

KENTUCKY COURT OF APPEALS

AUGUST 30, 2024 MINUTES

RELEASED: 10:00 A.M.

- | | | | |
|------|---|--|-----------------------------------|
| 542. | DERRICK SHEPHERD v.
BOBBY HAMILTON, ET AL.

OPINION REVERSING BY JUDGE
ACREE

COMBS, J. (CONCURS) AND
ECKERLE, J. (CONCURS) | 2022-CA-0887-WC
NOT TO BE
PUBLISHED | WORKERS'
COMPENSATION
BOARD |
| 543. | KEITH BRADLEY v.
COMMONWEALTH OF KENTUCKY

OPINION AFFIRMING BY JUDGE
ACREE

KAREM, J. (CONCURS) AND
LAMBERT, J. (CONCURS) | 2022-CA-0975-MR
2022-CA-0977-MR
NOT TO BE PUBLISHED | WARREN |
| 544. | AUTO VENTURE ACCEPTANCE, LLC
v.
JEROME C. BLAIR, JR., ET AL.

OPINION AFFIRMING BY JUDGE
ACREE

KAREM, J. (CONCURS) AND
LAMBERT, J. (CONCURS) | 2022-CA-1458-MR
TO BE PUBLISHED | JEFFERSON |
| 545. | AMERICAN COAL TERMINAL, INC.,
ET AL. v.
ETERA, LLC, ET AL.

OPINION AND ORDER REVERSING
AND REMANDING APPEAL NO.
2023-CA-0068-MR AND DISMISSING
APPEAL NO. 2023-CA-0250-MR BY
JUDGE LAMBERT

MCNEILL, J. (CONCURS) AND
TAYLOR, J. (CONCURS) | 2023-CA-0068-MR
2023-CA-0250-MR
TO BE PUBLISHED | BOYD |

KENTUCKY COURT OF APPEALS

AUGUST 30, 2024 MINUTES

RELEASED: 10:00 A.M.

546. MATTHEW LAWSON v. [2023-CA-0144-MR](#) WHITLEY
BERNARD MOSES, M.D., SECOND **NOT TO BE PUBLISHED**
SUCCESSOR ADMINISTRATOR OF
THE ESTATE OF LARRY LYNN
LAWSON
- OPINION REVERSING AND
REMANDING BY JUDGE ACREE**
- KAREM, J. (CONCURS) AND
LAMBERT, J. (CONCURS)
547. PATSY ROSE, IN HER OFFICIAL [2023-CA-0296-MR](#) JEFFERSON
CAPACITY AS GUARDIAN OF THE **NOT TO BE PUBLISHED**
ESTATE OF LARRY BUSSEY v.
DIANNA PENDLEY, ET AL.
- OPINION VACATING AND
REMANDING BY JUDGE GOODWINE**
- CETRULO, J. (CONCURS) AND
KAREM, J. (CONCURS)
548. JAMES S. HAMILTON, ET AL. v. [2023-CA-0575-MR](#) PIKE
P.B. STRATTON FAMILY [2023-CA-0577-MR](#)
PARTNERSHIP, LLC, ET AL. [2023-CA-0580-MR](#)
AND [2023-CA-0663-MR](#)
SHELBY FUEL CORPORATION v. **TO BE PUBLISHED**
JAMES S. HAMILTON, ET AL.
AND
PAUL WATTS, ET AL. v.
JAMES S. HAMILTON, ET AL.
AND
P.B. STRATTON FAMILY
PARTNERSHIP, LLC, ET AL. v.
JAMES S. HAMILTON, ET AL.
- OPINION AND ORDER AFFIRMING BY
JUDGE ECKERLE**
- CALDWELL, J. (CONCURS) AND
CETRULO J. (CONCURS)

KENTUCKY COURT OF APPEALS

AUGUST 30, 2024 MINUTES

RELEASED: 10:00 A.M.

