

COURT OF APPEALS OF KENTUCKY

6/18/2010 AT 10:00 A.M.

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581	KESSLER HOMES, INC. VS. PETZOLD (ADOLPH), ET AL. OPINION AFFIRMING IN PART, VACATING IN PART, AND REMANDING LAMBERT (PRESIDING JUDGE) DIXON (CONCURS) AND CLAYTON (CONCURS)	2006-CA-001127-MR 2006-CA-001179-MR 2006-CA-001928-MR NOT TO BE PUBLISHED	FAYETTE
582	BRONK (DAVID P) VS. COMMONWEALTH OF KENTUCKY OPINION REMANDING COMBS (PRESIDING JUDGE) NICKELL (CONCURS) AND TAYLOR (CONCURS)	2007-CA-001724-MR NOT TO BE PUBLISHED	JEFFERSON
583	SLATER (WILLIAM E.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING STUMBO (PRESIDING JUDGE) ACREE (CONCURS) AND LAMBERT (CONCURS)	2008-CA-001323-MR NOT TO BE PUBLISHED	MASON
584	GAY (GARY), ET AL. VS. WILSON (HARRY), ET AL. OPINION AFFIRMING THOMPSON (PRESIDING JUDGE) ACREE (CONCURS) AND CAPERTON (CONCURS)	2008-CA-001421-MR NOT TO BE PUBLISHED	JACKSON
585	TUCKER (CHRISTOPHER), ET AL. VS. WOMEN'S CARE PHYSICIANS OF LOUISVILLE, P.S.C., ET AL. OPINION AFFIRMING WINE (PRESIDING JUDGE) MOORE (CONCURS) AND NICKELL (CONCURS)	2008-CA-001929-MR NOT TO BE PUBLISHED	JEFFERSON
586	POOLE (RAYFORD) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING WINE (PRESIDING JUDGE) ACREE (CONCURS) AND COMBS (CONCURS)	2008-CA-002022-MR NOT TO BE PUBLISHED	MCCRACKEN

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587	DAVIES (ROBERT T.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING LAMBERT (PRESIDING JUDGE) CAPERTON (CONCURS) AND NICKELL (CONCURS)	2008-CA-002240-MR NOT TO BE PUBLISHED	HARDIN
588	HUFFMAN (KENNETH) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING MOORE (PRESIDING JUDGE) CAPERTON (CONCURS) AND BUCKINGHAM (CONCURS)	2008-CA-002306-MR 2008-CA-002307-MR NOT TO BE PUBLISHED	BULLITT
589	ELAM (JEFFERY LYNN) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING STUMBO (PRESIDING JUDGE) ACREE (CONCURS) AND LAMBERT (CONCURS)	2008-CA-002365-MR NOT TO BE PUBLISHED	WHITLEY
590	ENDSLEY (JERRY) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING LAMBERT (PRESIDING JUDGE) NICKELL (CONCURS) AND CAPERTON (CONCURS IN RESULT ONLY)	2009-CA-000033-MR NOT TO BE PUBLISHED	CAMPBELL
591	WEINEL (RODNEY) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING COMBS (PRESIDING JUDGE) ACREE (CONCURS) AND WINE (CONCURS)	2009-CA-000075-MR NOT TO BE PUBLISHED	CAMPBELL
592	RAIFORD (KEVIN) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING IN PART, REVERSING IN PART, AND REMANDING STUMBO (PRESIDING JUDGE) ACREE (CONCURS) AND LAMBERT (CONCURS)	2009-CA-000077-MR NOT TO BE PUBLISHED	FAYETTE

