

SUPREME COURT OF KENTUCKY

MINUTES

AUGUST 21, 2008

RELEASED: 2:00 P.M.

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| 145. | THE MEDICAL VISION GROUP, P.S.C.,<br>AND SHATZIE, L.L.C. V.<br>HON. TIMOTHY N. PHILPOT, JUDGE<br>FAYETTE CIRCUIT COURT<br>AND<br>CHARLENE THERESA DUDEE, ET AL,<br>(REAL PARTIES IN INTEREST)<br><b>OPINION OF THE COURT BY<br/>JUSTICE ABRAMSON –<br/>DISMISSING AS MOOT</b><br>VENTERS, J., NOT SITTING. | <a href="#">2008-SC-000017-MR</a><br><b>TO BE PUBLISHED</b>  | FAYETTE                          |
| 146. | KENNETH R. CAMPBELL V.<br>COMMONWEALTH OF KENTUCKY<br><b>AND</b><br>JOSEPH J. METTEN V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION<br/>OF THE COURT – AFFIRMING</b><br>VENTERS, J., NOT SITTING.   | <a href="#">2007-SC-000382-MR</a><br><b>TO BE PUBLISHED</b><br><br><a href="#">2007-SC-000383-MR</a><br><b>TO BE PUBLISHED</b> | BRECKINRIDGE<br><br>BRECKINRIDGE |
| 147. | KENTUCKY CONTAINER<br>SERVICE, INC. V.<br>KENNETH ASHBROOK, ET AL<br><b>OPINION OF THE COURT –<br/>AFFIRMING</b><br>VENTERS, J., NOT SITTING.  | <a href="#">2007-SC-000533-WC</a><br><b>TO BE PUBLISHED</b>  | FROM COURT<br>OF APPEALS         |
| 148. | SARAH PENDYGRAFT V.<br>FORD MOTOR COMPANY, ET AL<br><b>OPINION OF THE COURT –<br/>AFFIRMING</b><br>VENTERS, J., NOT SITTING.   | <a href="#">2007-SC-000658-WC</a><br><b>TO BE PUBLISHED</b>  | FROM COURT<br>OF APPEALS         |
| 149. | ST. JOSEPH HOSPITAL V.<br>PAMELA LITTLETON-GOODAN, ET AL<br><b>OPINION OF THE COURT –<br/>AFFIRMING</b><br>VENTERS, J., NOT SITTING.   | <a href="#">2007-SC-000688-WC</a><br><b>TO BE PUBLISHED</b>  | FROM COURT<br>OF APPEALS         |

SUPREME COURT OF KENTUCKY

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150. ANDREA SUE SWEENEY V. [2007-SC-000885-WC](#) FROM COURT  
KING'S DAUGHTERS MEDICAL **TO BE PUBLISHED** OF APPEALS  
CENTER, ET AL  
**OPINION OF THE COURT –**  
**AFFIRMING**  
VENTERS, J., NOT SITTING.
151. CAPE PUBLICATIONS, INC. [2005-SC-000454-DG](#) JEFFERSON  
D/B/A THE COURIER-JOURNAL V. **TO BE PUBLISHED**  
UNIVERSITY OF LOUISVILLE  
FOUNDATION, INC.  
**OPINION OF THE COURT BY**  
**JUSTICE CUNNINGHAM –**  
**AFFIRMING IN PART AND**  
**REVERSING IN PART**  
MINTON, C.J., CONCURS IN PART  
BECAUSE HE AGREES WITH THE  
MAJORITY'S CONCLUSION THAT  
THE DONORS WHO DID NOT  
REQUEST ANONYMITY SHOULD  
NOT RECEIVE IT; BUT HE DISSENTS  
FROM THE MAJORITY'S CONCLUSION  
THAT ANY DONORS SHOULD RECEIVE  
ANONYMITY BECAUSE HIS  
EXAMINATION OF THE LAW HAS  
CAUSED HIM TO CONCLUDE THAT  
THERE CANNOT BE AN ANONYMOUS  
DONATION TO A PUBLIC INSTITUTION.  
SCOTT, J., CONCURS IN PART AND  
DISSENTS IN PART BY SEPARATE  
OPINION. VENTERS, J., NOT SITTING.
152. DAVID A. CLARK V. [2005-SC-000862-MR](#) HARDIN  
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE SCOTT –**  
**AFFIRMING IN PART AND**  
**REVERSING IN PART**  
VENTERS, J., NOT SITTING.