549. C.M.I. v.
R.D.H., JR., ET AL. [2023-CA-0755-ME](#) LIVINGSTON
[2023-CA-0756-ME](#)
NOT TO BE PUBLISHED
**OPINION AFFIRMING BY JUDGE
TAYLOR**
ACREE, J. (CONCURS) AND
CETRULO, J. (CONCURS)
550. PAXTON MEDIA GROUP v.
LYNDA HAMMOND, ET AL. [2023-CA-0807-WC](#) WORKERS'
NOT TO BE COMPENSATION
PUBLISHED BOARD
**OPINION AFFIRMING BY JUDGE
ACREE**
KAREM, J. (CONCURS) AND
LAMBERT, J. (CONCURS)
551. JOHNNY A. BAKER v.
COMMONWEALTH OF KENTUCKY [2023-CA-0814-MR](#) LYON
NOT TO BE PUBLISHED
**OPINION AFFIRMING BY JUDGE
KAREM**
CETRULO, J. (CONCURS) AND
GOODWINE, J. (CONCURS)
552. KESHA DEADWYLER, ET AL. v.
THE GRANGE PROPERTY AND [2023-CA-1011-MR](#) JEFFERSON
CASUALTY INSURANCE COMPANY
TO BE PUBLISHED
**OPINION AFFIRMING BY JUDGE
ACREE**
THOMPSON, C.J. (CONCURS) AND
L. JONES, J. (CONCURS)

KENTUCKY COURT OF APPEALS

AUGUST 30, 2024 MINUTES

RELEASED: 10:00 A.M.

553. RONNIE WAYNE JOLLY v. AMY MICHELLE JOLLY [2023-CA-1189-MR](#) BOURBON
TO BE PUBLISHED
- OPINION AFFIRMING BY JUDGE CETRULO**
- L. JONES, J. (CONCURS) AND MCNEILL, J. (CONCURS)
554. JEFFREY DAVIDSON v. LEXINGTON SURGICAL SPECIALISTS, P.S.C. D/B/A LEXINGTON SURGEONS, ET AL. [2023-CA-1193-MR](#) FAYETTE
NOT TO BE PUBLISHED
- OPINION AFFIRMING BY JUDGE COMBS**
- CALDWELL, J. (CONCURS) AND KAREM, J. (CONCURS IN PART AND DISSENTS IN PART AND FILES SEPARATE OPINION)
555. BEECHER FRAZIER, ET AL. v. ASHLAND HOSPITAL CORPORATION D/B/A KING'S DAUGHTERS MEDICAL CENTER, ET AL. [2023-CA-1211-MR](#) BOYD
NOT TO BE PUBLISHED
- OPINION AFFIRMING BY JUDGE A. JONES**
- ECKERLE, J. (CONCURS) AND TAYLOR, J. (CONCURS)
556. JOHN PAUL KUTTER v. TARA KUTTER, ET AL. [2023-CA-1285-ME](#) FAYETTE
NOT TO BE PUBLISHED
- OPINION AFFIRMING BY JUDGE ACREE**
- THOMPSON, C.J. (CONCURS) AND CALDWELL, J. (CONCURS)

KENTUCKY COURT OF APPEALS

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RELEASED: 10:00 A.M.

557. SHELLEY MARIE STACY (F/K/A SHELLEY MARIE WILSON) v. BLAKE ADAM WILSON, ET AL. [2023-CA-1411-MR](#) OHIO
NOT TO BE PUBLISHED
- OPINION AFFIRMING BY JUDGE ACREE**
- KAREM, J. (CONCURS) AND TAYLOR, J. (CONCURS IN RESULT ONLY)
558. L.W., MOTHER v. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. [2023-CA-1439-ME](#) MCCRACKEN
NOT TO BE PUBLISHED
- OPINION AFFIRMING BY JUDGE A. JONES**
- COMBS, J. (CONCURS) AND KAREM, J. (CONCURS)
559. COMMONWEALTH OF KENTUCKY v. LEASTON BEASLEY [2023-CA-1492-MR](#) MCCRACKEN
NOT TO BE PUBLISHED
- OPINION REVERSING BY CHIEF JUDGE THOMPSON**
- A. JONES, J. (CONCURS) AND LAMBERT, J. (CONCURS)
560. C.M.D. v. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. [2024-CA-0203-ME](#) FRANKLIN
[2024-CA-0204-ME](#)
NOT TO BE PUBLISHED
- OPINION AFFIRMING BY JUDGE CETRULO**
- L. JONES, J. (CONCURS) AND LAMBERT, J. (DISSENTS AND FILES SEPARATE OPINION)

KENTUCKY COURT OF APPEALS

AUGUST 30, 2024 MINUTES

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561. T.P. v. [2024-CA-0402-ME](#) SCOTT
COMMONWEALTH OF KENTUCKY, **TO BE PUBLISHED**
CABINET FOR HEALTH AND FAMILY
SERVICES, ET AL.