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593	CARREER (JAMES D.) VS. CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. OPINION AFFIRMING WINE (PRESIDING JUDGE) VANMETER (CONCURS) AND ACREE (CONCURS)	2009-CA-000155-MR TO BE PUBLISHED	FRANKLIN
594	SHEFFIELD (TERESA) VS. GRAVES (WILBER), ET AL. OPINION AFFIRMING IN 2009-CA-000338-MR AND REVERSING IN 2009-CA-001213-MR WINE (PRESIDING JUDGE) NICKELL (CONCURS) AND STUMBO (CONCURS)	2009-CA-000338-MR 2009-CA-001213-MR TO BE PUBLISHED	MONROE
595	PHILLIPS (SANDRA GRISSOM), ET AL. VS. HIGHLAND PRESBYTERIAN CHURCH, INC. OPINION AND ORDER DISMISSING TAYLOR (PRESIDING JUDGE) CLAYTON (CONCURS) AND THOMPSON (DISSENTS AND FILES SEPARATE OPINION)	2009-CA-000389-MR 2009-CA-000432-MR NOT TO BE PUBLISHED	JEFFERSON
596	THOMPSON (PATRICIA), ET AL. VS. CITY OF CALHOUN, KENTUCKY OPINION AFFIRMING CLAYTON (PRESIDING JUDGE) CAPERTON (CONCURS) AND BUCKINGHAM (CONCURS WITH RESULT AND FILES SEPARATE OPINION)	2009-CA-000442-MR NOT TO BE PUBLISHED	MCLEAN
597	PHIPPS (ADAM) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING WHITE (PRESIDING JUDGE) NICKELL (CONCURS) AND STUMBO (CONCURS)	2009-CA-000511-MR NOT TO BE PUBLISHED	ADAIR

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598	BETHEL FELLOWSHIP, INC. VS. ENVIRONMENTAL AND PUBLIC PROTECTION CABINET OPINION AFFIRMING STUMBO (PRESIDING JUDGE) LAMBERT (CONCURS) AND WHITE (CONCURS)	2009-CA-000603-MR NOT TO BE PUBLISHED	FRANKLIN
599	LAWSON (JAMES D.) VS. SWORD (EDDIE), ET AL. OPINION AFFIRMING THOMPSON (PRESIDING JUDGE) CAPERTON (CONCURS) AND ACREE (CONCURS)	2009-CA-000655-MR NOT TO BE PUBLISHED	PIKE
600	FREEMAN (TONIA T.) VS. BECKER LAW OFFICE, PLC, ET AL. OPINION REVERSING AND REMANDING TAYLOR (PRESIDING JUDGE) VANMETER (CONCURS) AND STUMBO (CONCURS)	2009-CA-000676-MR NOT TO BE PUBLISHED	JEFFERSON
601	STORY (REBECCA SUE) VS. SHIRCLIFFE (SHARNA STORY) OPINION AFFIRMING KELLER (PRESIDING JUDGE) DIXON (CONCURS) AND LAMBERT (CONCURS)	2009-CA-000699-MR NOT TO BE PUBLISHED	WARREN
602	USHYAROV (OLEG) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING COMBS (PRESIDING JUDGE) ACREE (CONCURS) AND WINE (CONCURS)	2009-CA-000762-MR NOT TO BE PUBLISHED	JEFFERSON
603	SPENCER (RITA), ET AL. VS. KENTUCKY TAX BILL SERVICING, INC., ET AL. OPINION REVERSING AND REMANDING WHITE (PRESIDING JUDGE) LAMBERT (CONCURS) AND STUMBO (CONCURS)	2009-CA-000792-MR NOT TO BE PUBLISHED	PENDLETON

