

# COURT OF APPEALS OF KENTUCKY

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1191	SIZEMORE (BEVERLY E.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING VANMETER (PRESIDING JUDGE) ABRAMSON (CONCURS) AND KNOPF (CONCURS)	2004-CA-1670-MR NOT TO BE PUBLISHED	OWEN
1192	CHADWELL (LINDA B.) VS. COMMONWEALTH OF KENTUCKY OPINION REVERSING VANMETER (PRESIDING JUDGE) ABRAMSON (CONCURS) AND KNOPF (CONCURS)	2004-CA-1673-MR NOT TO BE PUBLISHED	OWEN
1193	SWAN (RICHARD SAMUEL) VS. COMMONWEALTH OF KENTUCKY OPINION REVERSING IN PART AND AFFIRMING IN PART VANMETER (PRESIDING JUDGE) ABRAMSON (CONCURS) AND KNOPF (CONCURS)	2004-CA-1798-MR NOT TO BE PUBLISHED	OWEN
1194	HENSLEY (DALE), ET AL. VS. DELONG (ARLAND), ET AL. OPINION REVERSING AND REMANDING HENRY (PRESIDING JUDGE) SCHRODER (CONCURS) AND EMBERTON (DISSENTS)	2005-CA-0192-MR NOT TO BE PUBLISHED	LAWRENCE
1195	HILL, JR. (GEORGE W.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING BARBER (PRESIDING JUDGE) HUDDLESTON (CONCURS) AND PAISLEY (CONCURS IN RESULT AND FILES SEPARATE OPINION)	2005-CA-0239-MR NOT TO BE PUBLISHED	JEFFERSON
1196	BESS (MICHAEL), ET AL. VS. BRACKEN COUNTY FISCAL COURT OPINION AFFIRMING VANMETER (PRESIDING JUDGE) ACREE (CONCURS) AND SCHRODER (CONCURS)	2005-CA-0541-MR TO BE PUBLISHED	BRACKEN

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1197	MCATEE (MARVIN) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) JOHNSON (CONCURS) AND TAYLOR (CONCURS)	2005-CA-0814-MR NOT TO BE PUBLISHED	JEFFERSON
1198	COMMONWEALTH OF KENTUCKY, ET AL. VS. HALL (DAN) OPINION AFFIRMING IN PART, REVERSING IN PART AND REMANDING ABRAMSON (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND VANMETER (CONCURS)	2005-CA-0862-MR TO BE PUBLISHED	FLOYD
1199	KEGLEY (STELLA FAYE) VS. MOREHEAD STATE UNIVERSITY, ET AL. OPINION AFFIRMING ABRAMSON (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND VANMETER (CONCURS)	2005-CA-1021-MR NOT TO BE PUBLISHED	ROWAN
1200	INMAN, JR. (DAVID M.) VS. TERRY (REBECCA A.) OPINION AFFIRMING VANMETER (PRESIDING JUDGE) BARBER (CONCURS) AND KNOPF (CONCURS)	2005-CA-1128-MR NOT TO BE PUBLISHED	JEFFERSON
1201	CRITCHELOW (BRADLEY) VS. BRECKINRIDGE COUNTY BOARD OF EDUCATION, ET AL. OPINION AFFIRMING IN PART, REVERSING IN PART AND REMANDING TAYLOR (PRESIDING JUDGE) JOHNSON (CONCURS) AND BUCKINGHAM (CONCURS)	2005-CA-1194-MR NOT TO BE PUBLISHED	OHIO
1202	POWERS (PAUL) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING TAYLOR (PRESIDING JUDGE) DIXON (CONCURS) AND KNOPF (CONCURS)	2005-CA-1416-MR NOT TO BE PUBLISHED	BUTLER

