

COURT OF APPEALS OF KENTUCKY

9/03/2010 AT 10:00 A.M.

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834	NEWKIRK (ALLEN) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING LAMBERT (PRESIDING JUDGE) DIXON (CONCURS) AND VANMETER (CONCURS)	2007-CA-002565-MR NOT TO BE PUBLISHED	PENDLETON
835	JONES (RANDY), ET AL. VS. DOBBS (CLINTON), ET AL. OPINION VACATING AND REMANDING VANMETER (PRESIDING JUDGE) CAPERTON (CONCURS) AND THOMPSON (CONCURS)	2008-CA-001965-MR NOT TO BE PUBLISHED	MCCREARY
836	CHINN (JEFFREY) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING MOORE (PRESIDING JUDGE) WINE (CONCURS) AND HARRIS (CONCURS)	2008-CA-002227-MR NOT TO BE PUBLISHED	OHIO
837	MULLINS (JOHN) VS. NORTHERN KENTUCKY INSPECTIONS, INC. OPINION REVERSING AND REMANDING THOMPSON (PRESIDING JUDGE) LAMBERT (CONCURS) AND HENRY (DISSENTS AND FILES SEPARATE OPINION)	2009-CA-000067-MR NOT TO BE PUBLISHED	KENTON
838	PAGE (TERESA ANN TRADER) VS. TRADER (GREGORY ALLEN) OPINION REVERSING MOORE (PRESIDING JUDGE) ACREE (CONCURS) AND BUCKINGHAM (CONCURS)	2009-CA-000302-MR NOT TO BE PUBLISHED	HOPKINS
839	JENKINS (BRENT R.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING VANMETER (PRESIDING JUDGE) DIXON (CONCURS) AND LAMBERT (CONCURS)	2009-CA-000354-MR NOT TO BE PUBLISHED	HARDIN

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840	DRAPER-EL (ANDRE) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING IN PART, REVERSING IN PART, AND REMANDING MOORE (PRESIDING JUDGE) THOMPSON (CONCURS) AND WHITE (CONCURS)	2009-CA-000703-MR NOT TO BE PUBLISHED	FRANKLIN
841	ERIKSEN (WILLIAM C.) VS. KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY OPINION AND ORDER AFFIRMING AND DISMISSING CROSS-APPEAL MOORE (PRESIDING JUDGE) WINE (CONCURS) AND HARRIS (CONCURS IN PART, DISSENTS IN PART AND FILES SEPARATE OPINION)	2009-CA-000812-MR 2009-CA-000879-MR TO BE PUBLISHED	HARDIN
842	COPLEY (CAROLINE) VS. COPLEY (DANITA), ET AL. OPINION AFFIRMING VANMETER (PRESIDING JUDGE) CAPERTON (CONCURS) AND THOMPSON (CONCURS IN RESULT ONLY)	2009-CA-001102-MR NOT TO BE PUBLISHED	MARTIN
843	VAN NICE (JAMES L.) VS. WAL-MART STORES EAST, LIMITED PARTNERSHIP OPINION AFFIRMING VANMETER (PRESIDING JUDGE) CAPERTON (CONCURS) AND THOMPSON (CONCURS IN RESULT ONLY)	2009-CA-001517-MR NOT TO BE PUBLISHED	WAYNE
844	BROWN (BRIAN D.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING DIXON (PRESIDING JUDGE) TAYLOR (CONCURS) AND HENRY (CONCURS)	2009-CA-001547-MR NOT TO BE PUBLISHED	FAYETTE