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604	THREE RIVERS MEDICAL CENTER VS. SAVAGE (SOPHIA), ET AL. OPINION REVERSING AND REMANDING TAYLOR (PRESIDING JUDGE) MOORE (CONCURS) AND THOMPSON (DISSENTS AND FILES SEPARATE OPINION)	2009-CA-000818-MR NOT TO BE PUBLISHED	LAWRENCE
605	BEENE (MICHAEL) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING THOMPSON (PRESIDING JUDGE) NICKELL (CONCURS) AND KELLER (CONCURS)	2009-CA-000886-MR NOT TO BE PUBLISHED	GRAVES
606	BAKER (HAYWARD) VS. ABS SERVICES, INC., ET AL. OPINION AFFIRMING STUMBO (PRESIDING JUDGE) NICKELL (CONCURS) AND WHITE (CONCURS)	2009-CA-001058-MR NOT TO BE PUBLISHED	ELLIOTT
607	HESTER (KIMN Y.) VS. HESTER (ERIC D.) OPINION AFFIRMING KELLER (PRESIDING JUDGE) DIXON (CONCURS) AND LAMBERT (CONCURS)	2009-CA-001130-MR NOT TO BE PUBLISHED	HARDIN
608	TAX EASE LIEN INVESTMENTS 1, LLC. VS. CUMBERLAND VALLEY NATIONAL BANK AND TRUST COMPANY, ET AL. OPINION AFFIRMING MOORE (PRESIDING JUDGE) TAYLOR (CONCURS IN RESULT) AND THOMPSON (DISSENTS AND FILES SEPARATE OPINION)	2009-CA-001138-MR NOT TO BE PUBLISHED	LAUREL
609	KENTUCKY EXECUTIVE BRANCH ETHICS COMMISSION VS. ATKINSON (BETTY), ET AL. OPINION REVERSING AND REMANDING VANMETER (PRESIDING JUDGE) ACREE (CONCURS) AND WINE (CONCURS)	2009-CA-001145-MR TO BE PUBLISHED	FRANKLIN

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610	WILLIAMS (LINDA), ET AL. VS. OATES (WILLIAM C.), ET AL. OPINION VACATING AND REMANDING LAMBERT (PRESIDING JUDGE) CAPERTON (CONCURS) AND NICKELL (CONCURS)	2009-CA-001182-MR TO BE PUBLISHED	WARREN
611	SHABAZZ (ISHMAIL) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING CAPERTON (PRESIDING JUDGE) NICKELL (CONCURS) AND LAMBERT (CONCURS)	2009-CA-001398-MR NOT TO BE PUBLISHED	JEFFERSON
612	OWNERS INSURANCE COMPANY VS. UTLEY (TIMOTHY KEITH), ET AL. OPINION AFFIRMING LAMBERT (PRESIDING JUDGE) NICKELL (CONCURS) AND CAPERTON (CONCURS)	2009-CA-001471-MR TO BE PUBLISHED	CHRISTIAN
613	CALDWELL (ANDREW) VS. HUBBLE (RICHARD) OPINION AFFIRMING WINE (PRESIDING JUDGE) VANMETER (CONCURS) AND ACREE (CONCURS)	2009-CA-001512-MR NOT TO BE PUBLISHED	FAYETTE
614	GOODMAN (TERRY L.) VS. CRAIG (MELISSA L.) OPINION AFFIRMING THOMPSON (PRESIDING JUDGE) CLAYTON (CONCURS) AND TAYLOR (CONCURS)	2009-CA-001565-ME NOT TO BE PUBLISHED	JEFFERSON
615	GOINS (PAUL DAVID) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING MOORE (PRESIDING JUDGE) THOMPSON (CONCURS) AND WHITE (CONCURS)	2009-CA-001780-MR NOT TO BE PUBLISHED	PENDLETON

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616	PELLA CORPORATION VS. BERNSTEIN (JOYCE), ET AL. OPINION AFFIRMING LAMBERT (PRESIDING JUDGE) CAPERTON (CONCURS) AND NICKELL (CONCURS)	2010-CA-000171-WC 2010-CA-000282-WC TO BE PUBLISHED	WORKERS' COMP
617	RUDOLPH (ANITA) VS. JEFFERSON COUNTY PUBLIC SCHOOLS, ET AL. OPINION AFFIRMING DIXON (PRESIDING JUDGE) VANMETER (CONCURS) AND LAMBERT (CONCURS)	2010-CA-000293-WC NOT TO BE PUBLISHED	WORKERS' COMP

ORDER CORRECTING OPINION:

CHARLES GERTON

2009-CA-001712-MR

FRANKLIN

VS.

