

COURT OF APPEALS OF KENTUCKY

07/16/2010 AT 10:00

PAGE 1 of 19

673	THOMAS (LARRY O'NEIL) VS. ST. JOSEPH HEALTHCARE, INC. OPINION AFFIRMING IN PART, REVERSING IN PART AND REMANDING IN PART WINE (PRESIDING JUDGE) CLAYTON (CONCURS) AND DIXON (CONCURS)	2007-CA-001192-MR 2007-CA-001244-MR TO BE PUBLISHED	FAYETTE
674	HIGHLANDS HOSPITAL CORPORATION VS. CASTLE (LONNA) OPINION AFFIRMING IN PART, REVERSING IN PART, AND REMANDING ACREE (PRESIDING JUDGE) DIXON (CONCURS) AND GRAVES (DISSENTS AND FILES A SEPARATE OPINION)	2007-CA-002432-MR NOT TO BE PUBLISHED	FLOYD
675	JONES (WILLIAM) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING IN PART, VACATING IN PART AND REMANDING BUCKINGHAM (PRESIDING JUDGE) CAPERTON (CONCURS) AND MOORE (CONCURS)	2008-CA-000710-MR NOT TO BE PUBLISHED	JEFFERSON
676	COUNTRYWAY INSURANCE COMPANY VS. OAKES (MARGUERITE S.) OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) CAPERTON (CONCURS) AND CLAYTON (CONCURS)	2008-CA-001498-MR 2008-CA-001557-MR 2009-CA-000958-MR NOT TO BE PUBLISHED	TODD
677	CARLISLE (LANN D.) VS. COMMONWEALTH OF KENTUCKY OPINION REVERSING AND REMANDING ACREE (PRESIDING JUDGE) CLAYTON (CONCURS) AND HARRIS (CONCURS)	2008-CA-001531-MR TO BE PUBLISHED	HENDERSON

COURT OF APPEALS OF KENTUCKY

07/16/2010 AT 10:00

PAGE 2 of 19

678	HERNANDEZ (JESUS) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING THOMPSON (PRESIDING JUDGE) CAPERTON (CONCURS) AND LAMBERT (CONCURS)	2008-CA-002368-MR NOT TO BE PUBLISHED	FAYETTE
679	GRUBB (LINDA S.), ET AL. VS. NORTON HOSPITALS, INC. , ET AL. OPINION AFFIRMING VANMETER (PRESIDING JUDGE) TAYLOR (CONCURS) AND STUMBO (DISSENTS IN PART)	2009-CA-000021-MR 2009-CA-000060-MR 2009-CA-000098-MR 2009-CA-000099-MR NOT TO BE PUBLISHED	JEFFERSON
680	PRICE (MARK A.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING DIXON (PRESIDING JUDGE) KELLER (CONCURS) AND LAMBERT (CONCURS)	2009-CA-000250-MR NOT TO BE PUBLISHED	CAMPBELL
681	JOHNSON (JOYCE) VS. KENTUCKY STATE POLICE , ET AL. OPINION REVERSING AND REMANDING ACREE (PRESIDING JUDGE) CAPERTON (CONCURS) AND THOMPSON (CONCURS)	2009-CA-000452-MR NOT TO BE PUBLISHED	CLAY
682	LINDSEY (BILLY J.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING ACREE (PRESIDING JUDGE) KELLER (CONCURS) AND LAMBERT (CONCURS)	2009-CA-000553-MR NOT TO BE PUBLISHED	EDMONSON
683	CELINA MUTUAL INSURANCE COMPANY VS. HARBOR INSURANCE AGENCY, LLC , ET AL. OPINION AFFIRMING CLAYTON (PRESIDING JUDGE) BUCKINGHAM (CONCURS) AND CAPERTON (DISSENTS AND FILES SEPARATE OPINION)	2009-CA-000790-MR TO BE PUBLISHED	TRIGG

