

SUPREME COURT OF KENTUCKY

MINUTES

MAY 21, 2009

RELEASED: 10:00 A.M.

109. TIMOTHY MORGAN V. [2006-SC-000693-DG](#) PIKE
CANDRIA SCOTT AND **TO BE PUBLISHED**
JAMES E. SCOTT, JR.

AND

CANDRIA SCOTT AND [2006-SC-000701-DG](#) PIKE
JAMES E. SCOTT, JR. V. **TO BE PUBLISHED**

MOORE PONTIAC, BUICK, GMC, INC.

AND

MOORE PONTIAC, BUICK, [2007-SC-000282-DG](#) PIKE
GMC, INC. V. **TO BE PUBLISHED**

CANDRIA SCOTT AND

JAMES E. SCOTT, JR.

OPINION OF THE COURT – AFFIRMING
MINTON, C.J., CONCURS IN RESULT
ONLY. ABRAMSON, J., CONCURS IN
PART AND DISSENTS IN PART BY
SEPARATE OPINION, CUNNINGHAM, J.,
JOINS. NOBLE, J., CONCURS IN PART
AND DISSENTS IN PART BY SEPARATE
OPINION.

Questions Presented:
Negligence. Assumption of Duty.
Apportionment of Damages.
Instructions. In action for damages
arising from collision caused by
prospective buyer test-driving
dealer's vehicle, issues include
questions relating to motor vehicle
dealer's duties, causation,
apportionment of damages,
instructions, and use of video
depositions at trial.

110. JERRY BERNARD WINSTEAD, JR. V. [2007-SC-000425-MR](#) DAVIESS
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**

OPINION OF THE COURT
BY JUSTICE ABRAMSON – AFFIRMING

Questions Presented:
Murder and first degree robbery-Life
without benefit of parole. Appellant
not denied right of self-representation
or fair jury selection, and any error in
admitting witness' bolstering
testimony was unpreserved and
harmless.

SUPREME COURT OF KENTUCKY

MINUTES

MAY 21, 2009

RELEASED: 10:00 A.M.

111. TERRY TOBAR V. [2007-SC-000842-DG](#) FAYETTE
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT
BY JUSTICE VENTERS – AFFIRMING
SCHRODER, J., DISSENTS BY SEPARATE
OPINION IN WHICH SCOTT, J., JOINS.
NOBLE, J., NOT SITTING.
- Questions Presented:**
Criminal Law. Sex-Offender
Registration. Issues include
whether the statutory requirement
that a registered sex offender
must (re)register upon a "change
of address" is unconstitutional in
the case of a registrant who
becomes homeless.
112. CRAWFORD & COMPANY V. [2008-SC-000646-WC](#) FROM COURT
JOSEPH WRIGHT, ET AL. **TO BE PUBLISHED** OF APPEALS
AND
JOSEPH WRIGHT V. [2008-SC-000746-WC](#) FROM COURT
CRAWFORD & COMPANY, ET AL. **TO BE PUBLISHED** OF APPEALS
OPINION OF THE COURT –
AFFIRMING
- Questions Presented:**
Workers' Compensation. Whether an ALJ
may relieve an employer from liability for a
worker's future medical expenses based
on his failure to respond to a motion to
reopen to contest them.
113. KENTUCKY EMPLOYERS [2008-SC-000671-WC](#) FROM COURT
SAFETY ASSOCIATION V. **TO BE PUBLISHED** OF APPEALS
LEXINGTON DIAGNOSTIC
CENTER, ET AL.
OPINION OF THE COURT –
AFFIRMING
- Questions Presented:**
Workers' Compensation. Whether a
healthcare worker splattered in the face
and eye with a patient's blood sustained a
compensable injury.

SUPREME COURT OF KENTUCKY

MINUTES

MAY 21, 2009

RELEASED: 10:00 A.M.