JUSTICE AND PUBLIC SAFETY
CABINET

ENTERED: 06/18/2010

ORDERS DENYING PETITION FOR REHEARING:

ROB JONES AND

2009-CA-000350-MR

OLDHAM

JASON ELLISON

VS.

OLDHAM COUNTY SHERIFF'S
DEPARTMENT AND OLDHAM
COUNTY SHERIFF'S MERIT BOARD

ENTERED: 06/14/2010

DAVID PORTER AND

2009-CA-000428-MR

JOHNSON

BRENDA PORTER

VS.

JOHNSON COUNTY JUDGE
EXECUTIVE, JOHNSON COUNTY
FISCAL COURT, AND THE JOHNSON
COUNTY CONSERVATION DISTRICT

ENTERED: 06/14/2010

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DONALD LEWIS TURNER VS. COMMONWEALTH OF KENTUCKY ENTERED: 06/16/2010	2009-CA-001746-MR	FAYETTE
DAMON MARTIN VS. COMMONWEALTH OF KENTUCKY ENTERED: 06/16/2010	2009-CA-002003-MR	JEFFERSON
KRISTOPHER JOSEPH DURBIN VS. ASHLEY EDWARDS RAMEY ENTERED: 06/14/2010	2009-CA-002216-MR	McCRACKEN
KENNETH CAPSHAW VS. COMMONWEALTH OF KENTUCKY ENTERED: 06/17/2010	2009-CA-002307-MR	MONROE
CITY OF HENDERSON, KENTUCKY; ET AL VS. BIG RIVERS ELECTRIC CORPORATION ENTERED: 06/14/2010	2010-CA-000120-MR	HENDERSON
MICHAEL HALL VS. CLARK TAYLOR, WARDEN ENTERED: 06/16/2010	2010-CA-000222-MR	OLDHAM
K.M. (NOW H.) VS. CABINET FOR HEALTH AND FAMILY SERVICES, ET AL ENTERED: 06/15/2010	2010-CA-000321-ME	WARREN
T.H. VS. CABINET FOR HEALTH AND FAMILY SERVICES, ET AL ENTERED: 06/15/2010	2010-CA-000328-ME	MARSHALL
RICHARD CALVIN VS. COMMONWEALTH OF KENTUCKY ENTERED: 06/16/2010	2010-CA-000345-MR	CHRISTIAN

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C.S. 2010-CA-000357-MR FAYETTE
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 06/16/2010

SIR JAZZ A. JASPER 2010-CA-000378-MR BELL
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 06/16/2010

TIMOTHY WADE WEST 2010-CA-000509-MR HARDIN
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 06/16/2010

TERRELL WOOSLEY 2010-CA-000518-MR FRANKLIN
VS.
COMMONWEALTH OF KENTUCKY,
DEPARTMENT OF CORRECTIONS
ENTERED: 06/16/2010

GARY DALE WATERS 2010-CA-000557-MR HOPKINS
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 06/16/2010

ORDER DENYING MOTION FOR DISCRETIONARY REVIEW FROM PREVIOUS WEEK ENDING 06/11/2010:

THE ESTATE OF CHARLES LEON 2010-CA-000025-DR MARION
BROWNING, ET AL
VS.
MARCELLA SUE BROWNING
ENTERED: 06/10/2010

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ORDERS DENYING PETITION FOR WRIT OF PROHIBITION/MANDAMUS FROM PREVIOUS WEEK ENDING 06/11/2010:

VELESSA HATHAWAY
VS.
HON. AUDRA J. ECKERLE, JUDGE
JEFFERSON CIRCUIT COURT
AND
COMMONWEALTH DODGE, LLC
ENTERED: 06/10/2010