**OPINION AFFIRMING BY JUDGE
CETRULO**

L. JONES, J. (CONCURS) AND
MCNEILL, J. (CONCURS)

ORDERS DISMISSING

BILLY REED CAUDILL v. [2021-CA-1522-MR](#) BREATHITT
BRANDON C. CARPENTER, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
RANDALL CARPENTER [2021-CA-1523-MR](#)

Entered: AUGUST 20, 2024

DESIREE HULL-EMIG v. [2024-CA-0117-MR](#) MEADE
COMMONWEALTH OF KENTUCKY

Entered: AUGUST 20, 2024

KEVIN NEAL RUSSELL v. [2024-CA-0314-MR](#) OHIO
STEPHANIE ELAINE REEVES

Entered: AUGUST 20, 2024

CHARLINA EASLEY v. [2024-CA-0467-MR](#) FULTON
COMMONWEALTH OF KENTUCKY

Entered: AUGUST 20, 2024

JOSEPH BRYAN CAPSTRAW v. [2024-CA-0528-MR](#) HARDIN
COMMONWEALTH OF KENTUCKY

Entered: AUGUST 20, 2024

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ORDERS DISMISSING

DAVID PEDEN v.
TIA TAYLOR, ET AL.

AND

BRENT ALDRIDGE v.
TIA TAYLOR, ET AL.

AND

DAVID EAGER v.
TIA TAYLOR, ET AL.

AND

WILLIAM A. THIELEN v.
TIA TAYLOR, ET AL.

AND

T.J. CARLSON v.
TIA TAYLOR, ET AL.

[2024-CA-0634-MR](#)

[2024-CA-0664-MR](#)

[2024-CA-0666-MR](#)

[2024-CA-0667-MR](#)

[2024-CA-0695-MR](#)

FRANKLIN

Entered: AUGUST 20, 2024

ERIC J. SIMONDISKI v.
KENTUCKY FARM BUREAU MUTUAL
INSURANCE COMPANY (A/S/O APRIL
SIMONDISKI)

[2024-CA-0635-MR](#)

HARDIN

Entered: AUGUST 20, 2024

ESTATE OF TIMOTHY JOSH DUVALL, BY AND
THROUGH ADMINISTRATRIX EMILY DUVALL,
ET AL. v.
PARK CITY STONE, LLC, ET AL.

[2024-CA-0673-MR](#)

BARREN

Entered: AUGUST 20, 2024

MARLON RENAY JACKSON v.
COMMONWEALTH OF KENTUCKY

[2024-CA-0697-ME](#)

SIMPSON

Entered: AUGUST 20, 2024

LISA CORNETT v.
KATHY VALENTINE, REALTOR, LLC, ET AL.

[2024-CA-0741-MR](#)

KNOX

Entered: AUGUST 20, 2024

KENTUCKY COURT OF APPEALS

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ORDERS DISMISSING

DIMARCUS TIBB v.
HALL CONTRACTING OF KENTUCKY, INC.,
ET AL.

[2024-CA-0777-MR](#)

JEFFERSON

Entered: AUGUST 26, 2024

AWSTYN LAMAR v.
COMMONWEALTH OF KENTUCKY

[2024-CA-0779-MR](#)

CALDWELL

Entered: AUGUST 20, 2024

PARKEST BODY SHOP v.
CATHERINE GANTT

[2024-CA-0809-MR](#)

HOPKINS

Entered: AUGUST 20, 2024

REBEKAH A. ATKINS v.
OFFICE OF THE JEFFERSON COUNTY CIRCUIT
CLERK DAVID L. NICHOLSON - CIRCUIT
COURT CLERK, STAFF, EMPLOYEES, DEPUTY
CLERKS

[2024-CA-0872-ME](#)

JEFFERSON

Entered: AUGUST 21, 2024

ROBERT D. JONES v.
KELLI LYNNE SCHMIDT, ET AL.

