

# COURT OF APPEALS OF KENTUCKY

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43	DEVASIER (LOIS) VS. JAMES, M.D. (WILLIAM) OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) JOHNSON (DISSENTS AND FILES SEPARATE OPINION) AND TAYLOR (CONCURS)	2001-CA-0846-MR 2001-CA-0922-MR NOT TO BE PUBLISHED	JEFFERSON
44	J. MASON DEVELOPMENT, INC., ET AL. VS. CELESTINE HOMES, INC., ET AL. OPINION AFFIRMING JOHNSON (PRESIDING JUDGE) TAYLOR (CONCURS IN RESULT ONLY) AND BUCKINGHAM (CONCURS)	2004-CA-0791-MR NOT TO BE PUBLISHED	JEFFERSON
45	YOUNG (TERRY A.), ET AL. VS. VISTA HOMES, INC., ET AL. OPINION AFFIRMING IN PART, REVERSING IN PART AND REMANDING WINE (PRESIDING JUDGE) HENRY (CONCURS) AND BUCKINGHAM (CONCURS)	2004-CA-1618-MR 2004-CA-1726-MR 2005-CA-1256-MR 2005-CA-1412-MR TO BE PUBLISHED	HARDIN
46	MCCONNELL (PATRICK D.), ET AL. VS. STIVERS (MARTIN B.), ET AL. OPINION AFFIRMING IN PART AND REVERSING AND REMANDING IN PART MILLER (PRESIDING JUDGE) JOHNSON (CONCURS) AND WINE (CONCURS) ***PRIOR OPINION RENDERED 12/08/06 WITHDRAWN AND REISSUED***	2004-CA-1835-MR 2004-CA-1894-MR 2004-CA-2302-MR 2004-CA-2213-MR TO BE PUBLISHED	JEFFERSON
47	HARDIN (MICHAEL) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING JOHNSON (PRESIDING JUDGE) TAYLOR (CONCURS) AND HUDDLESTON (CONCURS)	2005-CA-0051-DG TO BE PUBLISHED	NELSON
48	HUTCHINS (MARY A.) VS. GENERAL ELECTRIC COMPANY, ET AL. OPINION AFFIRMING JOHNSON (PRESIDING JUDGE) TAYLOR (CONCURS) AND BUCKINGHAM (CONCURS)	2005-CA-0350-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD

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49	WRIGHT (JOSHUA) VS. COMMONWEALTH OF KENTUCKY OPINION REVERSING AND REMANDING ABRAMSON (PRESIDING JUDGE) BARBER (DISSENTS AND FILES SEPARATE OPINION) AND MILLER (CONCURS)	2005-CA-0568-MR NOT TO BE PUBLISHED	KENTON
50	PAYTON (PAULA), ET AL. VS. CLAY (THOMAS E.), ET AL. OPINION AFFIRMING JOHNSON (PRESIDING JUDGE) PAISLEY (CONCURS) AND MILLER (CONCURS)	2005-CA-0573-MR 2005-CA-0823-MR NOT TO BE PUBLISHED	JEFFERSON
51	SPENCER COUNTY PRESERVATION, INC. VS. BEACON HILL, LLC, ET AL. OPINION AFFIRMING TAYLOR (PRESIDING JUDGE) JOHNSON (CONCURS) AND HUDDLESTON (CONCURS)	2005-CA-0626-MR TO BE PUBLISHED	SPENCER
52	BEDINGFIELD (LACY) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING JOHNSON (PRESIDING JUDGE) COMBS (CONCURS) AND GUIDUGLI (CONCURS)	2005-CA-0971-MR NOT TO BE PUBLISHED	FAYETTE
53	COMMONWEALTH OF KENTUCKY VS. GILBERT (JOHN DAVID) OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) ABRAMSON (CONCURS) AND GUIDUGLI (CONCURS)	2005-CA-1203-MR TO BE PUBLISHED	TODD
54	COMMONWEALTH OF KENTUCKY VS. ROSE (HEATHER) OPINION REVERSING AND REMANDING JOHNSON (PRESIDING JUDGE) COMBS (CONCURS) AND GUIDUGLI (CONCURS)	2005-CA-1211-MR TO BE PUBLISHED	ESTILL