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845	CAMPBELL (RUTH ANN), ET AL. VS. HAULER'S, INC. , ET AL. OPINION AFFIRMING THOMPSON (PRESIDING JUDGE) LAMBERT (CONCURS) AND COMBS (CONCURS IN RESULT ONLY)	2009-CA-001727-WC 2009-CA-001889-WC TO BE PUBLISHED	WORKERS' COMP
846	FERRELL (RICKY), ET AL. VS. PAUL DAVIS RESTORATION, INC. OPINION AFFIRMING WINE (PRESIDING JUDGE) MOORE (CONCURS) AND HARRIS (CONCURS)	2009-CA-001869-MR NOT TO BE PUBLISHED	WARREN
847	SPAULDING (MARK) VS. SPAULDING (JULIE) OPINION REVERSING AND REMANDING THOMPSON (PRESIDING JUDGE) MOORE (CONCURS) AND WHITE (CONCURS)	2009-CA-002032-ME NOT TO BE PUBLISHED	BOONE
848	TUNSTULL (LORENZO) VS. DONAHUE (J. DAVID), ET AL. OPINION AFFIRMING IN PART, REVERSING IN PART, AND REMANDING COMBS (PRESIDING JUDGE) LAMBERT (CONCURS) AND KELLER (CONCURS BY SEPARATE OPINION)	2009-CA-002102-MR NOT TO BE PUBLISHED	OLDHAM
849	THOMAS (VIOLA) VS. SCHNEIDER (DONALD) OPINION AFFIRMING COMBS (PRESIDING JUDGE) CLAYTON (CONCURS) AND LAMBERT (CONCURS)	2009-CA-002132-MR NOT TO BE PUBLISHED	MONTGOMERY
850	FANCHER (TIMOTHY) VS. COMMONWEALTH OF KENTUCKY OPINION AND ORDER AFFIRMING IN PART AND DISMISSING IN PART MOORE (PRESIDING JUDGE) WINE (CONCURS) AND HARRIS (CONCURS)	2009-CA-002174-MR NOT TO BE PUBLISHED	METCALFE

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851	MCHENRY (DAVID) VS. STEVENS (MELISSA) OPINION AFFIRMING HARRIS (PRESIDING JUDGE) WINE (CONCURS) AND MOORE (CONCURS IN RESULT ONLY)	2009-CA-002297-ME NOT TO BE PUBLISHED	MARSHALL
852	G. (A.) VS. M. (M.) OPINION AFFIRMING MOORE (PRESIDING JUDGE) WINE (CONCURS) AND HARRIS (CONCURS)	2010-CA-000006-ME NOT TO BE PUBLISHED	GRAYSON
853	PETERS (JAMES ALLEN) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) MOORE (CONCURS) AND NICKELL (CONCURS)	2010-CA-000091-MR NOT TO BE PUBLISHED	NELSON
854	UNINSURED EMPLOYERS' FUND VS. BROWN (TONDA MICHELLE), ET AL. OPINION REVERSING AND REMANDING MOORE (PRESIDING JUDGE) WHITE (CONCURS) AND THOMPSON (CONCURS AND FILES SEPARATE OPINION)	2010-CA-000283-WC NOT TO BE PUBLISHED	WORKERS' COMP

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ORDER DENYING PETITION FOR REHEARING:

KENTUCKY EXECUTIVE
BRANCH ETHICS COMMISSION
VS.

2009-CA-001145-MR

FRANKLIN

BETTY ATKINSON; BRADFORD S. BAILEY;
PHILLIP R. MOBLEY; JOYCE PARKER;
VICKY M. REYNOLDS; JULIE R. SHIELDS;
ROBERT W. TOMES; RENEE T. TRUE;
RON G. WINTERS; FELICIA M. WOOTEN;
AND JAMES D. WOOTEN

ENTERED: 09/01/2010

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ORDER GRANTING PETITION FOR WRIT OF PROHIBITION:

COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES AND COMMONWEALTH OF KENTUCKY, HON. JACK CONWAY, ATTORNEY GENERAL VS. HON. A.C. MCKAY CHAUVIN, JUDGE, JEFFERSON CIRCUIT COURT AND MATTHEW BAUMLER AND CHRISTOPHER WARNER ENTERED: 09/02/2010	2008-CA-000027-OA	JEFFERSON
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ORDER DENYING PETITION FOR WRIT OF PROHIBITION:

ENTERPRISE MINING COMPANY, LLC AND ALPHA NATURAL RESOURCES, INC. VS. HONORABLE KIMBERLY CORNETT CHILDERS, JUDGE, KNOTT CIRCUIT COURT AND CARL LITTLE ENTERED: 09/02/2010	2010-CA-001438-OA	KNOTT
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ORDER DENYING PETITION FOR REHEARING AND MODIFYING OPINION:

MARLENE BISHOP VS. COMMONWEALTH OF KENTUCKY ENTERED: 09/03/2010	2008-CA-001966-MR	PIKE
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ORDERS DISMISSING:

