**KENTUCKY COURT OF APPEALS**

**MAY 30, 2025 MINUTES**

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

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|---|---|---|---|
| 302. | DERWIN NICKELBERRY v. COMMONWEALTH OF KENTUCKY<br><br>**OPINION AFFIRMING BY JUDGE TAYLOR**<br><br>LAMBERT, J. (CONCURS) AND MCNEILL, J. (CONCURS) | 2023-CA-0630-MR<br>**NOT TO BE PUBLISHED** | JEFFERSON |
| 303. | KENNETH H. BAKER, ET AL. v. ANDRE MULLIGAN, ET AL.<br><br>**OPINION AFFIRMING IN PART AND REVERSING IN PART APPEAL NO. 2023-CA-0707-MR AND AFFIRMING CROSS-APPEAL NO. 2023-CA-0740-MR BY JUDGE TAYLOR**<br><br>ECKERLE, J. (CONCURS) AND MCNEILL, J. (CONCURS) | 2023-CA-0707-MR<br>2023-CA-0740-MR<br>**NOT TO BE PUBLISHED** | JEFFERSON |
| 304. | BOBBY GILLIARD v. COMMONWEALTH OF KENTUCKY<br><br>**OPINION AFFIRMING BY JUDGE ACREE**<br><br>KAREM, J. (CONCURS) AND LAMBERT, J. (CONCURS) | 2023-CA-1449-MR<br>**NOT TO BE PUBLISHED** | MADISON |
| 305. | GUY J. TURCOTTE v. CITY OF GLASGOW, KENTUCKY, ET AL.<br><br>**OPINION AFFIRMING BY JUDGE CALDWELL**<br><br>ACREE, J. (CONCURS) AND LAMBERT, J. (CONCURS) | 2024-CA-0377-MR<br>**NOT TO BE PUBLISHED** | BARREN |

**KENTUCKY COURT OF APPEALS**

**MAY 30, 2025 MINUTES**

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

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| 306. | DESTINEE RICE v. COMMONWEALTH OF KENTUCKY<br><br>**OPINION AFFIRMING BY JUDGE KAREM**<br><br>L. JONES, J. (CONCURS) AND MCNEILL, J. (CONCURS) | 2024-CA-0394-MR<br>**NOT TO BE PUBLISHED** | CLARK |
| 307. | SHARON MUSE JOHNSON v. KELLI KEARNEY<br><br>**OPINION REVERSING AND REMANDING BY JUDGE CETRULO**<br><br>KAREM, J. (CONCURS) AND MCNEILL, J. (CONCURS) | 2024-CA-0683-MR<br>**TO BE PUBLISHED** | SCOTT |
| 308. | DENISE BENTLEY v. LOUISVILLE METRO GOVERNMENT, ET AL.<br><br>**OPINION AFFIRMING BY JUDGE CETRULO**<br><br>L. JONES, J. (CONCURS) AND MCNEILL, J. (CONCURS) | 2024-CA-0747-MR<br>**NOT TO BE PUBLISHED** | JEFFERSON |
| 309. | SUNANZA, INC. v. OLDHAM COUNTY PLANNING AND ZONING COMMISSION, ET AL.<br><br>**OPINION AFFIRMING BY JUDGE CETRULO**<br><br>ACREE, J. (CONCURS) AND TAYLOR, J. (CONCURS) | 2024-CA-0864-MR<br>**NOT TO BE PUBLISHED** | OLDHAM |

**KENTUCKY COURT OF APPEALS**

**MAY 30, 2025 MINUTES**

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

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| 310. | MERRILYN S. HAZEN v.<br>THE WBKE, LLC, ET AL.<br><br>**OPINION AFFIRMING AND REMANDING BY JUDGE EASTON**<br><br>THOMPSON, C.J. (CONCURS) AND<br>L. JONES, J. (CONCURS) | 2024-CA-0952-MR<br>**NOT TO BE PUBLISHED** | WOODFORD |
| 311. | ELLIS JOINER v.<br>MAC CONSTRUCTION &<br>EXCAVATION, ET AL.<br><br>**OPINION AFFIRMING BY JUDGE CETRULO**<br><br>KAREM, J. (CONCURS) AND<br>MCNEILL, J. (CONCURS) | 2025-CA-0237-WC<br>**NOT TO BE PUBLISHED** | WORKERS'<br>COMPENSATION<br>BOARD |
| 312. | KENDRA RUSSELL v.<br>INTERNATIONAL AUTOMOTIVE<br>COMPONENTS, ET AL.<br><br>**OPINION AFFIRMING BY JUDGE COMBS**<br><br>ECKERLE, J. (CONCURS) AND<br>L. JONES, J. (CONCURS) | 2025-CA-0238-WC<br>**NOT TO BE PUBLISHED** | WORKERS'<br>COMPENSATION<br>BOARD |

**ORDERS DISMISSING**

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|---|---|---|
| JOHN TELEK v.<br>VERNON WEST<br><br>**Entered: MAY 23, 2025** | 2024-CA-0701-MR | CAMPBELL |
| VANDINO WALKER v.<br>COMMONWEALTH OF KENTUCKY<br>**AND**<br>VANDINO WALKER v.<br>LAURA PLAPPERT, WARDEN<br><br>**Entered: MAY 27, 2025** | 2024-CA-0935-MR<br>2024-CA-1152-MR | LYON |

**KENTUCKY COURT OF APPEALS**

**MAY 30, 2025 MINUTES**

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

**ORDERS DISMISSING**

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| JOEL ROBINSON v.<br>COMMONWEALTH OF KENTUCKY | 2024-CA-1249-MR | WARREN |