114. TEN BROECK DUPONT, INC. (D/B/A [2006-SC-000484-DG](#) JEFFERSON
TEN BROECK HOSPITAL) V. **TO BE PUBLISHED**

ARTEMECIA BROOKS
**OPINION OF THE COURT
BY JUSTICE SCOTT –
AFFIRMING IN PART AND
REVERSING IN PART**

NOBLE, J., CONCURS IN JUSTICE SCOTT'S EXCELLENT OPINION, BUT WOULD EMPHASIZE THAT THE TESTIMONY ABOUT INCIDENTS ALLEGEDLY CONCERNING SEXUALLY PREDATORY ACTS BY "GILBERT," ADDRESSED UNDER SECTION II OF THE MAJORITY OPINION WOULD HAVE BEEN IMPERMISSIBLE HEARSAY IF THEY HAD NOT BEEN OFFERED FOR A PROPER NON-HEARSAY PURPOSE: TO ESTABLISH KNOWLEDGE ON THE PART OF TEN BROECK THAT SUCH BEHAVIOR COULD BE OCCURRING. SCHRODER, J., CONCURS IN RESULT ONLY BY SEPARATE OPINION, WITH MINTON, C.J., JOINING THAT OPINION. ABRAMSON, J., NOT SITTING.

Questions Presented:

Civil Rape Shield Law. Hospital patient was allegedly raped by hospital employee. Patient sued hospital under negligent hiring and retention theories. Issues include whether patient's prior sexual history should have been admitted, under KRE 412(b)(2), to support hospital's defense that intercourse was consensual.

115. JOHN BRADFORD FREEMAN, ET AL. V. [2007-SC-000640-DG](#) JESSAMINE
ST. ANDREW ORTHODOX **TO BE PUBLISHED**
CHURCH, INC.

**OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
AFFIRMING IN PART AND
REVERSING IN PART**

Questions Presented:

Tax. Property Exemptions. The issue is whether church property, rented to third parties yet used occasionally by church members, is exempt from taxation under Ky. Const. § 170.

SUPREME COURT OF KENTUCKY

MINUTES

MAY 21, 2009

RELEASED: 10:00 A.M.

116. KENNETH WAYNE PARKER V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY CHIEF JUSTICE MINTON – AFFIRMING IN PART AND REVERSING AND REMANDING IN PART
VENTERS, J., CONCURS IN RESULT ONLY BY SEPARATE OPINION.
- [2006-SC-000102-MR](#) JEFFERSON
TO BE PUBLISHED
- Questions Presented:**
Two counts of murder, three counts of attempted murder, first degree assault, second degree assault, first degree robbery, criminal syndication and tampering with physical evidence-Two sentences of life without the possibility of parole for twenty five years for the murders and thirty years for other charges. Criminal syndication charge reversed for lack of proof of the statutory requirement of the collaboration of five or more persons.
117. BOB LAWSON V. KENTUCKY RETIREMENT SYSTEMS, ET AL.
OPINION OF THE COURT BY JUSTICE NOBLE – AFFIRMING IN PART, REVERSING IN PART AND REMANDING
ABRAMSON, J., CONCURS IN RESULT ONLY BY SEPARATE OPINION IN WHICH MINTON, C.J., JOINS.
- [2007-SC-000540-DG](#) FRANKLIN
TO BE PUBLISHED
- Questions Presented:**
Time period in which to change retirement benefit payment option.
118. FREDERICK MILLER V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE SCOTT – REVERSING
CUNNINGHAM, J., CONCURS IN RESULT ONLY BY SEPARATE OPINION, WITH SCHRODER, J., JOINING THAT OPINION.
MINTON, C.J.; NOT SITTING.
- [2007-SC-000048-TG](#) WARREN
TO BE PUBLISHED
- Questions Presented:**
Four counts of third degree rape, one count of sodomy and first degree persistent felony offender- Twenty years. Improper jury instructions.

SUPREME COURT OF KENTUCKY

MINUTES

MAY 21, 2009

RELEASED: 10:00 A.M.

119. COMMONWEALTH OF KENTUCKY V. [2007-SC-000538-DG](#) LAUREL
THOMAS ELZA, JR. **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
REVERSING

Questions Presented:
Post-conviction relief pursuant to RCr 11.42. Evidentiary hearing not required in this case where the record conclusively refutes the assertion that guilty plea was involuntary.