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1204	DIXON (WALTER R.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING VANMETER (PRESIDING JUDGE) ABRAMSON (CONCURS) AND KNOPF (CONCURS)	2005-CA-1523-MR NOT TO BE PUBLISHED	JEFFERSON
1205	T.K. VS. COMMONWEALTH OF KENTUCKY, ET AL. OPINION AFFIRMING MILLER (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND SCHRODER (CONCURS)	2005-CA-1629-ME 2005-CA-2446-ME 2005-CA-2558-ME 2006-CA-1029-ME NOT TO BE PUBLISHED	FAYETTE
1206	DOUGLAS (BILL), ET AL. VS. COFFMAN (JIMMIE), ET AL. OPINION AFFIRMING IN PART, REVERSING IN PART AND REMANDING SCHRODER (PRESIDING JUDGE) KNOPF (CONCURS) AND MILLER (CONCURS)	2005-CA-1670-MR NOT TO BE PUBLISHED	CASEY
1207	SOUTHERS (CHARLES) VS. COMMONWEALTH OF KENTUCKY OPINION VACATING AND REMANDING ROSENBLUM (PRESIDING JUDGE) TAYLOR (DISSENTS WITHOUT SEPARATE OPINION) AND MILLER (CONCURS)	2005-CA-1685-MR TO BE PUBLISHED	BREATHITT
1208	ESTEP (JERRY A.), ET AL. VS. MULLINS (CHESTER), ET AL. OPINION AFFIRMING HUDDLESTON (PRESIDING JUDGE) BARBER (CONCURS) AND PAISLEY (CONCURS)	2005-CA-1720-MR NOT TO BE PUBLISHED	PIKE

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1209	FRENTZ (THOMAS W.) VS. SHPS, INC., ET AL. OPINION AFFIRMING WINE (PRESIDING JUDGE) JOHNSON (CONCURS) AND MILLER (CONCURS)	2005-CA-1744-MR NOT TO BE PUBLISHED	JEFFERSON
1210	HODGE (MARVIN K.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING TAYLOR (PRESIDING JUDGE) JOHNSON (CONCURS) AND BUCKINGHAM (CONCURS)	2005-CA-1752-MR NOT TO BE PUBLISHED	NELSON
1211	MORRIS (JOHN) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING MILLER (PRESIDING JUDGE) JOHNSON (CONCURS) AND WINE (CONCURS)	2005-CA-1754-MR NOT TO BE PUBLISHED	JEFFERSON
1212	PATRIOT HOMES INC., ET AL. VS. WISE (MICHAEL), ET AL. OPINION AFFIRMING IN PART, VACATING AND REMANDING IN PART TAYLOR (PRESIDING JUDGE) COMBS (CONCURS) AND BUCKINGHAM (CONCURS)	2005-CA-1776-MR NOT TO BE PUBLISHED	OHIO
1213	ENCOMPASS INSURANCE COMPANY VS. KUGLAND (HELEN) OPINION REVERSING AND REMANDING TAYLOR (PRESIDING JUDGE) JOHNSON (CONCURS) AND BUCKINGHAM (CONCURS)	2005-CA-1821-MR NOT TO BE PUBLISHED	JEFFERSON
1214	MAXIE (JAMES) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING TAYLOR (PRESIDING JUDGE) BARBER (CONCURS) AND KNOPF (CONCURS)	2005-CA-1822-MR NOT TO BE PUBLISHED	MCCRACKEN

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1215	KLEINJAN (DALE) VS. SPENCER COUNTY BOARD OF EDUCATION OPINION AFFIRMING MILLER (PRESIDING JUDGE) JOHNSON (CONCURS) AND WINE (CONCURS)	2005-CA-1913-MR NOT TO BE PUBLISHED	SPENCER
1216	MURPHY (REBECCA JEANETTE), NOW CHIPMAN VS. MURPHY (CHRISTOPHER MICHAEL) OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) JOHNSON (CONCURS) AND TAYLOR (CONCURS)	2005-CA-1984-MR NOT TO BE PUBLISHED	HARDIN
1217	TRAUGOTT (CAROLE ANN) VS. TRAUGOTT (JAMES MICHAEL) OPINION AND ORDER DISMISSING HUDDLESTON (PRESIDING JUDGE) BARBER (CONCURS) AND PAISLEY (CONCURS)	2005-CA-2035-MR NOT TO BE PUBLISHED	BOYD
1218	ROBERTS (SIDNEY) VS. CREWS (COOKIE) OPINION AFFIRMING TAYLOR (PRESIDING JUDGE) JOHNSON (CONCURS) AND BUCKINGHAM (CONCURS)	2005-CA-2130-MR NOT TO BE PUBLISHED	OLDHAM
1219	ACKMAN (MICHAEL) VS. SAUDER (LT. ROGER), ET AL. OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) ABRAMSON (CONCURS) AND GUIDUGLI (CONCURS)	2005-CA-2145-MR NOT TO BE PUBLISHED	BOYLE
1220	LOGSDON, JR. (WILLIAM D.) VS. LOGSDON (OLLIE) OPINION AFFIRMING WINE (PRESIDING JUDGE) JOHNSON (CONCURS) AND MILLER (CONCURS)	2005-CA-2240-MR NOT TO BE PUBLISHED	BULLITT

