

# COURT OF APPEALS OF KENTUCKY

03/10/2006 AT 2:00 P.M.

PAGE 1 OF 14

233	REECE (PATRICIA), ET AL. VS. DIXIE WAREHOUSE & CARTAGE COMPANY OPINION AFFIRMING JOHNSON (PRESIDING JUDGE) BARBER (CONCURS) AND MILLER (CONCURS)	2004-CA-0652-MR 2004-CA-0682-MR TO BE PUBLISHED	JEFFERSON
234	JONES (JEFF) VS. BRASCH-BARRY GENERAL CONTRACTORS, ET AL. OPINION AFFIRMING MINTON (PRESIDING JUDGE) BARBER (CONCURS) AND MCANULTY (CONCURS)	2004-CA-0730-WC TO BE PUBLISHED	WORKERS COMPENSATION BOARD
235	JACKSON (NOW SAGRAVES) (RAE ANN) VS. HENDERSON, JR. (RONALD D.) OPINION AFFIRMING DYCHE (PRESIDING JUDGE) COMBS (CONCURS) AND KNOPF (CONCURS)	2004-CA-1675-MR NOT TO BE PUBLISHED	CARTER
236	WILLIAMSON (EARL) VS. SCHNEIDER (CYNTHIA), ET AL. OPINION REVERSING AND REMANDING JOHNSON (PRESIDING JUDGE) COMBS (CONCURS AND FILES SEPARATE OPINION) AND MCANULTY (CONCURS)	2004-CA-1704-MR TO BE PUBLISHED	ROWAN
237	MAYES (SANDRA GAIL) VS. MAYES (THOMAS MIKE) OPINION AFFIRMING PAISLEY (PRESIDING JUDGE) BUCKINGHAM (CONCURS) AND MCANULTY (CONCURS)	2004-CA-1708-MR NOT TO BE PUBLISHED	FRANKLIN
238	SUNNYSIDE HOMES OF ROCKLEDGE, INC., ET AL. VS. GORDON (WENDELL E.) OPINION AFFIRMING TAYLOR (PRESIDING JUDGE) TACKETT (CONCURS) AND VANMETER (CONCURS)	2004-CA-1719-MR NOT TO BE PUBLISHED	MARSHALL

# COURT OF APPEALS OF KENTUCKY

03/10/2006 AT 2:00 P.M.

PAGE 2 OF 14

239	GRIFFIN INDUSTRIES, INC. VS. REVENUE CABINET, ET AL. OPINION AFFIRMING IN PART, REVERSING IN PART AND REMANDING HUDDLESTON (PRESIDING JUDGE) GUIDUGLI (CONCURS IN RESULT) AND TAYLOR (CONCURS) ***PRIOR OPINION ENTERED 10/28/05 WITHDRAWN AND REISSUED***	2004-CA-1812-MR NOT TO BE PUBLISHED	CAMPBELL
240	MURRELL-BEY (DURAND EDWARD) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING TACKETT (PRESIDING JUDGE) BARBER (CONCURS) AND MINTON (CONCURS)	2004-CA-1891-MR NOT TO BE PUBLISHED	JEFFERSON
241	HATFIELD (DONNIE) VS. BLAIR (CHRISTINA) OPINION REVERSING AND REMANDING POTTER (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND HENRY (CONCURS)	2004-CA-1934-MR NOT TO BE PUBLISHED	FLOYD
242	JORDAN (ED), ET AL. VS. ADKINS (EVERETT) OPINION AFFIRMING DYCHE (PRESIDING JUDGE) COMBS (CONCURS) AND KNOPF (CONCURS)	2004-CA-2225-MR NOT TO BE PUBLISHED	JOHNSON
243	COSBY (TEDDY LEE) VS. KENTUCKY PAROLE BOARD, ET AL. OPINION AFFIRMING VANMETER (PRESIDING JUDGE) JOHNSON (CONCURS) AND KNOPF (CONCURS)	2004-CA-2240-MR NOT TO BE PUBLISHED	FRANKLIN
244	CECIL (LAURA ELIZABETH) VS. WALGREEN COMPANY OPINION AND ORDER DISMISSING TAYLOR (PRESIDING JUDGE) BUCKINGHAM (CONCURS) AND JOHNSON (CONCURS)	2004-CA-2424-MR 2005-CA-0406-MR NOT TO BE PUBLISHED	JEFFERSON

# COURT OF APPEALS OF KENTUCKY

03/10/2006 AT 2:00 P.M.