120. MYANH COLEMAN V. [2007-SC-000628-DG](#) JEFFERSON
BEE LINE COURIER SERVICE, INC. **TO BE PUBLISHED**
MEMORANDUM OPINION
OF THE COURT – REVERSING
NOBLE, J., CONCURS IN RESULT
ONLY BY SEPARATE OPINION IN
WHICH VENTERS, J., JOINS.
ABRAMSON, J., NOT SITTING.

Questions Presented:
Settlement Agreement. No-Fault Benefits. Issue is whether Ohio Casualty Inc. v. Ruschell, 834 S.W.2d 166 (Ky. 1992), requires an indemnification agreement between an accident victim and tort-feasor to contain an explicit designation of no-fault benefits in order for the indemnification to include such benefits.

121. DAVID PAUL SANDERSON V. [2007-SC-000537-MR](#) GRAVES
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE NOBLE –
REVERSING AND REMANDING
ABRAMSON, J., CONCURS IN RESULT
ONLY BY SEPARATE OPINION.
SCOTT, J., CONCURS IN PART
AND DISSENTS IN PART BY SEPARATE
OPINION.

Questions Presented:
Two counts of second degree sodomy and three counts of first degree sexual abuse -Thirty five years and five years of conditional discharge. Improper admission of testimony related to child sexual abuse accommodation syndrome. Sentencing error. Improper hearsay testimony of social worker regarding statements made to her and the credibility of the alleged victim.

SUPREME COURT OF KENTUCKY

MINUTES

MAY 21, 2009

RELEASED: 10:00 A.M.

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| 122. | NELLIE MEECE, ET AL. V.
FELDMAN LUMBER COMPANY
OPINION OF THE COURT BY
JUSTICE SCHRODER –
<u>REVERSING AND REMANDING</u>
MINTON, C.J., DISSENTS BY
SEPARATE OPINION. IN WHICH
CUNNINGHAM, J., JOINS.
ABRAMSON, J., NOT SITTING. | 2007-SC-000785-DG
TO BE PUBLISHED | PULASKI |
| | | <p style="text-align: center;">Questions Presented:</p> <p>Property. Timber. Damages. At issue is whether property owners should be awarded treble damages under KRS 364.130 for lumber removed by an entity without "color of title".</p> | |
| 123. | THOMAS GRIFFITH FULLER, JR. V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
NOBLE, J., DISSENTS BY SEPARATE
OPINION IN WHICH SCHRODER, J.,
JOINS. SCHRODER, J., DISSENTS
BY SEPARATE OPINION IN WHICH
NOBLE, J., JOINS. | 2006-SC-000364-MR
NOT TO BE PUBLISHED | PENDLETON |
| 124. | LORETTA EVANS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
VENTERS, J., CONCURS IN PART
AND DISSENTS IN PART BY
SEPARATE OPINION IN WHICH
NOBLE AND SCHRODER, JJ., JOIN. | 2006-SC-000912-MR
NOT TO BE PUBLISHED | WHITLEY |
| 125. | TYWAN BEAUMONT V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2007-SC-000486-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 126. | TROY SCHWEIKERT V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2007-SC-000733-MR
NOT TO BE PUBLISHED | KENTON |

SUPREME COURT OF KENTUCKY

MINUTES

MAY 21, 2009

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| 127. | RONALD WHEELER V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2008-SC-000050-MR
NOT TO BE PUBLISHED | JESSAMINE |
| 128. | CLARENCE TATE V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2008-SC-000205-MR
NOT TO BE PUBLISHED | HARDIN |
| 129. | LARRY J. DUNKEL,
EXECUTOR FOR THE ESTATE OF
KATHLEEN A. DUNKEL, DECEASED V.
HON. CHARLES W. BOETLER, JR.,
JUDGE, MARSHALL CIRCUIT COURT,
AND ARKEMA, INC., ET AL.
(REAL PARTIES IN INTEREST)
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2008-SC-000223-MR
NOT TO BE PUBLISHED | MARSHALL |
| 130. | MICHAEL JOSEPH FLICK V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ABRAMSON, J., CONCURS IN
RESULT ONLY. NOBLE, J.,
NOT SITTING. | 2008-SC-000233-MR
NOT TO BE PUBLISHED | FAYETTE |