AMOS LOWE VS. KENTUCKY RETIREMENT SYSTEMS BOARD OF TRUSTEES ENTERED: 08/30/2010	2009-CA-001496-MR	FRANKLIN
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DAVID BOWLES VS. KATHY BOWLES ENTERED: 09/02/2010	2009-CA-002223-MR	BOURBON
LACEY AKA LACI SOHNLEIN, BY AND THROUGH HER FATHER AND NEXT FRIEND, MIKE SOHNLEIN; ET AL. VS. MICHAEL BRANDT, ET AL. ENTERED: 09/02/2010	2009-CA-002286-MR	CAMPBELL
CABINET FOR HEALTH AND FAMILY SERVICES VS. FERRIE HAMPTON, ET AL. ENTERED: 09/02/2010	2009-CA-002356-MR	LOGAN
CAROLYN M. SCOTT VS. BILLY JOE LOWE ENTERED: 09/02/2010	2010-CA-000122-MR	GREEN
MARY ANNE WIMMERS GRONOTTE, EXECUTRIX OF THE WILL OF MARY C. WIMMERS VS. MARK A. SUMME ENTERED: 09/02/2010	2010-CA-000123-MR	KENTON
PARAG PATEL, M.D.; ET AL. VS. MELISSA MILLS, ET AL. ENTERED: 09/02/2010	2010-CA-000294-MR 2010-CA-000324-MR	BOONE
WILLIAM G. JORDAN VS. DONNA KAYE JORDAN ENTERED: 09/02/2010	2010-CA-000353-MR 2010-CA-001196-MR	LARUE
CSX TRANSPORTATION, INC. VS. ROBERT MONTGOMERY ENTERED: 09/02/2010	2010-CA-000594-MR	JEFFERSON

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COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS VS. JANE FOLEY NASH, SPECIAL ADMINISTRATOR OF THE ESTATE OF CECELIA ANN BENDER; ET AL. ENTERED: 09/02/2010	2010-CA-000747-MR	MADISON
TAX EASE LIEN INVESTMENTS 1, LLC VS. WALTER MAYNARD, ET AL. ENTERED: 09/02/2010	2010-CA-000800-MR	GREENUP
DAMON S. ENGLISH VS. JOHNNA ANNIE ENGLISH, NOW LANCASTER ENTERED: 09/02/2010	2010-CA-000844-MR	WOODFORD
CITY OF NEW ALBANY VS. DANIEL SPITLER ENTERED: 09/02/2010	2010-CA-000866-MR	JEFFERSON
JANICE DOZIER, AS EXECUTRIX OF THE ESTATE OF CHARLES R. DOZIER ENTERED: 09/02/2010	2010-CA-000881-MR	HARLAN
WILLIAM HAGAN VS. TAMMIE TAYLOR, ET AL. ENTERED: 09/02/2010	2010-CA-000965-ME	HANCOCK
RICHARD WILSON, ET AL. VS. WEST AMERICAN INSURANCE COMPANY ENTERED: 09/02/2010	2010-CA-001106-MR	KENTON
TAX EASE LIEN INVESTMENTS 1, LLC VS. JOSEPH MASSEY, ET AL. ENTERED: 09/02/2010	2010-CA-001220-MR	HICKMAN

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LHR, INC., ASSIGNEE OF INFIBANK -
L&N FED. CREDIT UNION
VS.
JARAWA GODSEY
ENTERED: 09/02/2010

2010-CA-001267-MR JEFFERSON

TIMOTHY CARVER
VS.
KENTUCKY EDUCATION
PROFESSIONAL STANDARDS BOARD
ENTERED: 09/02/2010

2010-CA-001338-MR FRANKLIN

U.S. BANK CUSTODIAN SASS
SASS MUNI V DTR
VS.
SARA LORRA WALKER, ET AL.
ENTERED: 09/02/2010

2010-CA-001347-MR CLAY

CITIFINANCIAL SERVICES, INC.
VS.
KAREN SUE KRUSE, ET AL.
ENTERED: 09/02/2010

2010-CA-001358-MR HOPKINS

KATHRYN C. DERMODY
(NOW CRUSH), ET AL.
V.
WILLIAM A. DERMODY
ENTERED: 09/02/2010

2010-CA-001374-MR JEFFERSON

ORDER DENYING PETITION FOR REHEARING FROM PREVIOUS WEEK ENDING 08/27/2010:

ROBERT BAKER
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 08/25/2010

2008-CA-001122-MR FAYETTE

ORDER DENYING MOTION TO RECONSIDER FROM PREVIOUS WEEK ENDING 08/27/2010:

EDWARD H. FLINT
VS.
COACH HOUSE, INC.; ET AL.
ENTERED: 08/27/2010

2010-CA-000649-MR JEFFERSON

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ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW FROM PREVIOUS WEEK ENDING 08/27/2010:

KATHLEEN E. EUBANK
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 08/27/2010

2010-CA-001112-DR

MARION

CASEY JO WHEATLEY
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 08/27/2010

2010-CA-001113-DR

MARION

CARLOS A. GUERRERO
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 08/27/2010