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55	COMMONWEALTH OF KENTUCKY, DEPT. OF TRANSPORTATION VS. THOMPSON (EVERETT R.), ET AL. OPINION AFFIRMING IN PART, REVERSING IN PART AND REMANDING ABRAMSON (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND VANMETER (CONCURS)	2005-CA-1691-MR NOT TO BE PUBLISHED	PIKE
56	BAXTER (CHARLES) VS. BAXTER (LYNN) OPINION AFFIRMING JOHNSON (PRESIDING JUDGE) TAYLOR (CONCURS) AND BUCKINGHAM (CONCURS)	2005-CA-1714-MR NOT TO BE PUBLISHED	JEFFERSON
57	CHANEY (ERIC), ET AL. VS. DAGS BRANCH COAL COMPANY, ET AL. OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) JOHNSON (DISSENTS AND FILES SEPARATE OPINION) AND TAYLOR (CONCURS)	2005-CA-1857-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD
58	HALL (ALLENE) VS. HOSPITALITY RESOURCES, INC., ET AL. OPINION AFFIRMING JOHNSON (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND HUDDLESTON (CONCURS)	2005-CA-1887-WC TO BE PUBLISHED	WORKERS COMPENSATION BOARD
59	PETRONIS (SANDRA) VS. CHURCHILL DOWNS INC. OPINION REVERSING AND REMANDING JOHNSON (PRESIDING JUDGE) TAYLOR (DISSENTS) AND BUCKINGHAM (CONCURS)	2005-CA-1925-MR NOT TO BE PUBLISHED	JEFFERSON
60	WARFIELD (EDDIE ARNOLD), ET AL. VS. WARFIELD (CLEO-GENEVA), ET AL. OPINION AFFIRMING PAISLEY (PRESIDING JUDGE) COMBS (CONCURS) AND HENRY (CONCURS)	2005-CA-2070-MR NOT TO BE PUBLISHED	KNOX

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61	YOUNG (JOHNNY M.) VS. KENTUCKY RETIREMENT SYSTEMS OPINION AFFIRMING TAYLOR (PRESIDING JUDGE) ROSENBLUM (CONCURS) AND MILLER (CONCURS)	2005-CA-2107-MR NOT TO BE PUBLISHED	FRANKLIN
62	HOSKINS (LINDA) VS. BOARD OF EDUCATION OF WOLFE COUNTY, KENTUCKY, ET AL. OPINION AFFIRMING BARBER (PRESIDING JUDGE) VANMETER (CONCURS) AND EMBERTON (CONCURS)	2005-CA-2110-MR NOT TO BE PUBLISHED	WOLFE
63	BLEVINS (CHRISTOPHER E.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING TAYLOR (PRESIDING JUDGE) ROSENBLUM (CONCURS) AND MILLER (DISSENTS)	2005-CA-2207-MR NOT TO BE PUBLISHED	BOYD
64	BROWNLEE (LES), ET AL. VS. COMMONWEALTH OF KENTUCKY,, ET AL. OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) JOHNSON (CONCURS) AND TAYLOR (CONCURS)	2005-CA-2255-MR TO BE PUBLISHED	HARDIN
65	MAINOUS (TIMOTHY) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING PAISLEY (PRESIDING JUDGE) BARBER (CONCURS) AND DIXON (CONCURS)	2005-CA-2335-MR NOT TO BE PUBLISHED	BALLARD
66	JOHNSON (CLIFFORD DEWAYNE) VS. COMMONWEALTH OF KENTUCKY OPINION REVERSING AND REMANDING WINE (PRESIDING JUDGE) HENRY (CONCURS) AND BUCKINGHAM (CONCURS IN PART AND DISSENTS IN PART AND FILES SEPARATE OPINION)	2005-CA-2361-MR TO BE PUBLISHED	BUTLER

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67	CITIZENS BANK OF NORTHERN KENTUCKY, INC. VS. PNC BANK, N.A., ET AL. OPINION REVERSING AND REMANDING VANMETER (PRESIDING JUDGE) ACREE (CONCURS) AND HUDDLESTON (CONCURS)	2005-CA-2383-MR NOT TO BE PUBLISHED	CAMPBELL
68	HAWKINS (MITCHELL DARNELL) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING PAISLEY (PRESIDING JUDGE) BARBER (CONCURS) AND DIXON (CONCURS)	2005-CA-2542-MR NOT TO BE PUBLISHED	HARDIN
69	MARTIN COUNTY HOME HEALTH CARE VS. CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. OPINION VACATING AND REMANDING WITH DIRECTIONS TAYLOR (PRESIDING JUDGE) ROSENBLUM (CONCURS) AND MILLER (CONCURS)	2005-CA-2616-MR TO BE PUBLISHED	FRANKLIN
70	SHOATE MINING CO., LLC VS. MINTON (WILLIAM), ET AL. OPINION AFFIRMING JOHNSON (PRESIDING JUDGE) COMBS (CONCURS) AND GUIDUGLI (CONCURS)	2006-CA-0403-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD
71	CLAY (RICKIE LEE) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING PAISLEY (PRESIDING JUDGE) BARBER (CONCURS) AND DIXON (CONCURS)	2006-CA-0411-MR TO BE PUBLISHED	FAYETTE
72	GRIFFIN (BRUCE), ET AL. VS. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, ET AL. OPINION AFFIRMING HOWARD (PRESIDING JUDGE) ABRAMSON (CONCURS) AND DIXON (CONCURS)	2006-CA-0621-MR NOT TO BE PUBLISHED	WARREN

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73	PRITCHARD (JAMES) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING HOWARD (PRESIDING JUDGE) ABRAMSON (CONCURS) AND DIXON (CONCURS)	2006-CA-0686-MR NOT TO BE PUBLISHED	HARDIN
74	L.C., ET AL. VS. CABINET FOR HEALTH & FAMILY SERVICES, ET AL. OPINION AFFIRMING BARBER (PRESIDING JUDGE) DIXON (CONCURS) AND PAISLEY (CONCURS IN PART, DISSENTS IN PART AND FILES SEPARATE OPINION)	2006-CA-0752-ME 2006-CA-0753-ME NOT TO BE PUBLISHED	FAYETTE
75	BRUNSWICK BOWLING LEAGUE VS. SIMS (JOHN), ET AL. OPINION AFFIRMING JOHNSON (PRESIDING JUDGE) TAYLOR (CONCURS) AND BUCKINGHAM (CONCURS)	2006-CA-1001-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD
76	SCOTT (NORCIE) VS. PIKEVILLE MEDICAL CENTER, ET AL. OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) ABRAMSON (CONCURS) AND GUIDUGLI (CONCURS)	2006-CA-1124-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD
77	BURNWELL ENERGY COMPANY VS. SMITH (LARRY), ET AL. OPINION AFFIRMING TAYLOR (PRESIDING JUDGE) ROSENBLUM (CONCURS IN RESULT ONLY) AND MILLER (CONCURS)	2006-CA-1296-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD
78	HICKMAN (STEPHEN J.) VS. UNITED PARCEL SERVICE, ET AL. OPINION REVERSING AND REMANDING TAYLOR (PRESIDING JUDGE) ROSENBLUM (CONCURS) AND MILLER (CONCURS)	2006-CA-1664-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD

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ORDER WITHDRAWING OPINION RENDERED DECEMBER 8, 2006, AND ISSUING NEW  
OPINION:





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ORDERS DENYING PETITION FOR WRIT OF MANDAMUS:

SETTLES (ROY) 2006-CA-1527-OA IN COURT OF APPEALS
VS.
HON. SAMUEL C. LONG, JUDGE
ELLIOTT CIRCUIT COURT, ET AL.
ENTERED: 01/10/07

KENTUCKY EMPLOYERS' MUTUAL 2006-CA-2559-OA IN COURT OF APPEALS
INSURANCE
VS.
HON. ROGER L. CRITTENDEN, JUDGE
JEFFERSON CIRCUIT COURT, ET AL.
ENTERED: 01/10/07

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ORDERS DENYING PETITION FOR WRIT OF PROHIBITION:

SCHLENKER (TED) 2006-CA-2346-OA IN COURT OF APPEALS
VS.
HON. CHARLES R. HICKMAN, JUDGE
SHELBY CIRCUIT COURT, ET AL.
ENTERED: 01/10/07

BIBB (JACQUELINE) 2006-CA-2382-OA IN COURT OF APPEALS
VS.
HON. JOAN BYER, JUDGE
JEFFERSON CIRCUIT COURT, ET AL.
ENTERED: 01/10/07

COMMONWEALTH OF KENTUCKY, 2006-CA-2517-OA IN COURT OF APPEALS
UNINSURED EMPLOYERS' FUND
VS.
KENTUCKY WORKERS' COMPENSATION
BOARD, ET AL.
ENTERED: 01/09/07

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ORDER GRANTING PETITION FOR REHEARING AND MODIFYING OPINION RENDERED
JUNE 23, 2006, AND SUBSTITUTING ATTACHED OPINION IN ITS ENTIRETY:

MCCOMBS (KEVIN TODD) 2004-CA-1850-MR BULLITT
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 01/12/07

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ORDERS DISMISSING:

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PARMLEY (PAMELA) VS. BROCK, D.P.M. (STEVEN MICHAEL), ET AL. ENTERED: 01/10/07	2005-CA-1903-MR	FAYETTE
POCKER (TIMOTHY ALYN) VS. ARMENDT (ROBIN M.), NOW ARCHER ENTERED: 01/10/07	2005-CA-2033-MR	JEFFERSON
CRAVEN (PATRICK), ET AL. VS. WOODLAND HILLS OF SOUTHGATE COUNCIL OF HOMEOWNERS, INC., ET AL. ENTERED: 01/11/07	2006-CA-0057-MR	CAMPBELL
WHITE (DAVID O.) VS. ABN AMRO MORTGAGE GROUP, INC. ENTERED: 01/10/07	2006-CA-0069-MR	BOYD
LINDE (MICHAEL DANIEL) VS. COMMONWEALTH OF KENTUCKY, ET AL. ENTERED: 01/10/07	2006-CA-0409-MR	FAYETTE
SPEARS (THOMAS KEITH) VS. JAYME (ANNALEE THERESE) ENTERED: 01/11/07	2006-CA-0492-MR	PULASKI
BEATTY (SCOTT) VS. COMMONWEALTH OF KENTUCKY ENTERED: 01/09/07	2006-CA-1117-MR	MUHLENBERG
WARD (JARED G.) VS. COMMONWEALTH OF KENTUCKY ENTERED: 01/10/07	2006-CA-1118-MR	MUHLENBERG
WARD (JARED G.) VS. COMMONWEALTH OF KENTUCKY ENTERED: 01/10/07	2006-CA-1119-MR	MUHLENBERG

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ORDERS DISMISSING (CONTINUED):

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HAMILTON (BEVERLY RATLIFF BARTLEY) VS. COMMONWEALTH OF KENTUCKY ENTERED: 01/10/07	2006-CA-1136-MR 2006-CA-1139-MR	PIKE
MCKELLER (CALVIN GLENN) VS. COMMONWEALTH OF KENTUCKY ENTERED: 01/10/07	2006-CA-1214-MR	JEFFERSON
BERTRAM (ROBERT L.) VS. COMMONWEALTH OF KENTUCKY ENTERED: 01/10/07	2006-CA-1261-MR	FRANKLIN
SHELLEY (DANNY) VS. COMMONWEALTH OF KENTUCKY ENTERED: 01/10/07	2006-CA-1281-MR	PULASKI
LEE (PAUL) VS. COMMONWEALTH OF KENTUCKY ENTERED: 01/10/07	2006-CA-1660-MR	BUTLER
MORTON (DENNIS DAVID) VS. LEWIS (ROSE), NOW MORTON ENTERED: 01/10/07	2006-CA-1675-ME	JEFFERSON
HALLUM (MICHAEL ALLEN) VS. COMMONWEALTH OF KENTUCKY ENTERED: 01/10/07	2006-CA-1711-MR	LOGAN
COX (KENNETH JACK) VS. COMMONWEALTH OF KENTUCKY ENTERED: 01/10/07	2006-CA-1772-MR	LAUREL
PARKER (VERNON) VS. COMMONWEALTH OF KENTUCKY ENTERED: 01/10/07	2006-CA-1948-MR	MADISON

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ORDERS DISMISSING (CONTINUED):

RICHARDSON (SOLOMON) VS. COMMONWEALTH OF KENTUCKY, ET AL. ENTERED: 01/10/07	2006-CA-1950-MR	CAMPBELL
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RICHARDSON (SOLOMON) 2006-CA-1951-MR CAMPBELL  
VS.  
BUCKLER (GREG), JAILER  
ENTERED: 01/09/07

WILKS (PAUL) 2006-CA-1994-MR MCCracken  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED: 01/10/07

JONES (RICKEY BERNARD) 2006-CA-2022-MR OLDHAM  
VS.  
DEPARTMENT OF CORRECTIONS  
ENTERED: 01/10/07

SCHNITZLER (ERNEST) 2006-CA-2252-MR BOONE  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED: 01/10/07

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ORDER FROM PREVIOUS WEEK ENDING JANUARY 5, 2007:

ORDER DENYING CR 65.07 RELIEF:

SHURE, M.D. (LESLEY) 2006-CA-1817-I MUHLENBERG  
VS.  
MUHLENBERG COMMUNITY HOSPITAL, ET  
AL.  
ENTERED: 01/05/07