SUPREME COURT OF KENTUCKY

MINUTES

MAY 21, 2009

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| 131. | H & D MINING, INC., ET AL V.
HON. R. CLETUS MARICLE,
SPECIAL JUDGE,
HARLAN CIRCUIT COURT,
AND STELLA MAE MORRIS,
INDIVIDUALLY, ET AL
(REAL PARTY IN INTEREST)
AND
GARY W. BENTLEY V.
HON. R. CLETUS MARICLE,
SPECIAL JUDGE,
HARLAN CIRCUIT COURT,
AND STELLA MAE MORRIS,
INDIVIDUALLY, ET AL.
(REAL PARTY IN INTEREST)
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2008-SC-000347-MR
NOT TO BE PUBLISHED | HARLAN |
| 132. | PEDRO HIGAREDA V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2008-SC-000384-MR
NOT TO BE PUBLISHED | BOONE |
| 133. | KARLOS' BISTRO ITALIA V.
KAREN ROHLING, ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2008-SC-000583-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 134. | CANTEEN SERVICE COMPANY V.
ROBERT ALLEN, ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2008-SC-000624-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 135. | NANETTE WILLIS V.
FAMILY HOME HEALTH
CARE, INC., ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2008-SC-000803-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |

SUPREME COURT OF KENTUCKY

MINUTES

MAY 21, 2009

RELEASED: 10:00 A.M.

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| 136. | FREELAND RILEY V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING, IN PART,
AND VACATING AND REMANDING,
IN PART</u> | 2007-SC-000868-MR
NOT TO BE PUBLISHED | MCCRACKEN |
| 137. | BRAVO DEVELOPMENT, INC. V.
SCOT SINGLETON
MEMORANDUM OPINION OF
THE COURT – <u>REVERSING</u> | 2007-SC-000769-DG
NOT TO BE PUBLISHED | CAMPBELL |

OPINIONS AND ORDERS – MAY 13, 2009

MATTHEW FORE V. COMMONWEALTH OF KENTUCKY ORDER GRANTED MOTION FOR DISCRETIONARY REVIEW, VACATED AND THE CASE IS REMANDED TO THE COURT OF APPEALS FOR FURTHER CONSIDERATION IN LIGHT OF DECISION IN <u>DICKERSON V. COMMONWEALTH</u>	2008-SC-000916-D	CAMPBELL
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OPINIONS AND ORDERS – MAY 21, 2009

STANLEY BROWN V. KENTUCKY BAR ASSOCIATION ORDER SUSPENDED RESPONDENT FROM THE PRACTICE OF LAW FOR FIVE YEARS. MINTON, C.J., DISSENTS BECAUSE HE WOULD IMPOSE PERMANENT DISBARMENT.	2007-SC-000455-KB TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. BRENTLEY P. SMITH ORDER PERMANENTLY DISBARRED RESPONDENT FROM THE PRACTICE OF LAW.	2008-SC-000523-KB 2009-SC-000094-KB TO BE PUBLISHED	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

MINUTES

MAY 21, 2009

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – MAY 21, 2009

ERIC C. NORSWORTHY, MD V.
KENTUCKY BOARD OF MEDICAL
LICENSURE (KBML)
**ORDER DENIED INTERLOCUTORY
RELIEF**

[2008-SC-000918-I](#)
TO BE PUBLISHED

JEFFERSON

KENTUCKY BAR ASSOCIATION V.
WILLIAM J. GRIDER
**ORDER SUSPENDED RESPONDENT
FROM PRACTICE OF LAW FOR THIRTY
DAYS.**

[2009-SC-000101-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
JAMES KEVIN MATHEWS
**ORDER SUSPENDED RESPONDENT
FROM PRACTICE OF LAW FOR ONE
HUNDRED EIGHTY-ONE DAYS, WITH
CONDITIONS.**

[2009-SC-000102-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

FERDINAND R. RADOLOVICH V.
KENTUCKY BAR ASSOCIATION
**ORDER PERMANENTLY DISBARRED
MOVANT FROM PRACTICE OF LAW.**

[2009-SC-000128-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KEITH U. LAURIN V.
KENTUCKY BAR ASSOCIATION
**ORDER PUBLICLY REPRIMANDED
MOVANT WITH CONDITIONS.**

[2009-SC-000192-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
MAY 13, 2009**

LOUISVILLE METRO HEALTH
DEPARTMENT V.
HIGHVIEW MANOR ASSOCIATION, LLC;
ET AL.