COURT OF APPEALS OF KENTUCKY

07/16/2010 AT 10:00

PAGE 3 of 19

684	POLLINI (JASPER) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING LAMBERT (PRESIDING JUDGE) COMBS (CONCURS) AND KELLER (CONCURS)	2009-CA-000964-MR TO BE PUBLISHED	JEFFERSON
685	BROWN SPRINKLER CORPORATION VS. SOMERSET- PULASKI COUNTY DEVELOPMENT FOUNDATION, INC. , ET AL. OPINION REVERSING AND REMANDING KELLER (PRESIDING JUDGE) CLAYTON (CONCURS) AND BUCKINGHAM (CONCURS)	2009-CA-001185-MR TO BE PUBLISHED	PULASKI
686	IVY (NOW KNIGHTEN) (RENEE) VS. COMMONWEALTH OF KENTUCKY , ET AL. OPINION REVERSING LAMBERT (PRESIDING JUDGE) STUMBO (CONCURS) AND CAPERTON (DISSENTS AND FILES SEPARATE OPINION)	2009-CA-001279-ME TO BE PUBLISHED	MCCRACKEN
687	HACK (JONATHAN) VS. FANNIN (MARLO), ET AL. OPINION AFFIRMING CLAYTON (PRESIDING JUDGE) KELLER (CONCURS) BUCKINGHAM (CONCURS)	2009-CA-001402-MR NOT TO BE PUBLISHED	ELLIOTT
688	W. (T.) VS. CABINET FOR HEALTH AND FAMILY SERVICES , ET AL. OPINION AFFIRMING ACREE (PRESIDING JUDGE) MOORE (CONCURS) AND BUCKINGHAM (CONCURS)	2009-CA-001446-ME NOT TO BE PUBLISHED	HICKMAN
689	CRUCES (JOSE LUIS) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING STUMBO (PRESIDING JUDGE) ACREE (CONCURS) AND LAMBERT (CONCURS)	2009-CA-001535-MR NOT TO BE PUBLISHED	FAYETTE

COURT OF APPEALS OF KENTUCKY

07/16/2010 AT 10:00

PAGE 4 of 19

690	ROUSE (TIMOTHY D.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING DIXON (PRESIDING JUDGE) KELLER (CONCURS) AND LAMBERT (CONCURS)	2009-CA-001549-MR NOT TO BE PUBLISHED	FULTON
691	SMITH (AMANDA), ET AL. VS. YOUNGER (THERESA), ET AL. OPINION AFFIRMING WHITE (PRESIDING JUDGE) STUMBO (CONCURS) AND LAMBERT (DISSENTS)	2009-CA-001581-ME NOT TO BE PUBLISHED	CAMPBELL
692	CABINET FOR HEALTH AND FAMILY SERVICES , ET AL. VS. BOWMAN (ORVILLE) OPINION AFFIRMING LAMBERT (PRESIDING JUDGE) COMBS (CONCURS) AND KELLER (CONCURS)	2009-CA-001830-ME TO BE PUBLISHED	JEFFERSON
693	CORNS (JERRY DENNIS) VS. CORNS (SHARON KAY) OPINION VACATING AND REMANDING CLAYTON (PRESIDING JUDGE) KELLER (CONCURS) AND BUCKINGHAM (CONCURS)	2009-CA-001864-ME NOT TO BE PUBLISHED	LEWIS
694	ROSTRON (RANDAL J.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING NICKELL (PRESIDING JUDGE) CAPERTON (CONCURS) AND LAMBERT (CONCURS)	2009-CA-001938-MR NOT TO BE PUBLISHED	WHITLEY
695	GRAYSON (STEPHANIE), ET AL. VS. GRAYSON (JUNE) OPINION REVERSING LAMBERT (PRESIDING JUDGE) DIXON (CONCURS) AND VANMETER (CONCURS)	2009-CA-001963-ME TO BE PUBLISHED	MASON