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1221	HUTSON (JOSEPH) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING ACREE (PRESIDING JUDGE) COMBS (CONCURS) AND JOHNSON (CONCURS)	2005-CA-2289-MR TO BE PUBLISHED	CAMPBELL
1222	J. D. VS. COMMONWEALTH OF KENTUCKY, ET AL. OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) JOHNSON (CONCURS) AND TAYLOR (CONCURS)	2005-CA-2342-ME 2005-CA-2612-ME NOT TO BE PUBLISHED	JEFFERSON
1223	SPALDING UNIVERSITY VS. BARGAS (MELINDA S. BOSCO) OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) JOHNSON (CONCURS) AND TAYLOR (CONCURS)	2005-CA-2351-MR NOT TO BE PUBLISHED	JEFFERSON
1224	THOMAS (MICHELLE) VS. GRANGE MUTUAL CASUALTY COMPANY OPINION AFFIRMING KNOPF (PRESIDING JUDGE) COMBS (CONCURS) AND ACREE (CONCURS)	2005-CA-2352-MR 2005-CA-2378-MR NOT TO BE PUBLISHED	JEFFERSON
1225	M.L.H. VS. COMMONWEALTH OF KENTUCKY, ET AL. OPINION AFFIRMING VANMETER (PRESIDING JUDGE) ABRAMSON (CONCURS) AND GUIDUGLI (DISSENTS AND FILES SEPARATE OPINION)	2005-CA-2360-MR NOT TO BE PUBLISHED	MONTGOMERY
1226	MACK, JR. (ROBERT E.) VS. AMMONS (MARY W.) OPINION AFFIRMING TAYLOR (PRESIDING JUDGE) DIXON (CONCURS) AND KNOPF (CONCURS)	2005-CA-2382-MR NOT TO BE PUBLISHED	HARDIN

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1227	WILSON (CAMERON M.) VS. KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION, ET AL. OPINION AFFIRMING MILLER (PRESIDING JUDGE) JOHNSON (CONCURS) AND WINE (CONCURS)	2005-CA-2394-MR NOT TO BE PUBLISHED	JEFFERSON
1228	RICE (DEELYNNE) VS. BARNES (WILLIAM E.) OPINION AFFIRMING TAYLOR (PRESIDING JUDGE) DIXON (CONCURS) AND KNOPF (CONCURS)	2005-CA-2412-MR NOT TO BE PUBLISHED	MCCRACKEN
1229	WOOSLEY (TERRELL) VS. COMMONWEALTH OF KENTUCKY, DEPARTMENT OF CORRECTIONS OPINION AFFIRMING TAYLOR (PRESIDING JUDGE) ROSENBLUM (CONCURS) AND MILLER (CONCURS)	2005-CA-2524-MR NOT TO BE PUBLISHED	FRANKLIN
1230	WALLACE (MARTINE) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING KNOPF (PRESIDING JUDGE) COMBS (CONCURS) AND ACREE (CONCURS)	2005-CA-2589-MR NOT TO BE PUBLISHED	JEFFERSON
1231	CARPENTER (JEFFERY) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING TAYLOR (PRESIDING JUDGE) DIXON (CONCURS) AND KNOPF (CONCURS)	2006-CA-0028-MR NOT TO BE PUBLISHED	LOGAN
1232	DONALD HAMILTON, INC. VS. WEISSINGER ESTATES HOMEOWNER'S ASSOCIATION, INC. OPINION AFFIRMING MILLER (PRESIDING JUDGE) JOHNSON (CONCURS) AND WINE (CONCURS)	2006-CA-0174-MR NOT TO BE PUBLISHED	SHELBY

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1233	HURLEY (JEFFREY) VS. WAL-MART STORES #2548, ET AL. OPINION AFFIRMING HENRY (PRESIDING JUDGE) ACREE (CONCURS) AND GUIDUGLI (CONCURS)	2006-CA-0179-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD
1234	ROSEBERRY (WILLIE) VS. KENTUCKY DEPARTMENT OF CORRECTIONS, ET AL. OPINION AFFIRMING ABRAMSON (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND BUCKINGHAM (CONCURS)	2006-CA-0245-MR NOT TO BE PUBLISHED	BOYLE
1235	J.M.H. VS. JUDY G., ET AL. OPINION AFFIRMING MILLER (PRESIDING JUDGE) JOHNSON (CONCURS) AND WINE (CONCURS IN RESULT AND FILES SEPARATE OPINION)	2006-CA-0341-ME NOT TO BE PUBLISHED	OLDHAM
1236	K. R. L. VS. P. A. C., ET AL. OPINION AFFIRMING PAISLEY (PRESIDING JUDGE) BARBER (CONCURS) AND HUDDLESTON (CONCURS)	2006-CA-0364-ME TO BE PUBLISHED	BELL
1237	CROSS (RICHARD) VS. MCWHORTER CROSS (STACY KAY) OPINION VACATING AND REMANDING BARBER (PRESIDING JUDGE) HUDDLESTON (CONCURS) AND PAISLEY (DISSENTS AND FILES SEPARATE OPINION)	2006-CA-0470-ME NOT TO BE PUBLISHED	CLINTON
1238	PINKSTON (COLLEEN SARAH) VS. AUDUBON AREA COMMUNITY SERVICES INC., ET AL. OPINION AFFIRMING WINE (PRESIDING JUDGE) HENRY (CONCURS) AND BUCKINGHAM (CONCURS)	2006-CA-0473-MR TO BE PUBLISHED	DAVISS



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1239	BAIRD (NORMAN LEE) VS. BAIRD (SHIRLEY D.) OPINION VACATING AND REMANDING HENRY (PRESIDING JUDGE) WINE (DISSENTS AND FILES SEPARATE OPINION) AND BUCKINGHAM (CONCURS)	2006-CA-0520-ME NOT TO BE PUBLISHED	UNION
1240	CITY OF SALYERSVILLE VS. SMITH (MARTY), ET AL. OPINION REVERSING AND REMANDING BUCKINGHAM (PRESIDING JUDGE) JOHNSON (CONCURS) AND TAYLOR (CONCURS)	2006-CA-0883-WC TO BE PUBLISHED	WORKERS COMPENSATION BOARD
1241	ROBINSON (EUGENIA SUE WYNN) VS. ROBINSON (ROBERT DALE) OPINION REVERSING AND REMANDING ACREE (PRESIDING JUDGE) BARBER (CONCURS) AND TAYLOR (CONCURS)	2006-CA-1095-ME TO BE PUBLISHED	ROCKCASTLE
1242	ROARK (SARAH) VS. UNITED PARCEL SERVICE, ET AL. OPINION AFFIRMING KNOPF (PRESIDING JUDGE) COMBS (CONCURS) AND ACREE (CONCURS)	2006-CA-1427-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD

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ORDER DISMISSING:

KURZ (KENNETH)  
VS.  
HON. W. DOUGLAS KEMPER, JUDGE  
JEFFERSON CIRCUIT COURT, ET AL.  
ENTERED: 11/28/06

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ORDERS FROM PREVIOUS WEEK ENDING NOVEMBER 22, 2006:

ORDERS AFFIRMING:

CARTER (JULIUS) 2006-CA-1726-MR LYON  
VS.  
KENTUCKY DEPARTMENT OF CORRECTIONS  
ENTERED: 11/21/06

LANG (JAMES) 2006-CA-1956-MR FRANKLIN  
VS.  
DEPARTMENT OF CORRECTIONS,  
COMMONWEALTH OF KENTUCKY  
ENTERED: 11/20/06

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ORDERS DENYING MOTION TO RECONSIDER:

MANNING (MICHELLE MARIE) 2005-CA-1640-MR ALLEN  
VS. 2005-CA-1898-MR  
MANNING (JAMES ROSCOE)  
ENTERED: 11/21/06

CLARK (EVELYN MARIE) 2006-CA-1155-MR JEFFERSON  
VS.  
CLARK (ADRIAN A.)  
ENTERED: 11/21/06

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ORDER DENYING PETITION FOR REHEARING:

OBERST (CLINTON S.), ET AL. 2005-CA-0066-MR BOONE  
VS.  
TRIPLE CROWN SUBDIVISION  
HOMEOWNERS' ASSOCIATION, INC.  
ENTERED: 11/21/06

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ORDER DENYING PETITION FOR WRIT OF MANDAMUS AS MOOT:

MATTINGLY (MARK LANE) 2006-CA-1668-OA IN COURT OF  
VS. APPEALS  
HON. ALLAN R. BERTRAM, JUDGE  
MARION CIRCUIT COURT, ET AL.  
ENTERED: 11/21/06

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ORDERS FROM PREVIOUS WEEK ENDING NOVEMBER 22, 2006 (CONTINUED):

ORDER DENYING PETITION FOR WRIT OF PROHIBITION:

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MAYLE (GEORGE) 2006-CA-1496-OA IN COURT OF APPEALS
VS.
HON. SAMUEL C. LONG, JUDGE
CARTER CIRCUIT COURT, ET AL.
ENTERED: 11/21/06

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ORDERS DISMISSING:

RUSSELL (REBECCA) 2004-CA-1298-MR CAMPBELL
VS.
RAHE (BRADLEY ANTHONY)
ENTERED: 11/21/06

D'ANGELO, M.D. (GREG) 2005-CA-1480-MR FAYETTE
VS.
HUSKISSON (BETH)
ENTERED: 11/21/06

SINGLETON (SCOT), ET AL. 2005-CA-2497-MR CAMPBELL
VS.
BRAVO DEVELOPMENT, INC.
ENTERED: 11/21/06

STEADMAN (JAMES W.) 2006-CA-0171-MR BARREN
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 11/21/06

SAYLOR (MARK) 2006-CA-0631-MR GRANT
VS.
SAYLOR (MARION A.)
ENTERED: 11/21/06

POLK (ROBERT L.) 2006-CA-1374-MR LEE
VS.
EDKMAN (RANDY), WARDEN
ENTERED: 11/21/06

LONG (CLAIRE HICKS), ET AL. 2006-CA-1411-MR JEFFERSON
VS. 2006-CA-1543-MR
LOEFFLER (ROBERT H.), ET AL.
ENTERED: 11/21/06

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ORDERS FROM PREVIOUS WEEK ENDING NOVEMBER 22, 2006 (CONTINUED):

ORDERS DISMISSING (CONTINUED):

WILLIAMS (BORIS) 2006-CA-1628-MR JEFFERSON  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED: 11/21/06

WILSON (CURTIS) 2006-CA-1759-MR BUTLER  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED: 11/21/06

SCOTT (DUDLEY) 2006-CA-1831-MR KENTON  
VS.  
LARKIN, M.D. (JOHN)  
ENTERED: 11/21/06

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ORDER FROM PREVIOUS WEEK ENDING NOVEMBER 17, 2006:

ORDER DENYING PETITION FOR WRIT OF MANDAMUS:

ROBINSON (ROBBIE GENE) 2006-CA-2193-OA IN COURT OF  
VS. APPEALS  
HON. D. MICHAEL FOELLGER, JUDGE  
CAMPBELL CIRCUIT COURT, ET AL.  
ENTERED: 11/16/06