SUPREME COURT OF KENTUCKY

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153. DONNA NANNY V. [2006-SC-000833-DG](#) GRAVES  
JENNIFER SMITH **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE SCOTT –**  
**REVERSING**  
MINTON, C.J., DISSENTS FOR THE  
REASON THAT ALTHOUGH THE  
MAJORITY REACHES AN EQUITABLE  
RESULT, IT MUST IGNORE THE  
EXPRESS LANGUAGE OF KRS 413.250  
TO GET THERE.  
VENTERS, J., NOT SITTING.
154. LACY BEDINGFIELD V. [2007-SC-000128-DG](#) FAYETTE  
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE SCOTT –**  
**REVERSING**  
VENTERS, J., NOT SITTING.
155. JOHN T. HILBERT V. [2008-SC-000312-OA](#) IN SUPREME  
HON. JOHN DAVID SEAY, JUDGE, **NOT TO BE PUBLISHED** COURT  
NELSON CIRCUIT COURT, ET AL.  
**MEMORANDUM OPINION OF**  
**THE COURT – DENYING PETITION**  
**FOR WRIT OF PROHIBITION OR**  
**MANDAMUS**  
ABRAMSON, J., CONCURS IN  
RESULT ONLY. VENTERS, J.,  
NOT SITTING.
156. BLAKE HADDIX V. [2007-SC-000214-MR](#) BREATHITT  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF**  
**THE COURT – VACATING AND**  
**REMANDING**  
VENTERS, J., NOT SITTING.

SUPREME COURT OF KENTUCKY

MINUTES

AUGUST 21, 2008

RELEASED: 2:00 P.M.

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| 157. | JAVON HEARN V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>VENTERS, J., NOT SITTING.           | <a href="#">2005-SC-000708-MR</a><br><b>NOT TO BE PUBLISHED</b> | JEFFERSON |
| 158. | COREY MARTINDALE V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>VENTERS, J., NOT SITTING.      | <a href="#">2005-SC-000942-MR</a><br><b>NOT TO BE PUBLISHED</b> | JEFFERSON |
| 159. | GLENN D. MOORE V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>VENTERS, J., NOT SITTING.        | <a href="#">2006-SC-000315-MR</a><br><b>NOT TO BE PUBLISHED</b> | LEE       |
| 160. | WILLIAM M. HENSON V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>VENTERS, J., NOT SITTING.     | <a href="#">2006-SC-000490-MR</a><br><b>NOT TO BE PUBLISHED</b> | SHELBY    |
| 161. | DARRYL D. BURRELL V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>VENTERS, J., NOT SITTING.     | <a href="#">2006-SC-000547-MR</a><br><b>NOT TO BE PUBLISHED</b> | FAYETTE   |
| 162. | JEREMY DESHANNON RICE V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>VENTERS, J., NOT SITTING. | <a href="#">2006-SC-000743-MR</a><br><b>NOT TO BE PUBLISHED</b> | FAYETTE   |