COURT OF APPEALS OF KENTUCKY

07/16/2010 AT 10:00

PAGE 5 of 19

696	KEYES (ELLIS) VS. HOGG (CLYDE) OPINION AFFIRMING CAPERTON (PRESIDING JUDGE) VANMETER (CONCURS) AND THOMPSON (CONCURS AND FILES SEPARATE OPINION)	2009-CA-002016-MR NOT TO BE PUBLISHED	LETCHER
697	HUDSON (LIZZIE KAY) VS. HUDSON (CLARINDA) OPINION AFFIRMING KELLER (PRESIDING JUDGE) CLAYTON (CONCURS) AND BUCKINGHAM (CONCURS)	2009-CA-002150-ME NOT BE PUBLISHED	BREATHITT
698	KELSAY (MARK) VS. CARSON (TRACIE) OPINION AFFIRMING MOORE (PRESIDING JUDGE) THOMPSON (CONCURS) AND WHITE (CONCURS)	2009-CA-002175-ME TO BE PUBLISHED	BOYLE
699	GSI COMMERCE SOLUTIONS VS. GORDON (TAMMY), ET AL. OPINION AFFIRMING NICKELL (PRESIDING JUDGE) DIXON (CONCURS) AND LAMBERT (CONCURS)	2009-CA-002270-WC NOT TO BE PUBLISHED	WORKERS' COMP
700	F. (S.) VS. CABINET FOR HEALTH AND FAMILY SERVICES , ET AL. OPINION AFFIRMING THOMPSON (PRESIDING JUDGE) CAPERTON (CONCURS) AND VANMETER (CONCURS)	2009-CA-002396-ME 2009-CA-002397-ME NOT TO BE PUBLISHED	KNOTT
701	DEWBERRY (BILLY) VS. TRADEWINDS TRANSIT, INC. , ET AL. OPINION AFFIRMING STUMBO (PRESIDING JUDGE) ACREE (CONCURS) AND LAMBERT (CONCURS)	2010-CA-000442-WC NOT TO BE PUBLISHED	WORKERS' COMP

COURT OF APPEALS OF KENTUCKY

07/16/2010 AT 10:00

PAGE 6 of 19

ORDER DENYING PETITION FOR REHEARING AND CORRECTING OPINION:

MILLICENT MAY, ET AL	2008-CA-001047-MR	PIKE
VS.	2008-CA-001072-MR	
JOHNSON FAMILY COAL CO.,		
ET AL		
AND KENNY TRIVETTE. ET AL		
VS.		
JOHNSON FAMILY COAL CO.,		
ET AL		
ENTERED: 07/16/2010		

ORDER GRANTING PETITION FOR MODIFICATION:

RHODA TERESA BUNCH	2007-CA-001995-MR	MARSHALL
VS.		
COMMONWEALTH OF KENTUCKY		
ENTERED: 07/16/2010		

ORDER CORRECTING OPINION:

JOE MARTINEZ	2009-CA-000927-WC	WORKERS'
VS.		COMP
PEABODY COAL COMPANY		
ENTERED: 07/16/2010		

ORDERS DENYING PETITION FOR REHEARING:

1400 WILLOW COUNCIL OF CO-OWNERS, INC.	2008-CA-001155-MR	JEFFERSON
VS.		
PATRICIA W. BALLARD		
ENTERED: 07/15/2010		

COURT OF APPEALS OF KENTUCKY

07/16/2010 AT 10:00

PAGE 8 of 19

JEREMY GRIFFITH VS. COMMONWEALTH OF KENTUCKY ENTERED: 07/14/2010	2010-CA-000335-DR	GRAVES
JOSEPH MCKINLEY VS. COMMONWEALTH OF KENTUCKY ENTERED: 07/14/2010	2010-CA-000392-DR	FAYETTE
RICHARD A. GETTY VS. SUE GETTY ENTERED: 07/14/2010	2010-CA-000452-D	BOURBON
S.L. VS. H.L.S. ENTERED: 07/14/2010	2010-CA-000542-D	NELSON
KENDRA GILLIS VS. COMMONWEALTH OF KENTUCKY ENTERED: 07/14/2010	2010-CA-000571-DR	HARDIN
MARK MORRIS VS. COMMONWEALTH OF KENTUCKY ENTERED: 07/14/2010	2010-CA-000657-DR	HICKMAN
DAVID J. GUIDUGLI VS. COMMONWEALTH OF KENTUCKY ENTERED: 07/14/2010	2010-CA-000710-DR	KENTON
GREG LUCKETT VS. COMMONWEALTH OF KENTUCKY ENTERED: 07/14/2010	2010-CA-000819-DR	NELSON
HEATHER GREEN, M.D. VS. COMMONWEALTH OF KENTUCKY ENTERED: 07/14/2010	2010-CA-000895-DR	KENTON

COURT OF APPEALS OF KENTUCKY

07/16/2010 AT 10:00

PAGE 9 of 19

JEFF WEBB

2010-CA-000778-I

CARTER

VS.

