED: 03/14/2008	2007-CA-002480-MR AND 2007-CA-002536-MR	MARION
COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION VS. HON. TYLER L. GILL, JUDGE, LOGAN CIRCUIT COURT AND RICKY MCARLEY ENTERED: 03/13/2008	2007-CA-002560-OA	LOGAN
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KARLA HALL AND  
JAMES HALL, JR.

2008-CA-000152-MR

BOYD

VS.

BRENDAN MCKENNA AND  
ASHLAND HOSPITAL  
CORPORATION, D/B/A KING'S  
DAUGHTERS MEDICAL CENTER  
ENTERED: 03/13/2008