2009-CA-002266-OA

JEFFERSON

LOUISVILLE/JEFFERSON COUNTY
METRO GOVERNMENT
VS.
HON. MARY SHAW, JUDGE
JEFFERSON CIRCUIT COURT
AND
KENTON MEASLE, ET AL
ENTERED: 06/10/2010

2009-CA-002300-OA

JEFFERSON

SARAH E. DUDLEY
VS.
HON. OLU A. STEVENS, JUDGE
JEFFERSON CIRCUIT COURT
AND ERDOGAN ATASOY, M.D.; AND
KEINERT KUTZ AND ASSOCIATES
HAND CARE CENTER, PLLC D/B/A
KEINERT KUTZ
ENTERED: 06/10/2010

2009-CA-002341-MR

JEFFERSON

LUISA CIMA, ET AL
VS.
HON. RODERICK MESSER,
JUDGE, WHITLEY CIRCUIT COURT
AND
GINO CIMA
ENTERED: 06/10/2010

2010-CA-000183-OA

WHITLEY

BRUCE WATERS, ET AL
VS.
HON. IRA D. NEWMAN,
JUDGE, MADISON CIRCUIT COURT
AND
CABINET FOR HEALTH AND FAMILY
SERVICES
ENTERED: 06/10/2010

2010-CA-000476-MR

MADISON

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ORDERS DISMISSING FROM PREVIOUS WEEK ENDING 06/11/2010:

MICHAEL B. CONWAY
VS.
ESTATE OF LEXA CONWAY,
ET AL
ENTERED: 06/11/2010

2009-CA-001719-MR MASON

LIZ SHEPHERD AND
DOLT, THOMPSON, SHEPHERD
& KINNEY, P.S.C.
VS.
HON. GARY D. PAYNE
JUDGE, PULASKI CIRCUIT COUT
AND
DONALD E. BROWN, M.D.
ENTERED: 06/10/2010

2009-CA-002230-OA PULASKI

MAGO CONSTRUCTION COMPANY, LLC
VS.
CITY OF WILLIAMSTOWN, KENTUCKY;
ET AL
ENTERED: 06/11/2010

2010-CA-000196-MR GRANT

CLARENCE HURST
VS.
WARREN COUNTY, ET AL
ENTERED: 06/11/2010

2010-CA-000233-MR WARREN

JOHN SCHAFFSTEIN, ET AL
VS.
STUART MORRISON
ENTERED: 06/11/2010

2010-CA-000248-MR KENTON

GEORGE STURM, ET AL
VS.
J.T. CARNEAL, ET AL
ENTERED: 06/11/2010

2010-CA-000249-MR MCCRACKEN

AMY MISCHLER
VS.
GREG STUMBO
ENTERED: 06/11/2010

2010-CA-000355-MR FRANKLIN

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STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY
VS.
JANIS COULTER, ET AL
ENTERED: 06/11/2010

2010-CA-000338-MR

NELSON

ORDERS DENYING PETITION FOR REHEARING FROM PREVIOUS WEEK ENDING 06/04/2010:

LEAMON OLIVER
VS.
SUN LIFE FINANCIAL
DISTRIBUTORS, INC., (F.K.A.)
SUN LIFE INSURANCE COMPANY
OF CANADA
ENTERED: 06/04/2010

2007-CA-002063-MR

JEFFERSON

BILL KAELIN AND
MARY BETH WHELAN
VS.
LAMAR SMITH
ENTERED: 06/04/2010

2008-CA-001515-MR

MEADE

RICK G. BURTON
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 06/04/2010

2009-CA-001179-MR

MCLEAN

ORDER DENYING PETITION FOR WRIT OF PROHIBITION FROM PREVIOUS WEEK ENDING 06/04/2010:

GARY E. YOCHIM, DO.O
VS.
HON. ROBERT A. MILLER,
JUDGE GRAYSON CIRCUIT COURT
AND
MAXINE BUSH, ET AL
ENTERED: 06/04/2010

2010-CA-000182-OA

GRAYSON