CARTER COUNTY, KENTUCKY

ENTERED: 07/14/2010

ORDER DENYING PETITION FOR WRIT OF MANDAMUS/PROHIBITION:

DAVID R. STEELE

2010-CA-000143-OA

KENTON

VS.

HON. STEVEN JAEGER,
JUDGE, KENTON CIRCUIT COURT
AND

SONIA L. RICE, ET AL

ENTERED: 07/12/2010

BENJI MANNS

2010-CA-000172-OA

MAGOFFIN

VS.

HON. KIMBERLY CHILDERS, JUDGE
MAGOFFIN CIRCUIT COURT
AND

COMMONWEALTH OF KENTUCKY

ENTERED: 07/14/2010

TAYLOR BANKS

2010-CA-000408-OA

JEFFERSON

VS.

HON. BARRY L. WILLETT, JUDGE,
JEFFERSON CIRCUIT COURT
AND

JAMES WILLIAMS, JR.

ENTERED: 07/12/2010

TIMOTHY WHEELER, M.D.

2010-CA-000500-OA

BOYD

VS.

HON. C. DAVID HAGERMAN,
JUDGE, BOYD CIRCUIT COURT
AND

TRACEY L. KELLEY

ENTERED: 07/12/2010

COURT OF APPEALS OF KENTUCKY

07/16/2010 AT 10:00

PAGE 10 of 19

HERBERY T. WARMAN
VS.
HON. PAUL E. BRADEN, JUDGE
MAGOFFIN CIRCUIT COURT
AND
COMMONWEALTH OF KENTUCKY
ENTERED: 07/12/2010

2010-CA-000660-OA

MCCREARY

STATE FAR, INSURANCE COMPANY
VS.
HON. BRIAN C. EDWARDS,
JUDGE, JEFFERSON CIRCUIT COURT
AND
MARK RODEN
ENTERED: 07/15/2010

2010-CA-000661-OA

JEFFERSON

BRIAN WARMAN
VS.
HON. DANIEL L. BALLOU, JUDGE
MAGOFFIN CIRCUIT COURT
AND
COMMONWEALTH OF KENTUCKY
ENTERED: 07/12/2010

2010-CA-000764-OA

MCCREARY

B.F.
VS.
HON. GARY D. PAYNE, SPECIAL
JUDGE BELL CIRCUIT COURT
AND
COMMONWEALTH OF KENTUCKY
ENTERED: 07/14/2010

2010-CA-000853-OA

BELL

MERK & CO., INC.
VS.
HON. STEPHEN D. COMBS, JUDGE,
PIKE CIRCUIT COURT
AND
JAMES RATLIFF
ENTERED: 07/12/2010

2010-CA-000873-OA

PIKE

COURT OF APPEALS OF KENTUCKY

07/16/2010 AT 10:00

PAGE 12 of 19

GLENN BRADFORD VS. COMMONWEALTH OF KENTUCKY ENTERED: 07/12/2010	2009-CA-001714-MR	GREENUP
H, J&M INCORPORATED VS. SHARON P. CLARK, IN HER CAPACITY AS EXECUTIVE DIRECTOR (NOW COMMISSIONER), KENTUCKY DEPARTMENT OF INSURANCE ENTERED: 07/15/2010	2009-CA-001847-MR	FRANKLIN
DAVID R. JOHNSON VS. COMMONWEALTH OF KENTUCKY ENTERED: 07/12/2010	2009-CA-001883-MR	JEFFERSON
JASON D. BORDEN VS. COMMONWEALTH OF KENTUCKY ENTERED: 07/12/2010	2009-CA-002097-MR	WARREN
ROBERT E. REYNOLDS VS. KAREN J. HADDIX, F/K/A REYNOLDS ENTERED: 07/12/2010	2009-CA-002137-MR	CAMPBELL
JAMI GREEN VS. COMMONWEALTH OF KENTUCKY ENTERED: 07/12/2010	2009-CA-002386-MR	BALLARD
MICHAEL VANHECK VS. COMMONWEALTH OF KENTUCKY ENTERED: 07/12/2010	2010-CA-000114-MR	TAYLOR
RANDY JACKSON VS. COMMONWEALTH OF KENTUCKY ENTERED: 07/12/2010	2010-CA-000253-MR	KENTON
DELLA HURT VS. COMMONWEALTH OF KENTUCKY ENTERED: 07/13/2010	2010-CA-000271-MR	PERRY