2008-SC-000599-DG

JEFFERSON

SUPREME COURT OF KENTUCKY

MINUTES

MAY 21, 2009

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
MAY 13, 2009**

CROMWELL LOUISVILLE ASSOCIATES, LIMITED PARTNERSHIP V. COMMONWEALTH OF KENTUCKY JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR	2008-SC-000644-DG	JEFFERSON
STEVEN LICHTENSTEIN V. ROBERTA J. BARBANEL	2008-SC-000661-DG	JEFFERSON
CHRISTOPHER SHILOH GAMBLE V. COMMONWEALTH OF KENTUCKY	2008-SC-000669-DG	FAYETTE
ORLANDO SAXTON V. COMMONWEALTH OF KENTUCKY	2008-SC-000899-DG	GRAVES
RACING INVESTMENT FUND 2000, LLC V. CLAY WARD AGENCY, INC.	2009-SC-000007-DG	FAYETTE
GLEN AVERY BRYANT V. PULASKI COUNTY DETENTION CENTER AND BRIAN BISHOP	2009-SC-000036-DG	PULASKI
TAMMY SIZEMORE V. KENTUCKY RETIREMENT SYSTEMS	2009-SC-000174-DG	FRANKLIN

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MAY 13, 2009**

KENNETH W. DAWSON; AND ANN E. DAWSON V. JEWISH HOSPITAL HEALTHCARE SERVICE, INC., D/B/A JEWISH HOSPITAL	2007-SC-000776-D	JEFFERSON
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SUPREME COURT OF KENTUCKY

MINUTES

MAY 21, 2009

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MAY 13, 2009**

TINA CONNER V. PAUL PATTON	2008-SC-000252-D	FRANKLIN
GLORIA GEORGE V. STEVE MASTERSON	2008-SC-000418-D	MARION
NORMA CROCKETT V. CHA HMO, INC., D/B/A CHA HEALTH, INC.	2008-SC-000475-D	FAYETTE
JANET H. JONES V. GLEN SCHNEIDERS, ET AL.	2008-SC-000549-D	FAYETTE
PAULINE BENTLEY; JEROME KINZER; AND JAMMIE KINZER V. JUDY PARSONS; ET AL.	2008-SC-000558-D	FLOYD
ROBERT HATTON V. COMMONWEALTH OF KENTUCKY	2008-SC-000587-D	BATH
MT. HOLLY NURSING CENTER, ET AL. V. KAREN CROWDUS, AS POWER OF ATTORNEY AND NEXT FRIEND OF MARY MCGAUGHEY	2008-SC-000604-D	JEFFERSON
THOMAS ENVIRONMENTAL CONTRACTING V. BOYD FISCAL COURT	2008-SC-000605-D	BOYD
COMMONWEALTH OF KENTUCKY V. BILLY RAY WHITE	2008-SC-000610-D	JEFFERSON
BRAD DENNEY V. COMMONWEALTH OF KENTUCKY	2008-SC-000614-D	MCCREARY