2010-CA-001156-DR

FAYETTE

ORDERS AFFIRMING FROM PREVIOUS WEEK ENDING 08/27/2010:

RAYMOND ANDERSON
VS.
J. DAVID DONAHUE, WARDEN
ENTERED: 08/27/2010

2009-CA-002342-MR

OLDHAM

JOHN JACKSON ROBBINS, JR.
VS.
COOKIE CREWS, WARDEN
ENTERED: 08/27/2010

2010-CA-001043-MR

OLDHAM

ZAYER ANTONIO ADAMS
VS.
JOSEPH MEKO, WARDEN
ENTERED: 08/26/2010

2010-CA-001292-MR

ELLIOTT

ORDERS DISMISSING FROM PREVIOUS WEEK ENDING 08/27/2010:

AA AMERICAN OUTBACK, INC.; ET AL
VS.
JOSEPH ESPOSITO, ET AL
ENTERED: 08/23/2010

2008-CA-002092-MR
2008-CA-002157-MR

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GEORGE THOMAS WALDRIDGE
VS.
COMMONWEALTH OF KENTUCKY
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2009-CA-001500-MR

JEFFERSON

TRAVIS BUSH
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 08/26/2010

2009-CA-001560-MR

CAMPBELL

TIMOTHY ANDREW HUTCHINSON
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 08/26/2010

2009-CA-001740-MR

GRAVES

COMMONWEALTH OF KENTUCKY
VS.
LOUISE CARY
ENTERED: 08/26/2010

2009-CA-001959-MR

CUMBERLAND

TRAVIS TIPPETT
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 08/26/2010

2009-CA-002219-MR

HARLAN

DAVID WILLIAMSON
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 08/26/2010

2009-CA-002252-MR

JEFFERSON

BOBBY COTTRELL
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 08/26/2010

2010-CA-000086-MR

GRAYSON

CHARLES BUSH
VS.
BILLY J. HARRIN
ENTERED: 08/26/2010

2010-CA-000224-MR

MUHLENBERG

ERIC CUNNINGHAM
VS.
KENTUCKY PAROLE BOARD
ENTERED: 08/26/2010

2010-CA-000238-MR

FRANKLIN

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U.S. BANK, N.A., IN ITS CAPACITY AS TRUSTEE, ETC. VS. LESTER E. LYND, ET AL. ENTERED: 08/26/2010	2010-CA-000411-MR	BOYD
SHAWN TIGUE VS. HON. JAMES L. BOWLING, JUDGE BELL CIRCUIT COURT AND COMMONWEALTH OF KENTUCKY, HON. NEIL WARD AND HON. KAREN GREENE BLONDELL, COMMONWEALTH ATTORNEYS ENTERED: 08/27/2010	2010-CA-000451-OA	BELL
DONALD R. LUCAS VS. DEPARTMENT OF CORRECTIONS ENTERED: 08/26/2010	2010-CA-000479-MR	FRANKLIN
NICHOLAS ALAN EVERMAN VS. COMMONWEALTH OF KENTUCKY ENTERED: 08/26/2010	2010-CA-000583-MR	FAYETTE
WILLIAM B. WALKER VS. HON. JOHN GRISE, JUDGE WARREN CIRCUIT COURT AND COMMONWEALTH OF KENTUCKY ENTERED: 08/27/2010	2010-CA-000672-OA	WARREN
PHILLIP DUNAGAN VS. PAUL D. ELMORE ENTERED: 08/26/2010	2010-CA-000742-MR	HART
ANNETTE TODD MOORE VS. MIKE MCGUIRE ENTERED: 08/27/2010	2010-CA-000858-DR	HART
HOWARD T. JEWELL VS.	2010-CA-000921-MR	SPENCER

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COMMONWEALTH OF KENTUCKY
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BENJAMIN DELBERT COFFEY
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 08/26/2010

2010-CA-000931-MR MCCREARY

CHESTER DUNCAN
VS.
HON. RODERICK MESSER, SENIOR JUDGE
BELL CIRCUIT COURT
AND COMMONWEALTH OF KENTUCKY
ENTERED: 08/27/2010

2010-CA-001000-OA BELL

BOB WILLIAMS
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 08/26/2010

2010-CA-001085-MR MONROE

MARCUS S. MINIX, SR.
VS.
LARRY ROBERTS, FAYETTE COUNTY
ATTORNEY, SHERRY COLLIER, MEDIATOR,
AND MARCUS S. MINIX, JR.
ENTERED: 08/27/2010

2010-CA-001265-OA FAYETTE