COURT OF APPEALS OF KENTUCKY

07/16/2010 AT 10:00

PAGE 13 of 19

JITANDER S. DUDEE VS. COMMONWEALTH OF KENTUCKY ENTERED: 07/14/2010	2010-CA-000281-DR	FAYETTE
ALAN R. VANDIVER VS. COMMONWEALTH OF KENTUCKY ENTERED: 07/12/2010	2010-CA-000332-MR	CHRISTIAN
DONALD RAY LUCAS VS. MIKE SPINDLER ENTERED: 07/12/2010	2010-CA-000341-MR	FRANKLIN
MARILYN KLEE BRADLEY VS. BETH SAMMET ENTERED: 07/13/2010	2010-CA-000391-I	OLDHAM
ELAINE SALYERS VS. COMMONWEALTH OF KENTUCKY ENTERED: 07/12/2010	2010-CA-000482-MR	CLAY
HENRY L. STEPHENS, ET AL VS. SHARON P. CLARK, COMMISSIONER, KENTUCKY DEPARTMENT OF INSURANCE AND REHABILITATOR OF AIK COMP; ET AL ENTERED: 07/15/2010	2010-CA-000488-MR	FRANKLIN

COURT OF APPEALS OF KENTUCKY

07/16/2010 AT 10:00

PAGE 14 of 19

JESSE R. MCNUTT VS. STEPHEN COOK SANDERS, ET AL AND JESSE R. MCNUTT VS. STEPHEN COOK SANDERS, ET AL AND JESSE R. MCNUTT VS. STEPHEN COOK SANDERS, ET AL AND JESSE R. MCNUTT VS. STEPHEN COOK SANDERS, ET AL AND JESSE R. MCNUTT VS. STEPHEN COOK SANDERS, ET AL AND JESSE R. MCNUTT VS. STEPHEN COOK SANDERS, ET AL ENTERED: 07/13/2010	2010-CA-000492-MR 2010-CA-000493-MR 2010-CA-000494-MR 2010-CA-000495-MR 2010-CA-000496-MR 2010-CA-000497-MR	CALLOWAY
PATRICIA A. BOOT VS. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY ENTERED: 07/15/2010	2010-CA-000561-MR	JEFFERSON
CURTIS GREEN & CLAY GREEN, INC.; ET AL VS. SHARON P. CLARK IN HER CAPACITY AS COMMISSIONER OF KENTUCKY DEPARTMENT OF INSURANCE AND REHABILITATION OF AIK COMP AND ITS MEMBERS; ET AL ENTERED: 07/15/2010	2010-CA-000569-MR	FRANKLIN
CALVIN SACHLEBAN VS. COMMONWEALTH OF KENTUCKY ENTERED: 07/12/2010	2010-CA-000643-MR	TRIMBLE
SHERMAN TOWNSEND VS. COMMONWEALTH OF KENTUCKY ENTERED: 07/12/2010	2010-CA-000745-MR	CASEY

COURT OF APPEALS OF KENTUCKY

07/16/2010 AT 10:00

PAGE 17 of 19

ANTHONY S. BALLESTEROS VS. COMMONWEALTH OF KENTUCKY ENTERED: 07/12/2010	2009-CA-001688-MR5	WARREN
KENYORDO Q. HOLLAND VS. COMMONWEALTH OF KENTUCKY ENTERED: 07/12/2010	2009-CA-001700-MR	MCCRACKEN
DEBBIE SMART, ET AL VS. BETTY F. SEARS, ET AL ENTERED: 07/08/2010	2009-CA-002089-MR	PULASKI
BOBBY JOE NATION VS. COMMONWEALTH OF KENTUCKY ENTERED: 07/12/2010	2009-CA-002184-MR	LAUREL
HUBERT C. SLUSHER VS. KAREN R. SLUSHER ENTERED: 07/09/2010	2009-CA-002238-MR	JEFFERSON
FRED KAELIN VS. RICHARD CALLOWAY ENTERED: 07/09/2010	2009-CA-002310-MR	BULLITT
J.E.S. VS. CABINET FOR HEALTH AND FAMILY SERVICES, COMMONWEALTH OF KENTUCKY; ET AL ENTERED: 07/09/2010	2009-CA-002368-MR	MCCRACKEN
J.A. VS. CABINET FOR HEALTH AND FAMILY SERVICES, ET AL ENTERED: 07/09/2010	2010-CA-000040-ME	FLOYD
HARRY L. SEEGER, INC.; ET AL VS. CHILDERS OIL COMPANY ENTERED: 07/09/2010	2010-CA-000047-MR	FAYETTE

COURT OF APPEALS OF KENTUCKY

07/16/2010 AT 10:00

PAGE 18 of 19

AMY MISCHLER VS. JUSTICE AND PUBLIC SAFETY CABINET, ET AL ENTERED: 07/09/2010	2010-CA-000051-MR	FRANKLIN
UNIVERSAL SUPPORT SYSTEMS, LLC, ET AL VS. COMMUNITY BANK OF KENTUCKY, INC. A/K/A YOUR COMMUNITY BANK, INC. ENTERED: 07/09/2010	2010-CA-000078-MR	NELSON
ORKIN, INC. VS. MICHAEL CARTER ENTERED: 07/09/2010	2010-CA-000199-MR	PIKE
MARY ANN VEREEN VS. THE TRAVELERS HOME AND MARINE INSURANCE COMPANY ENTERED: 07/09/2010	2010-CA-000204-MR	CARROLL
JOHN R. BURDETTE VS. ROBERT L. BERTRAM, AS TRUSTEE OF THE HATTIE REES TESTAMENTARY TRUST ENTERED: 07/09/2010	2010-CA-000529-MR	RUSSELL
JACKIE BYBEE VS. TABITHA DICKEN ENTERED: 07/09/2010	2010-CA-000574-ME	WAYNE
EDDIE DAWSON WILEY VS. JUDY KAY WILEY ENTERED: 07/09/2010	2010-CA-000624-MR	SCOTT
R.L.F., JR. VS. CABINET FOR HEALTH AND FAMILY SERVICES, ET AL ENTERED: 0709/2010	2010-CA-000638-ME	CALLOWAY

COURT OF APPEALS OF KENTUCKY

07/16/2010 AT 10:00

PAGE 19 of 19

OTIS MARTIN VS. COOKIE CREWS, WARDEN, ET AL ENTERED: 07/08/2010	2010-CA-000692-MR	FRANKLIN
THOMAS MARKS, ET AL VS. LARRY G. TINGLE ENTERED: 07/09/2010	2010-CA-000697-MR	JEFFERSON
A.F., ET AL VS. CABINET FOR HEALTH AND FAMILY SERVICES, ET AL ENTERED: 07/09/2010	2010-CA-000765-ME	CALLOWAY
GINA MICHELLE MCDAVID, NOW KELSEY VS. HUGHIE RAND MCDAVID ENTERED: 07/09/2010	2010-CA-000787-MR	CARTER
BRH PROPERTIES, LLC; ET AL VS. CITY OF BARDSTOWN ENTERED: 07/09/2010	2010-CA-000848-MR	NELSON
Y.M. VS. CABINET FOR HEALTH AND FAMILY SERVICES, COMMONWEALTH OF KENTUCKY; ET AL ENTERED: 07/09/2010	2010-CA-000869-ME	JEFFERSON
M.D.H. VS. CABINET FOR HEALTH AND FAMILY SERVICES, ET AL ENTERED: 07/09/2010	2010-CA-000890-ME	GRAYSON