SUPREME COURT OF KENTUCKY

MINUTES

MAY 21, 2009

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MAY 13, 2009**

MICHAEL DAVID ELLIOTT V. KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY	2008-SC-000627-D	HARDIN
KENNETH DUTSCHKE, AND SHARON DUTSCHKE V. JIM RUSSELL REALTORS, INC.; ET AL.	2008-SC-000635-D	JEFFERSON
MARC NICELEY V. COMMONWEALTH OF KENTUCKY	2008-SC-000642-D	KENTON
COMMONWEALTH OF KENTUCKY V. JAMES LONNIE PHELPS	2008-SC-000737-D	FAYETTE
DENISE BANKSTON LEWIS V. COMMONWEALTH OF KENTUCKY	2008-SC-000742-D	FAYETTE
ROBERT LOUIS POWELL V. COMMONWEALTH OF KENTUCKY	2008-SC-000752-D	OLDHAM
MICHAEL P. JOWERS V. COMMONWEALTH OF KENTUCKY	2008-SC-000773-D	JEFFERSON
COMMONWEALTH OF KENTUCKY V. ADAM JUSTIN WALTERS	2008-SC-000774-D	KENTON
THERESA GERSTLE V. REX DAVIS	2008-SC-000779-D	JEFFERSON
ROBERT WHITTEMORE V. COMMONWEALTH OF KENTUCKY	2008-SC-000790-D	GRAVES
HAMILTON MUTUAL INSURANCE COMPANY OF CINCINNATI, OHIO V. HARLON BARNETT, ADMINISTRATOR OF THE ESTATE OF STEVEN RAY BARNETT	2008-SC-000797-D	TAYLOR

SUPREME COURT OF KENTUCKY

MINUTES

MAY 21, 2009

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MAY 13, 2009**

GEORGE HOFMEISTER, ET AL. V. CINCINNATI INSURANCE COMPANY	2008-SC-000828-D	SCOTT
MARK CROSSLAND V. COMMONWEALTH OF KENTUCKY	2008-SC-000851-D	MCCRACKEN
COMMONWEALTH OF KENTUCKY V. HORACE W. PAGE	2008-SC-000888-D	ALLEN
MARK JACKSON V. COMMONWEALTH OF KENTUCKY	2008-SC-000893-D	BOONE
HEATHER LINCOLN, NOW WHITEHEAD V. ROBERT HOLTZMANN	2008-SC-000941-D	JEFFERSON
MORDECAI BLACK V. COMMONWEALTH OF KENTUCKY	2008-SC-000946-D	CAMPBELL
ALDEAN HENDERSON, JR. V. KENTUCKY STATE PAROLE BOARD	2008-SC-000952-D	FRANKLIN
BONNIE J. GIBSON TAYLOR AND RICKY GIBSON V. FIRST SECURITY TRUST BANK, INC., F/N/A FIRST SECURITY TRUST BANK, F.S.B., ET AL.	2008-SC-000955-D	BOONE
HOWARD THOMAS CREASY V. DIANA RILEY CREASY	2009-SC-000009-D	WHITLEY
DAVID K. WADE V. DEBORAH LAWLESS WADE	2009-SC-000023-D	PULASKI

SUPREME COURT OF KENTUCKY

MINUTES

MAY 21, 2009

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MAY 13, 2009**

T.R. V. CABINET FOR HEALTH AND FAMILY SERVICES, COMMONWEALTH OF KENTUCKY	2009-SC-000030-DE	HARDIN
CHRISTOPHER RABE V. PAIGE RABE AND PAIGE RABE V. CHRISTOPHER RABE	2009-SC-000095-DE 2009-SC-000106-DE	KENTON KENTON
JOHN H. RUBY V. JOSEFINA S. RUBY	2009-SC-000111-DE	JEFFERSON
J.B.C. V. S.F.V.	2009-SC-000123-DE	MCCRACKEN

COURT ORDERS GRANTING MOTION TO TRANSFER – MAY 13, 2009

LADONNA H. THOMPSON IN HER OFFICIAL CAPACITY AS COMMISSIONER, KENTUCKY DEPARTMENT OF CORRECTIONS V. HONORABLE DAVID A. TAPP, JUDGE PULASKI CIRCUIT COURT, ET AL.	2009-SC-000252-TG	FROM COURT OF APPEALS
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SUPREME COURT OF KENTUCKY

MINUTES

MAY 21, 2009

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – MAY 21, 2009

ELMER C. MAGGARD (PHD) V. 2006-SC-000355-DG FRANKLIN
COMMONWEALTH OF KENTUCKY,
BOARD OF EXAMINERS OF PSYCHOLOGY
**ORDER DENIED PETITION FOR
MODIFICATION OR EXTENSION
OF OPINION.**