[2024-CA-0638-ME](#)

JEFFERSON

Entered: AUGUST 20, 2024

M.W.G. v.
R.E.H.,IV, ET AL.

[2024-CA-0791-ME](#)

MASON

Entered: AUGUST 20, 2024

KENTUCKY COURT OF APPEALS

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ORDERS DISMISSING

D.L. v.
COMMONWEALTH OF KENTUCKY, CABINET
FOR HEALTH AND FAMILY SERVICES, ET AL.

[2024-CA-0210-ME](#)
[2024-CA-0212-ME](#)

FAYETTE

Entered: AUGUST 20, 2024

ANTWAN MILES v.
LYNDSAY SKAGGS

[2024-CA-0569-MR](#)

JEFFERSON

Entered: AUGUST 21, 2024

COURIER JOURNAL, INC. v.
HONORABLE ANGELA JOHNSON, JUDGE,
JEFFERSON CIRCUIT COURT, ET AL.

[2024-CA-0587-OA](#)

JEFFERSON

Entered: AUGUST 21, 2024

MARY TRISTAN v.
TOM FLAUGHER, ET AL.

[2024-CA-0267-MR](#)

CARTER

Entered: AUGUST 21, 2024

ORDERS DENYING PETITIONS FOR REHEARING

EQT GATHERING, LLC, ET AL. v.
BIG SANDY COMPANY, L.P.

[2022-CA-1393-MR](#)
[2022-CA-1481-MR](#)

PIKE

Entered: AUGUST 20, 2024

ELI ZUSSTONE v.
COMMONWEALTH OF KENTUCKY

[2023-CA-0295-MR](#)

JEFFERSON

Entered: AUGUST 26, 2024

MAXWELL RIGDON, ET AL. v.
JEFFREY ENGLAND, ET AL.

[2023-CA-0984-MR](#)

HARDIN

Entered: AUGUST 21, 2024

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ORDERS AFFIRMING

HYWEL CHANNING BOWMAN v.
COMMONWEALTH OF KENTUCKY

[2024-CA-0810-ME](#)
[2024-CA-0811-ME](#)

WARREN

Entered: **AUGUST 20, 2024**

TIMOTHY W. ROBINSON v.
KEVIN MAZZA, WARDEN, AND
COMMONWEALTH OF KENTUCKY

[2024-CA-0464-ME](#)

BOYLE

Entered: **AUGUST 20, 2024**

FLOYD SCHAMBON v.
AMY ROBEY, WARDEN

[2024-CA-0739-ME](#)

OLDHAM

Entered: **AUGUST 20, 2024**

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

JAMES SAMUEL v.
HON. ANDREW SELF, JUDGE,
CHRISTIAN CIRCUIT COURT, ET AL.

[2024-CA-0407-OA](#)

CHRISTIAN

Entered: **AUGUST 20, 2024**

ORDERS DENYING MOTIONS FOR DISCRETIONARY REVIEW

BLAKE ALLEN DODDS v.
COMMONWEALTH OF KENTUCKY

[2024-CA-0440-D](#)

FAYETTE

Entered: **AUGUST 20, 2024**

SAMUEL D. GINGERICH v.
COMMONWEALTH OF KENTUCKY

[2024-CA-0459-D](#)

TAYLOR

Entered: **AUGUST 20, 2024**

KENTUCKY COURT OF APPEALS

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ORDERS DENYING MOTIONS FOR DISCRETIONARY REVIEW

ARIZONA DECKER v. [2024-CA-0616-D](#) PULASKI
LAKE CUMBERLAND HOUSING AGENCY, INC.

Entered: AUGUST 20, 2024

YUSEF ABDULLAH BILAL ALI v. [2024-CA-0732-D](#) JEFFERSON
LOUISVILLE METRO HOUSING AUTHORITY

Entered: AUGUST 21, 2024

GREGORY SMALLWOOD v. [2024-CA-0733-D](#) PIKE
COMMUNITY TRUST BANK

Entered: AUGUST 20, 2024

ORDER DENYING MOTION FOR INTERLOCUTORY RELIEF

GEOFFREY M. YOUNG v. [2024-CA-0910-EL](#) JEFFERSON
MORGAN MCGARVEY

Entered: AUGUST 20, 2024