**Entered: MAY 23, 2025**

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| RANDALL WEDDLE v.<br>SHERRI RUDDER-SMITH | 2024-CA-1310-MR | LAUREL |

**Entered: MAY 27, 2025**

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| BRENDA MONARREZ v.<br>DENISE GRAY | 2024-CA-1359-MR | FAYETTE |

**Entered: MAY 27, 2025**

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| ONE WHITEACRE PROPERTIES, LLC v.<br>CHAD SEEWER | 2024-CA-1545-MR | JEFFERSON |

**Entered: MAY 27, 2025**

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| DILAYDA MORENO v.<br>THE ESTATE OF AARON BATTEN | 2024-CA-1546-MR | JEFFERSON |

**Entered: MAY 27, 2025**

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| MAHAMADOU KONATE v.<br>COMMONWEALTH OF KENTUCKY | 2025-CA-0021-D | FAYETTE |

**Entered: MAY 23, 2025**

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| LAZARO OSMANY POZO ILLAS v.<br>JAMES DAVID GREEN, WARDEN | 2025-CA-0102-ME | JEFFERSON |

**Entered: MAY 23, 2025**

**KENTUCKY COURT OF APPEALS**

**MAY 30, 2025 MINUTES**

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

**ORDERS DISMISSING**

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|---|---|---|
| ESTATE OF JAMES WILLIAM CROOK, BY AND THROUGH ITS EXECUTOR, THOMAS E. SPRINGER, II v. SEAN D. MAGUIRE, M.D. | 2025-CA-0312-MR | HOPKINS |

**Entered: MAY 27, 2025**

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| DONNIE L. BEAVERS v. COUNTY/STATE CIRCUIT COURTS HART COUNTY KENTUCKY | 2025-CA-0358-ME | HART |

**Entered: MAY 27, 2025**

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| JOSE MATTHEW PRESLEY, ET AL. v. JOHN VICE, IN HIS INDIVIDUAL CAPACITY, AND IN HIS CAPACITY AS AN EMPLOYEE OF THE FLEMING COUNTY BOARD OF EDUCATION, ET AL. | 2025-CA-0402-MR | FLEMING |

**Entered: MAY 23, 2025**

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| MARTIN CHESTER v. LOUISVILLE-JEFFERSON COUNTY METROPOLITAN GOVERNMENT, ET AL. | 2025-CA-0461-MR | JEFFERSON |

**Entered: MAY 23, 2025**

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| DEREK F. BROWN v. SCOTT JORDAN, WARDEN, ET AL. | 2025-CA-0475-MR | LYON |

**Entered: MAY 27, 2025**

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| GLENN ODOM v. HON. ERIC JOSEPH HANER, JUDGE, JEFFERSON CIRCUIT COURT, ET AL. | 2025-CA-0533-OA | JEFFERSON |

**Entered: MAY 23, 2025**

**KENTUCKY COURT OF APPEALS**

**MAY 30, 2025 MINUTES**

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

## ORDER DENYING PETITION FOR REHEARING

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|---|---|---|
| THOMAS TUSSEY v.<br>COMMONWEALTH OF KENTUCKY | 2023-CA-1325-MR | FLOYD |

**Entered: MAY 27, 2025**

## ORDER AFFIRMING

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|---|---|---|
| UMAR GABRI'EL GARCI YAH<br>A/K/A OSCAR UMAR GONZALEZ v.<br>SHAWN MCKENZIE, WARDEN | 2025-CA-0565-ME | MORGAN |

**Entered: MAY 23, 2025**

## ORDERS DENYING MOTIONS FOR BELATED APPEAL

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|---|---|---|
| LAZARO OSMANY POZO ILLAS v.<br>JAMES DAVID GREEN, WARDEN | 2025-CA-0109-MR | JEFFERSON |

**Entered: MAY 23, 2025**

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| COLIN JARED MONTGOMERY v.<br>COMMONWEALTH OF KENTUCKY | 2025-CA-0240-MR | BOYLE |

**Entered: MAY 23, 2025**

## ORDERS DENYING PETITIONS FOR WRIT OF PROHIBITION

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|---|---|---|
| GARY BEAM v.<br>HON. KATHLEEN LAPE, JUDGE,<br>KENTON CIRCUIT COURT, ET AL. | 2024-CA-1517-OA | KENTON |

**Entered: MAY 23, 2025**

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|---|---|---|
| JAMES F. DINWIDDIE, JR. v.<br>HON. KENNETH HAROLD GOFF, II, JUDGE,<br>GRAYSON CIRCUIT COURT, ET AL. | 2025-CA-0457-OA | GRAYSON |

**Entered: MAY 27, 2025**

**KENTUCKY COURT OF APPEALS**

**MAY 30, 2025 MINUTES**

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

**ORDER GRANTING PETITION FOR WRIT OF MANDAMUS**

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|---|---|---|
| MICHAEL BARNETT v.<br>HON. DANIEL L. BALLOU, JUDGE,<br>MCCREARY CIRCUIT COURT, ET AL. | 2025-CA-0170-OA | MCCREARY |

**Entered: MAY 27, 2025**

**ORDER GRANTING MOTION FOR INTERLOCUTORY RELIEF**

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| MICHAEL DOUGLAS VICE, ET AL. v.<br>HEYHUDA HOLDINGS, LLC, ET AL. | 2025-CA-0259-I | MONTGOMERY |

**Entered: MAY 21, 2025**