PAGE 3 OF 14

245	RILEY (STANLEY) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING HENRY (PRESIDING JUDGE) BARBER (CONCURS) AND KNOFF (CONCURS)	2004-CA-2500-MR NOT TO BE PUBLISHED	CAMPBELL
246	WHITE (ROBERT), ET AL. VS. PAYNE, SR. (ROBERT M.) OPINION AFFIRMING MINTON (PRESIDING JUDGE) BARBER (CONCURS) AND TACKETT (CONCURS)	2004-CA-2515-MR TO BE PUBLISHED	FRANKLIN
247	ISABLE, ROGER ALEXANDER VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING TACKETT (PRESIDING JUDGE) TAYLOR (CONCURS) AND VANMETER (CONCURS)	2004-CA-2533-MR NOT TO BE PUBLISHED	WARREN
248	JAGO (JOHN OUSBIE) VS. SPECIAL NEEDS HOME HEALTH CARE OPINION VACATING AND REMANDING TACKETT (PRESIDING JUDGE) TAYLOR (CONCURS) AND VANMETER (CONCURS)	2004-CA-2569-MR 2004-CA-2577-MR TO BE PUBLISHED	CHRISTIAN
249	MEADOWS, III (ROBERT) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING MCANULTY (PRESIDING JUDGE) BUCKINGHAM (CONCURS) AND PAISLEY (CONCURS)	2004-CA-2571-MR NOT TO BE PUBLISHED	JEFFERSON
250	FINANCE AND ADMINISTRATION CABINET, DEPARTMENT OF REVENUE VS. BEYER (MORRIS), ET AL. OPINION REVERSING TAYLOR (PRESIDING JUDGE) TACKETT (CONCURS) AND VANMETER (CONCURS)	2004-CA-2598-DG NOT TO BE PUBLISHED	MCCRACKEN

# COURT OF APPEALS OF KENTUCKY

03/10/2006 AT 2:00 P.M.

PAGE 4 OF 14

251	GARDNER (ERIC) VS. SKIBA (WALTER "WALLY"), ET AL. OPINION REVERSING AND REMANDING JOHNSON (PRESIDING JUDGE) BUCKINGHAM (CONCURS) AND TACKETT (CONCURS)	2005-CA-0133-MR TO BE PUBLISHED	FAYETTE
252	JENNINGS (JEFFREY W.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING MILLER (PRESIDING JUDGE) MINTON (CONCURS) AND VANMETER (CONCURS)	2005-CA-0144-MR NOT TO BE PUBLISHED	HENDERSON
253	SMITH (ISREAL DUNBAR) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING HENRY (PRESIDING JUDGE) BARBER (CONCURS) AND KNOPF (CONCURS)	2005-CA-0245-MR NOT TO BE PUBLISHED	FAYETTE
254	MCCOMBS (VERNON) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING TAYLOR (PRESIDING JUDGE) TACKETT (CONCURS) AND VANMETER (CONCURS)	2005-CA-0252-MR NOT TO BE PUBLISHED	HARDIN
255	ACTON (JEAN) VS. GEARY (WILLIAM) OPINION AFFIRMING IN PART AND REVERSING AND REMANDING IN PART BARBER (PRESIDING JUDGE) HENRY (CONCURS) AND KNOPF (CONCURS)	2005-CA-0402-MR NOT TO BE PUBLISHED	JEFFERSON
256	BOWERSMITH (GLEN LEE) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING MCANULTY (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND KNOPF (CONCURS)	2005-CA-0405-MR NOT TO BE PUBLISHED	HARDIN

# COURT OF APPEALS OF KENTUCKY

03/10/2006 AT 2:00 P.M.