RAYMOND ANDERSON, JR. V. 2006-SC-000563-MR HENDERSON
COMMONWEALTH OF KENTUCKY 2006-SC-000894-TG

JULIE ANNE GASKILL V. 2007-SC-000190-DGE WARREN
JON KEVIN ROBBINS 2007-SC-000207-DGE
**ORDER DENYING PETITION FOR
MODIFICATION AND EXTENSION
OF OPINION.**

COURT ORDERS DISMISSING

LUCIAN LEE BROWN V. 2008-SC-000459-MR FAYETTE
COMMONWEALTH OF KENTUCKY
ENTERED: MAY 8, 2009

ERWIN W. LEWIS, ET AL. V. 2009-SC-000164-TG FRANKLIN
TODD HOLLENBACH IV,
KENTUCKY STATE TREASURER, ET AL.
ENTERED: MAY 13, 2009

COURT ORDERS

COMMONWEALTH OF KENTUCKY V. [2005-SC-000539-DG](#) MONTGOMERY
KENNETH MCBRIDE [2005-SC-000930-DG](#)
**ORDER CORRECTED THE OPINION
OF THE COURT BY SUBSTITUTION
OF PAGES 1 AND 18.**
ENTERED: APRIL 27, 2009

SUPREME COURT OF KENTUCKY

MINUTES

MAY 21, 2009

RELEASED: 10:00 A.M.

COURT ORDERS

ADRIENNE PARK V. COMMONWEALTH OF KENTUCKY THE VOTE OF THE SIX MEMBERS OF THIS COURT PARTICIPATING IN THE DETERMINATION OF THIS APPEAL BEING EQUALLY DIVIDED, PURSUANT TO SCR 1.020, THE OPINION OF THE COURT OF APPEALS HEREBY STANDS AFFIRMED. ENTERED: MAY 21, 2009	2007-SC-000230-DG	JEFFERSON
TOKICO (USA), INC. V. KRYSTAL KELLY, ET AL. ORDER CORRECTED THE OPINION OF THE COURT BY SUBSTITUTION OF PAGES 1 AND 3. ENTERED: APRIL 29, 2009	2008-SC-000480-WC	FROM COURT OF APPEALS
CALVIN GLENN MCKELLER V. COMMONWEALTH OF KENTUCKY ORDER GRANTED DISCRETIONARY REVIEW AND REMANDED TO THE COURT OF APPEALS FOR RECONSIDERATION OF MOVANT'S APPEAL PER THAT COURT'S ORDER OF DECEMBER 6, 2006 GRANTING MOVANT'S MOTION TO FILE BELATED APPEAL. ENTERED: MAY 13, 2009	2008-SC-000452-DG	JEFFERSON
KENTUCKY BAR ASSOCIATION V. BRYAN KENT BURLEW ORDER GRANTED MOTION FOR RECONSIDERATION AND MODIFIED OPINION AND ORDER. ENTERED: MAY 21, 2009	2008-SC-000500-KB TO BE PUBLISHED	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

MINUTES

MAY 21, 2009

RELEASED: 10:00 A.M.

COURT ORDERS

GERALDINE HALL V. [2008-SC-000685-WC](#) FROM COURT
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HEALTHCARE, INC., ET AL.
**ORDER CORRECTED THE OPINION
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FOR RECONSIDERATION AND
MODIFICATION.**
ENTERED: MAY 21, 2009

GREGORY VALENTINE V. 2009-SC-000151-D FRANKLIN
JUSTICE AND PUBLIC SAFETY CABINET,
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**ORDER DENIED MOVANT'S MOTION
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ENTERED: APRIL 29, 2009

IN RE: HONORABLE PHILLIP R. PATTON 2009-SC-000225-OA IN SUPREME
ORDER DENIED RELIEF. COURT
ENTERED: MAY 15, 2009

IN RE: HONORABLE JEFF S. TAYLOR 2009-SC-000242-OA IN SUPREME
ORDER DENIED RELIEF. COURT
ENTERED: MAY 15, 2009

**COURT ORDER PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE KENTUCKY
BAR ASSOCIATION – MAY 21, 2009**

JAMES HAROLD BOLIN, JR. V. 2009-SC-000269-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT