

# COURT OF APPEALS OF KENTUCKY

12/16/2005 AT 2:00 P.M.

PAGE 1 OF 11

1319	HARGROVE (RONALD L.), ET AL. VS. HALL (AMOS) OPINION AFFIRMING SCHRODER (PRESIDING JUDGE) BARBER (CONCURS) AND TAYLOR (DISSENTS AND FILES SEPARATE OPINION)	2002-CA-2027-MR NOT TO BE PUBLISHED	HARDIN
1320	QUICK DELIVERY OF KENTUCKY, INC. VS. PAYLESS SHOE SOURCE, INC. OPINION AFFIRMING JOHNSON (PRESIDING JUDGE) BUCKINGHAM (CONCURS) AND EMBERTON (CONCURS)	2003-CA-1230-MR NOT TO BE PUBLISHED	DAVISS
1321	ELLIOTT (MICHAEL) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING JOHNSON (PRESIDING JUDGE) KNOPF (CONCURS) AND VANMETER (CONCURS)	2004-CA-0065-MR NOT TO BE PUBLISHED	LAUREL
1322	OBC, INC. VS. DENTINGER, CPA (RICHARD A.), ET AL. OPINION AFFIRMING DYCHE (PRESIDING JUDGE) COMBS (CONCURS) AND JOHNSON (CONCURS)	2004-CA-0108-MR 2004-CA-0182-MR NOT TO BE PUBLISHED	JEFFERSON
1323	BISHOP (TERRY S.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING BARBER (PRESIDING JUDGE) BUCKINGHAM (CONCURS) AND JOHNSON (CONCURS)	2004-CA-1113-MR NOT TO BE PUBLISHED	JEFFERSON
1324	CAHILL, III (ROBERT CURTIS) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING IN PART, REVERSING IN PART, AND REMANDING KNOPF (PRESIDING JUDGE) JOHNSON (CONCURS) AND VANMETER (CONCURS)	2004-CA-1192-MR NOT TO BE PUBLISHED	FULTON

**COURT OF APPEALS OF KENTUCKY**

12/16/2005 AT 2:00 P.M.

PAGE 2 OF 11

1325	SMITH (KEDREN) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING JOHNSON (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND MCANULTY (CONCURS)	2004-CA-1287-MR NOT TO BE PUBLISHED	JEFFERSON
1326	MAYS (RODNEY DEWAYNE) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING JOHNSON (PRESIDING JUDGE) COMBS (CONCURS) AND MCANULTY (CONCURS)	2004-CA-1318-MR NOT TO BE PUBLISHED	CLAY
1327	THOMAS (STEVEN) VS. CITY OF HENDERSON OPINION AFFIRMING DYCHE (PRESIDING JUDGE) SCHRODER (CONCURS) AND ROSENBLUM (CONCURS)	2004-CA-1413-MR NOT TO BE PUBLISHED	HENDERSON
1328	GRIMES (PAULA) VS. SMITH (CONNIE), ET AL. OPINION AFFIRMING ROSENBLUM (PRESIDING JUDGE) KNOPF (CONCURS) AND TACKETT (CONCURS)	2004-CA-1756-MR NOT TO BE PUBLISHED	JEFFERSON
1329	MARKOVICH (STEVE), ET AL. VS. FISCHER SINGLE FAMILY HOMES, LTD. OPINION AFFIRMING TACKETT (PRESIDING JUDGE) DYCHE (CONCURS) AND KNOPF (CONCURS)	2004-CA-1793-MR NOT TO BE PUBLISHED	KENTON
1330	THORN (JOAN) VS. COMMONWEALTH OF KENTUCKY, ET AL. OPINION AFFIRMING DYCHE (PRESIDING JUDGE) COMBS (CONCURS) AND HENRY (CONCURS)	2004-CA-1861-MR TO BE PUBLISHED	MCCRACKEN

# COURT OF APPEALS OF KENTUCKY

12/16/2005 AT 2:00 P.M.

PAGE 3 OF 11

1331	FRAZIER (RONALD LEE) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING TACKETT (PRESIDING JUDGE) DYCHE (CONCURS) AND KNOPF (CONCURS)	2004-CA-1995-MR NOT TO BE PUBLISHED	FAYETTE
1332	ADAMS, SR. (JAMES ELI), ET AL. VS. CHRISTIAN COUNTY WATER DISTRICT OPINION AFFIRMING DYCHE (PRESIDING JUDGE) SCHRODER (CONCURS BY SEPARATE OPINION) AND ROSENBLUM (CONCURS)	2004-CA-2250-MR NOT TO BE PUBLISHED	CHRISTIAN
1333	MCDONALD (LAURIE) VS. KOHLE (DIANA), ET AL. OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) BARBER (CONCURS) AND JOHNSON (CONCURS)	2004-CA-2321-ME NOT TO BE PUBLISHED	LIVINGSTON
1334	DEJEAN (BERNARD) VS. DEJEAN (BARBARA ANN) OPINION AFFIRMING IN PART, VACATING IN PART, AND REMANDING COMBS (PRESIDING JUDGE) HENRY (CONCURS) AND SCHRODER (CONCURS)	2004-CA-2518-MR NOT TO BE PUBLISHED	JEFFERSON
1335	BISCHOFF (RAYMOND CHARLES) VS. LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT OPINION VACATING AND REMANDING SCHRODER (PRESIDING JUDGE) DYCHE (CONCURS) AND ROSENBLUM (CONCURS)	2004-CA-2545-MR TO BE PUBLISHED	JEFFERSON
1336	BIBBS, JR. (CLARENCE) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) BARBER (CONCURS) AND JOHNSON (CONCURS)	2004-CA-2622-MR NOT TO BE PUBLISHED	CHRISTIAN

# COURT OF APPEALS OF KENTUCKY

12/16/2005 AT 2:00 P.M.

PAGE 4 OF 11

1337	DAVIESS COUNTY PUBLIC LIBRARY TAXING DISTRICT VS. BOSWELL (GARY M.), ET AL. OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) BARBER (CONCURS) AND JOHNSON (CONCURS)	2004-CA-2624-MR 2005-CA-0004-MR TO BE PUBLISHED	DAVIESS
1338	WENTWORTH (ANTHONY) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING GUIDUGLI (PRESIDING JUDGE) KNOPF (CONCURS) AND MCANULTY (CONCURS)	2005-CA-0238-MR 2005-CA-0696-MR NOT TO BE PUBLISHED	HENRY
1339	STATE AUTO MUTUAL INSURANCE COMPANY VS. GREENROSE (JOHN), ET AL. OPINION AFFIRMING IN PART, VACATING IN PART, AND REMANDING DYCHE (PRESIDING JUDGE) COMBS (CONCURS) AND JOHNSON (CONCURS)	2005-CA-0607-MR TO BE PUBLISHED	JEFFERSON
1340	LOGAN ALUMINUM, INC. VS. BULLARD (GREGORY), ET AL. OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) BARBER (CONCURS) AND JOHNSON (CONCURS WITH RESULT ONLY)	2005-CA-0980-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD
1341	KING (MARY LOU) VS. SMITH DEVELOPMENT INC., ET AL. OPINION AFFIRMING DYCHE (PRESIDING JUDGE) BARBER (CONCURS) AND MINTON (CONCURS)	2005-CA-1571-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD
1342	PIKE COUNTY BOARD OF EDUCATION VS. COLEMAN (NICKY), ET AL. OPINION AFFIRMING KNOPF (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND MCANULTY (CONCURS)	2005-CA-1574-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD

COURT OF APPEALS OF KENTUCKY

12/16/2005 AT 2:00 P.M.

PAGE 5 OF 11

1343	REYNOLDS (MICHAEL) VS. MAXIM/CARLISLE CONSTRUCTION, ET AL. OPINION AFFIRMING BARBER (PRESIDING JUDGE) DYCHE (CONCURS) AND MINTON (CONCURS)	2005-CA-1613-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD
1344	FLETCHER, IN HIS OFFICIAL CAPACITY (ERNIE) VS. GRAHAM, CIRCUIT JUDGE (WILLIAM L.), ET AL. OPINION AND ORDER DENYING CR 76.36 RELIEF KNOPF (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND HENRY (CONCURS)	2005-CA-2357-OA TO BE PUBLISHED	IN COURT OF APPEALS

\* \* \* \* \*

ORDER AFFIRMING:

BRUCE (WILLIAM JACOB) VS. WEBB (PATTI), WARDEN ENTERED: 12/13/05	2005-CA-1688-MR	MUHLENBERG
---	-----------------	------------

\* \* \* \* \*

ORDERS DENYING DISCRETIONARY REVIEW:

GROSS (WILLARD D.) VS. IRTZ (FRED), ADMINISTRATOR OF THE ESTATE OF C.P. GROSS ENTERED: 12/12/05	2005-CA-2007-D	FAYETTE
LEISURE (TODD) VS. MUHLENBERG COUNTY CONSERVATION CLUB, INC. ENTERED: 12/13/05	2005-CA-2194-D	MUHLENBERG

\* \* \* \* \*

ORDERS DENYING PETITION FOR REHEARING:

**COURT OF APPEALS OF KENTUCKY**

12/16/2005 AT 2:00 P.M.

PAGE 6 OF 11

HARRIS (LONNIE) 2003-CA-1857-MR CASEY  
VS. 2004-CA-0562-MR  
COMMONWEALTH OF KENTUCKY  
ENTERED: 12/12/05

BLACK (KEVIN R.) 2004-CA-1998-MR JEFFERSON  
VS.  
ROACH (EVAN K.), ET AL.  
ENTERED: 12/12/05

HOWELL (BURRELL) 2005-CA-389-MR HENDERSON  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED: 12/12/05

\* \* \* \* \*

ORDER DENYING PETITION FOR WRIT OF MANDAMUS AS MOOT:

BURBA (RUSSELL) 2005-CA-1938-OA IN COURT OF  
VS. APPEALS  
HON. BARRY WILLETT, JUDGE  
JEFFERSON CIRCUIT COURT, ET AL.  
ENTERED: 12/14/05

\* \* \* \* \*

ORDER DENYING PETITION FOR WRIT OF PROHIBITION:

KOHER (DAVID W.) 2005-CA-2328-OA IN COURT OF  
VS. APPEALS  
HON. JOHN DAVID CAUDILL, SPECIAL  
JUDGE, JEFFERSON CIRCUIT COURT, ET  
AL.  
ENTERED: 12/14/05

\* \* \* \* \*

ORDER DENYING MOTION FOR INTERLOCUTORY RELIEF AS MOOT:

MARTIN (BLAINE), ET AL. 2005-CA-2123-I PULASKI  
VS.  
CUMBERLAND LAKE SHELL, INC.  
ENTERED: 12/13/05

\* \* \* \* \*

ORDER DENYING MOTION FOR RELIEF UNDER CR 65.07:

COURT OF APPEALS OF KENTUCKY

12/16/2005 AT 2:00 P.M.

PAGE 7 OF 11

GILBERT (THOMAS), ET AL. 2005-CA-2210-I SCOTT
VS.
LYNN-LEE, INC.
ENTERED: 12/12/05

\* \* \* \* \*

ORDERS DISMISSING:

BELL (BONITA) 2003-CA-2528-ME FAYETTE
VS.
COMMONWEALTH OF KENTUCKY, CABINET
FOR FAMILIES AND CHILDREN, ET AL.
ENTERED: 12/12/05

SMITH (BRENDA L.), NOW GOODMAN 2003-CA-2567-MR JEFFERSON
VS.
SMITH (STEVEN W.)
ENTERED: 12/14/05

GRUBBS (RICHARD KEVIN) 2004-CA-1034-MR GRANT
VS.
GRUBBS (TINA M.)
ENTERED: 12/13/05

CURBY (RICHARD), ET AL. 2004-CA-1414-MR HENDERSON
VS.
HENDERSON CITY/COUNTY PLANNING
COMMISSION, ET AL.
ENTERED: 12/14/05

ANTOINE (MARK) 2004-CA-1938-MR BULLITT
VS.
ANTOINE (SHARON)
ENTERED: 12/13/05

COMMONWEALTH OF KENTUCKY, 2005-CA-0249-MR ADAIR
TRANSPORTATION CABINET, DEPARTMENT
OF HIGHWAYS 2005-CA-0635-MR
VS.
KEY (REGINA), ET AL.
ENTERED: 12/12/05

\* \* \* \* \*

ORDERS DISMISSING: (CONTINUED)

BURNS (JAMES E.), ET AL. 2005-CA-0423-MR HARDIN
VS.
RE/MAX EXECUTIVE GROUP, INC.
ENTERED: 12/14/05

COURT OF APPEALS OF KENTUCKY

12/16/2005 AT 2:00 P.M.

PAGE 8 OF 11

TACKETT (SARAH WATSON) VS. WATSON (RODGER) ENTERED: 12/12/05	2005-CA-0668-ME	GRAVES
MALONE (GREGORY LEONARD) VS. JOHNSON (MARCHELLE TRENEE) ENTERED: 12/12/05	2005-CA-1127-MR	JEFFERSON
CITY OF WILLIAMSTOWN, ET AL. VS. KINGS CROSS ESTATE, LLC; ET AL. ENTERED: 12/13/05	2005-CA-1157-MR	GRANT
HOUP (RICHARD LEE) VS. COMMONWEALTH OF KENTUCKY ENTERED: 12/12/05	2005-CA-1300-MR	FAYETTE
PYLES (MELINDA) VS. PYLES (KEVIN LEE) ENTERED: 12/14/05	2005-CA-1413-MR	HARDIN
KELLER (JANET LYNN) VS. THEILER, II (CHARLES E.) ENTERED: 12/14/05	2005-CA-1473-MR	JEFFERSON
THORNTON (RICHARD B.) VS. THE FARMERS BANK ENTERED: 12/14/05	2005-CA-1550-MR	BRECKINRIDGE
STEVENS (ROBERT WAYNE) VS. HON. WILLIAM P. RYAN, ET AL. ENTERED: 12/13/05	2005-CA-1593-MR	JEFFERSON

\* \* \* \* \*

ORDERS DISMISSING: (CONTINUED)

MINTON (SUZAN), ET AL. VS. EDGEWOOD MOBILE HOMES, INC., ET AL. ENTERED: 12/14/05	2005-CA-1657-MR	BELL
--	-----------------	------



COURT OF APPEALS OF KENTUCKY

12/16/2005 AT 2:00 P.M.

PAGE 9 OF 11

CRICK (JEFFREY L.) 2005-CA-1814-OA IN COURT OF APPEALS
VS.
HON. EDWIN M. WHITE, JUDGE
CHRISTIAN CIRCUIT COURT, ET AL.
ENTERED: 12/13/05

SMITH (JEFFREY DON) 2005-CA-1829-ME JEFFERSON
VS.
COMMONWEALTH OF KENTUCKY, CABINET
FOR HEALTH AND FAMILY SERVICES, ET
AL.
ENTERED: 12/12/05

WOODS (CHRISTOPHER MATTHEW) 2005-CA-1933-MR LAUREL
VS.
WOODS (NOLA), NOW SERBER
ENTERED: 12/13/05

SCHMIDT (CHAD E.) 2005-CA-1979-MR JEFFERSON
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 12/12/05

\* \* \* \* \*

ORDERS FROM PREVIOUS WEEK ENDING DECEMBER 9, 2005:
ORDER DENYING RELIEF UNDER CR 65.08:

COOPER (TIM), ET AL. 2005-CA-2302-MR WAYNE
VS. 2005-CA-2306-MR
WEATHERLY (HEIDI JOHNS), ET AL.
ENTERED: 12/09/05

\* \* \* \* \*

ORDERS FROM PREVIOUS WEEK ENDING DECEMBER 9, 2005: (CONTINUED)
ORDER DENYING MOTION FOR BELATED APPEAL:

LEAKE, JR. (RONALD LEE) 2005-CA-2192-MR JEFFERSON
VS.
COMMONWEALTH OF KENTUCKY, CABINET
FOR HEALTH AND FAMILY SERVICES, ET
AL.
ENTERED: 12/09/05

COURT OF APPEALS OF KENTUCKY

12/16/2005 AT 2:00 P.M.

PAGE 10 OF 11

\* \* \* \* \*

ORDERS DISMISSING:

VINSON (DONALD R.), ET AL. 2004-CA-2097-MR FRANKLIN
VS.
COMMONWEALTH OF KENTUCKY,
DEPARTMENT OF AGRICULTURE
ENTERED: 12/07/05

BRIAN (BARD K.) 2004-CA-2521-MR MCCrackEN
VS.
BRIAN (AMY E.)
ENTERED: 12/09/05

BG INDUSTRIES, INC. 2005-CA-0915-MR BOYD
VS.
K & J SPECIALTY RETAIL, ET AL.
ENTERED: 12/07/05

WYKLE (ANTHONY W.) 2005-CA-1406-ME METCALFE
VS.
ENGLAND (ANGELA)
ENTERED: 12/07/05

DESCHENES (RAYMOND) 2005-CA-1492-MR JEFFERSON
VS.
TAN (LOY)
ENTERED: 12/09/05

ROYAL & SUNALLIANCE USA INSURANCE 2005-CA-1762-MR WARREN
COMPANY
VS.
KUTSCHENREUTER (FRANK)
ENTERED: 12/09/05

\* \* \* \* \*

ORDERS FROM PREVIOUS WEEK ENDING DECEMBER 9, 2005: (CONTINUED)

ORDERS DISMISSING: (CONTINUED)

JONES, JR. (JOHNNY DOUGLAS) 2005-CA-1911-MR JEFFERSON
VS.
GRINDMASTER CORPORATION, ET AL.
ENTERED: 12/09/05

QORE, INC. 2005-CA-1985-MR DAVIESS
VS.
WESTERN KENTUCKY SILICA
ENTERED: 12/06/05

**COURT OF APPEALS OF KENTUCKY**

12/16/2005 AT 2:00 P.M.

PAGE 11 OF 11

HAMLET (RANDALL)  
VS.  
LIFE SKILLS, INC.  
ENTERED: 12/09/05

2005-CA-2011-MR

BUTLER