PAGE 5 OF 14

257	BRANTLEY (MICHAEL H.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING MCANULTY (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND SCHRODER (CONCURS)	2005-CA-0471-MR NOT TO BE PUBLISHED	HARDIN
258	MCGUIRE, JR. (CHRIS D.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING TACKETT (PRESIDING JUDGE) TAYLOR (CONCURS) AND VANMETER (CONCURS)	2005-CA-0481-MR NOT TO BE PUBLISHED	HENDERSON
259	MORGAN (KEITH) VS. HORTON (MICHAEL), ET AL. OPINION AFFIRMING MILLER (PRESIDING JUDGE) MINTON (CONCURS) AND VANMETER (CONCURS)	2005-CA-0690-MR NOT TO BE PUBLISHED	JEFFERSON
260	BURGESS (DEXTER W.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING MILLER (PRESIDING JUDGE) MINTON (CONCURS) AND VANMETER (CONCURS)	2005-CA-0708-MR NOT TO BE PUBLISHED	FAYETTE
261	HOLLAN (SHARON) VS. IBM, ET AL. OPINION AFFIRMING JOHNSON (PRESIDING JUDGE) COMBS (CONCURS) AND MCANULTY (CONCURS)	2005-CA-0772-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD
262	KEISKER (VICTOR) VS. KENTUCKY RETIREMENT SYSTEMS OPINION AFFIRMING MILLER (PRESIDING JUDGE) MINTON (CONCURS) AND VANMETER (CONCURS)	2005-CA-0995-MR NOT TO BE PUBLISHED	FRANKLIN

COURT OF APPEALS OF KENTUCKY

03/10/2006 AT 2:00 P.M.

PAGE 6 OF 14

263	WASHABAUGH, JR. (TIMOTHY) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING MILLER (PRESIDING JUDGE) MINTON (CONCURS) AND VANMETER (CONCURS)	2005-CA-1085-MR NOT TO BE PUBLISHED	FAYETTE
-----	---	--	---------

\* \* \* \* \*

ORDER AFFIRMING:

REID (ARTHUR A.) VS. WEBB (PATTY), WARDEN ENTERED: 03/08/06	2006-CA-0231-MR	MUHLENBERG
--	-----------------	------------

\* \* \* \* \*

ORDERS DENYING PETITION FOR WRIT OF MANDAMUS:

GRINTER (DAVID) VS. HON. TYLER L. GILL, JUDGE LOGAN CIRCUIT COURT, ET AL. ENTERED: 03/08/06	2005-CA-1769-OA	IN COURT OF APPEALS
---	-----------------	------------------------

MCLANE (MARK-ALLEN) VS. HON. THOMAS L. WALLER, JUDGE BULLITT CIRCUIT COURT, ET AL. ENTERED: 03/06/06	2006-CA-0320-OA	IN COURT OF APPEALS
--	-----------------	------------------------

\* \* \* \* \*

ORDER DENYING MOTION TO RECONSIDER:

RICHARDS (ROBBIE) VS. MORGAN (JAMES L.), WARDEN ENTERED: 03/08/06	2005-CA-0989-MR	BOYLE
--	-----------------	-------

**COURT OF APPEALS OF KENTUCKY**

03/10/2006 AT 2:00 P.M.

PAGE 7 OF 14

\* \* \* \* \*

ORDER DENYING MOTION FOR BELATED APPEAL:

ODOM (JAMES) 2005-CA-2166-MR MUHLENBERG  
VS.  
RAFI, JR. (RIAZLINO M.), ET AL.  
ENTERED: 03/08/06

\* \* \* \* \*

ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW:

BRASWELL (LAURA SUE) 2005-CA-2420-DR CHRISTIAN  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED: 03/08/06

DANIELS (RANDY) 2006-CA-0063-DR CARROLL  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED: 03/08/06

\* \* \* \* \*

ORDERS DENYING PETITION FOR REHEARING:

ADAMS (JAMES ELI), ET AL. 2004-CA-2250-MR CHRISTIAN  
VS.  
CHRISTIAN COUNTY WATER DISTRICT  
ENTERED: 03/07/06

KREITER (TIM) 2005-CA-0445-MR BELL  
VS.  
KREITER (AMELIA RUTH ODEN)  
ENTERED: 03/07/06

\* \* \* \* \*

ORDER DENYING PETITION FOR REHEARING, WITHDRAWING PRIOR OPINION  
RENDERED OCTOBER 28, 2005, AND REISSUING A NEW OPINION:

GRIFFIN INDUSTRIES, INC. 2004-CA-1812-MR CAMPBELL  
VS.  
COMMONWEALTH OF KENTUCKY, REVENUE  
CABINET  
ENTERED: 03/10/06

COURT OF APPEALS OF KENTUCKY

03/10/2006 AT 2:00 P.M.

PAGE 8 OF 14

\* \* \* \* \*

ORDER MODIFYING OPINION RENDERED DECEMBER 22, 2005. THE ATTACHED OPINION IS SUBSTITUTED IN ITS ENTIRETY:

WILLIAMS (RICHARD) 2005-CA-0653-WC WORKER'S
VS. COMPENSATION
FEI INSTALLATION, ET AL. BOARD
ENTERED: 03/10/06

\* \* \* \* \*

ORDERS DISMISSING:

THOMAS (JOBY L.), ET AL. 2003-CA-0231-MR LAUREL
VS.
JONES (WILLIAM B.), ET AL.
ENTERED: 03/08/06

MASON (KENNETH M.) 2004-CA-1347-MR WAYNE
VS.
POORE (PATSY), ET AL.
ENTERED: 03/08/06

ALLEN (KEVIN R.) 2004-CA-2010-MR WARREN
VS.
COMMONWEALTH OF KENTUCKY, CABINET
FOR HEALTH AND FAMILY SERVICES
ENTERED: 03/08/06

JOHN F. DANCE ENTERPRISES, INC., 2004-CA-2275-MR WOODFORD
A/K/A DANCE ENTERPRISES, ET AL.
VS.
SAMAAN (FRANCIS A.), INDIVIDUALLY,
ET AL.
ENTERED: 03/08/06

COLLINS (GLEN DAVID) 2004-CA-2341-MR LYON
VS.
DEBOE (ROBERT)
ENTERED: 03/08/06

CAIN (GARY MICHAEL) 2004-CA-2415-MR MARTIN
VS.
CAIN (CAROL SPENCE)
ENTERED: 03/08/06



COURT OF APPEALS OF KENTUCKY

03/10/2006 AT 2:00 P.M.

PAGE 9 OF 14

\* \* \* \* \*

ORDERS DISMISSING (CONTINUED):

MEADE (ETHEL M.), ET AL. VS. STUMBO (DALE), ET AL. ENTERED: 03/08/06	2004-CA-2671-MR	FLOYD
CUMMINS (THOMAS A.) VS. KAYS (DEBBIE) ENTERED: 03/08/06	2005-CA-0121-MR	FRANKLIN
MAY, JR. (JOHN WILLIAM) VS. WESTERN BAPTIST HOSPITAL, ET AL. ENTERED: 03/08/06	2005-CA-0360-MR	MCCRACKEN
HOUSE (KELLEY S.) VS. CASTANIS (STEVEN N.) ENTERED: 03/08/06	2005-CA-0442-MR 2005-CA-0443-MR	FRANKLIN
SWAIN (VICKI CARLISS) VS. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES ENTERED: 03/08/06	2005-CA-0828-ME	JEFFERSON
CROSS (GARRETH W.) VS. COMMONWEALTH OF KENTUCKY ENTERED: 03/09/06	2005-CA-0886-MR	MCCRACKEN
PRESTIGE DELIVERY SYSTEMS VS. KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION, DIVISION OF UNEMPLOYMENT INSURANCE, ET AL. ENTERED: 03/08/06	2005-CA-1208-MR	FRANKLIN
RANSELL (BRIAN) VS. RANSELL (JESSICA CAREN) ENTERED: 03/08/06	2005-CA-1222-MR	OWEN

COURT OF APPEALS OF KENTUCKY

03/10/2006 AT 2:00 P.M.

PAGE 10 OF 14

\* \* \* \* \*

ORDERS DISMISSING (CONTINUED):

WILKERSON (JERRY) 2005-CA-1234-MR JEFFERSON
VS.
MERASTAR INSURANCE COMPANY
ENTERED: 03/08/06

JANES (JOSEPH H.), A/K/A JOEY 2005-CA-1317-MR NELSON
JANES, ET AL.
VS.
BRYAN (JOE PAUL)
ENTERED: 03/08/06

RUPERT (EARLIE), ET AL. 2005-CA-1383-MR HENDERSON
VS.
OHIO VALLEY NATIONAL BANK
ENTERED: 03/08/06

HARDY (TIMOTHY) 2005-CA-1388-MR FRANKLIN
VS.
COMMONWEALTH OF KENTUCKY, DIVISION
OF UNEMPLOYMENT
ENTERED: 03/08/06

BAKER (JESSE) 2005-CA-1533-MR BOONE
VS.
BOONE COUNTY, ET AL.
ENTERED: 03/08/06

JOINT CITY-COUNTY PLANNING 2005-CA-1680-MR NELSON
COMMISSION
VS.
BARDSTOWN AUTO SALES, INC.
ENTERED: 03/08/06

JONES (ROBERT H.) 2005-CA-1889-MR SHELBY
VS.
MCCLISH (RONALD D.)
ENTERED: 03/08/06

BAPTIST HEALTHCARE SYSTEM, INC., 2005-CA-1957-MR WHITLEY
D/B/A/ BAPTIST REGIONAL MEDICAL
CENTER
VS.
STORMS (SHIRLEY), ET AL.
ENTERED: 03/08/06

COURT OF APPEALS OF KENTUCKY

03/10/2006 AT 2:00 P.M.

PAGE 11 OF 14

\* \* \* \* \*

ORDERS DISMISSING (CONTINUED):

BRANHAM (PAUL) VS. COMMONWEALTH OF KENTUCKY ENTERED: 03/08/06	2005-CA-1989-MR	CARTER
DIAMOND LANDSCAPES, INC., D/B/A DIAMOND LANDSCAPES AND DIAMOND LAWNCARE VS. KENTUCKY ASSOCIATED GENERAL CONTRACTORS/SELF INSURERS' FUND ENTERED: 03/08/06	2005-CA-2004-MR	FAYETTE
MCCARTY (KELLY), INDIVIDUALLY, ET AL. VS. CRAIG HARDWARE AND CONSTRUCTION, INC. ENTERED: 03/08/06	2005-CA-2101-MR	CARROLL
FORRESTER (TINA) VS. MID-AMERICA APARTMENTS ENTERED: 03/08/06	2005-CA-2244-MR	BOONE
L. (W.C.) VS. COMMONWEALTH OF KENTUCKY ENTERED: 03/08/06	2005-CA-2307-MR	MARION
HILL (JEAN C.) VS. LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ENTERED: 03/08/06	2005-CA-2345-MR	JEFFERSON
ROGERS (SHERRY K.) VS. ROGERS (HAL BRENT) ENTERED: 03/08/06	2005-CA-2365-MR	HICKMAN
WADE (GEORGE E.) VS. KENTUCKY PAROLE BOARD ENTERED: 03/08/06	2005-CA-2472-MR	FRANKLIN

COURT OF APPEALS OF KENTUCKY

03/10/2006 AT 2:00 P.M.

PAGE 12 OF 14

\* \* \* \* \*

ORDERS DISMISSING (CONTINUED:)

SCHLUETER (JOHN FRANCES) VS. STILES (SUSAN LYNN) ENTERED: 03/08/06	2005-CA-2476-ME	WARREN
BAKER (DONNIE), ET AL. VS. COOPER (LORENNNA SUE), ET AL. ENTERED: 03/08/06	2005-CA-2489-ME	JEFFERSON
STRADER (BILLY) VS. ASHE & SVOBODA, INC., ET AL. ENTERED: 03/08/06	2005-CA-2512-MR	FRANKLIN
GUY (KEITH R.) VS. COMMONWEALTH OF KENTUCKY ENTERED: 03/08/06	2005-CA-2626-MR	FAYETTE
REYUS (CLINT), ET AL. VS. HIBBS (JOHN C.), INDIVIDUALLY, ET AL. ENTERED: 03/08/06	2005-CA-2584-MR	JEFFERSON
BURGESS (DEXTER) VS. WEBB (PATTI), WARDEN, ET AL. ENTERED: 03/09/06	2006-CA-0022-MR	MUHLENBERG
ROTHWELL (KENNETH W.), ET AL. VS. BOYLE COUNTY, ET AL. ENTERED: 03/08/06	2006-CA-0091-MR	BOYLE
KELLY (TAMMY) VS. COMMONWEALTH OF KENTUCKY, IN THE INTEREST OF T.K., A MINOR CHILD ENTERED: 03/09/06	2006-CA-0123-MR	FAYETTE

COURT OF APPEALS OF KENTUCKY

03/10/2006 AT 2:00 P.M.

PAGE 13 OF 14

\* \* \* \* \*

ORDERS DISMISSING (CONTINUED:)

M. (A.), A CHILD UNDER EIGHTEEN 2006-CA-0163-MR WHITLEY  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED: 03/08/06

CAMPBELL (DAVID), ET AL. 2006-CA-0242-MR LINCOLN  
VS. 2006-CA-0260-MR  
CHILDERS BUILDING, INC., ET AL.  
ENTERED: 03/08/06

\* \* \* \* \*

ORDERS FROM PREVIOUS WEEK ENDING MARCH 3, 2006:

ORDER DENYING PETITION FOR WRIT OF MANDAMUS:

SCHLAGEL (RAYMOND), ET AL. 2005-CA-2561-OA IN COURT OF  
VS. APPEALS  
HON. ANTHONY W. FROHLICH, JUDGE  
BOONE CIRCUIT COURT, ET AL.  
ENTERED: 03/03/06

\* \* \* \* \*

ORDER DENYING PETITION FOR WRIT OF PROHIBITION:

SMITH (SHIRLEY BUSH) 2005-CA-2577-OA IN COURT OF  
VS. APPEALS  
HON. JULIE PAXTON, JUDGE  
FLOYD FAMILY COURT, ET AL.  
ENTERED: 03/03/06

**COURT OF APPEALS OF KENTUCKY**

03/10/2006 AT 2:00 P.M.

PAGE 14 OF 14

\* \* \* \* \*

ORDERS FROM PREVIOUS WEEK ENDING MARCH 3, 2006, (ONTINUED:)

ORDERS DISMISSING:

SCHLAGEL (RAYMOND), ET AL.                                        2005-CA-2409-MR                BOONE  
VS.  
BERLING DEVELOPMENT  
ENTERPRISES/BERLING CONSTRUCTION  
COMPANY  
ENTERED: 03/03/06

JUSTICE (CLINTON W.), ET AL.                                      2005-CA-2490-MR                PIKE  
VS.  
VANDERBILT MORTGAGE & FINANCE,  
INC.  
ENTERED: 03/03/06