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| 163. | MICHELLE NAPIER V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>VENTERS, J., NOT SITTING.       | <a href="#">2006-SC-000745-MR</a><br><b>NOT TO BE PUBLISHED</b> | WHITLEY   |
| 164. | LARRY HUGHES V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>VENTERS, J., NOT SITTING.          | <a href="#">2006-SC-000746-MR</a><br><b>NOT TO BE PUBLISHED</b> | MCCRACKEN |
| 165. | DAVID JAMES VAN DIVER V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>VENTERS, J., NOT SITTING. | <a href="#">2006-SC-000810-MR</a><br><b>NOT TO BE PUBLISHED</b> | BOONE     |
| 166. | DERWIN NICKELBERRY V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>VENTERS, J., NOT SITTING.    | <a href="#">2006-SC-000865-MR</a><br><b>NOT TO BE PUBLISHED</b> | JEFFERSON |
| 167. | CLIFTON EDWARD RILEY V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>VENTERS, J., NOT SITTING.  | <a href="#">2006-SC-000911-MR</a><br><b>NOT TO BE PUBLISHED</b> | MCCRACKEN |
| 168. | BENJI MANNS V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>VENTERS, J., NOT SITTING.           | <a href="#">2006-SC-000929-TG</a><br><b>NOT TO BE PUBLISHED</b> | MAGOFFIN  |

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| 169. | GLYNDON EATON V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>VENTERS, J., NOT SITTING.   | <a href="#">2007-SC-000277-TG</a><br><b>NOT TO BE PUBLISHED</b>  | MADISON  |
| 170. | THOMAS EUGENE BUCKLEY V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>VENTERS, J., NOT SITTING.   | <a href="#">2007-SC-000393-MR</a><br><b>NOT TO BE PUBLISHED</b>  | CHRISTIAN  |
| 171. | KELLY MOUNTAIN LUMBER V.<br>LARRY S. MEADE, ET AL<br><b>AND</b><br>KENTUCKY EMPLOYERS' MUTUAL<br>INSURANCE COMPANY V.<br>LARRY S. MEADE, ET AL<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>VENTERS, J., NOT SITTING. | <a href="#">2007-SC-000507-WC</a><br><b>NOT TO BE PUBLISHED</b><br><br><a href="#">2007-SC-000526-WC</a><br><b>NOT TO BE PUBLISHED</b> | FROM COURT<br>OF APPEALS<br><br>FROM COURT<br>OF APPEALS |
| 172. | BARRY LONG V.<br>AHLSTROM USA, ET AL<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>VENTERS, J., NOT SITTING.   | <a href="#">2007-SC-000545-WC</a><br><b>NOT TO BE PUBLISHED</b>  | FROM COURT<br>OF APPEALS                                 |
| 173. | UNITED PARCEL SERVICE, INC. V.<br>PAUL ANDERSON, ET AL<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>VENTERS, J., NOT SITTING.   | <a href="#">2007-SC-000566-WC</a><br><b>NOT TO BE PUBLISHED</b>  | FROM COURT<br>OF APPEALS                                 |
| 174. | HARDEE'S FOOD SYSTEMS V.<br>GAIL ALLEN, ET AL<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>VENTERS, J., NOT SITTING.  | <a href="#">2007-SC-000883-WC</a><br><b>NOT TO BE PUBLISHED</b>  | FROM COURT<br>OF APPEALS                                 |

SUPREME COURT OF KENTUCKY

MINUTES

AUGUST 21, 2008

RELEASED: 2:00 P.M.

175. CURTIS GORDON JR. V. [2008-SC-000084-MR](#) JEFFERSON  
HON. JUDITH MCDONALD-BURKMAN, **NOT TO BE PUBLISHED**  
(JUDGE, JEFFERSON CIRCUIT COURT,  
DIVISION 9) AND  
COMMONWEALTH OF KENTUCKY  
(REAL PARTY IN INTEREST)  
**MEMORANDUM OPINION OF  
THE COURT – AFFIRMING**  
VENTERS, J., NOT SITTING.
176. LEON HIBBARD V. [2006-SC-000852-MR](#) KNOX  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF  
THE COURT – AFFIRMING IN PART,  
VACATING IN PART, AND REMANDING**  
VENTERS, J., NOT SITTING.
177. SCOTT MALM V. [2006-SC-000590-MR](#) FAYETTE  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF  
THE COURT – AFFIRMING IN PART,  
VACATING AND REMANDING IN PART**  
VENTERS, J., NOT SITTING.
178. KENYATTA CARRELL MOORE V. [2006-SC-000794-MR](#) JEFFERSON  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF  
THE COURT – AFFIRMING IN PART,  
REVERSING AND REMANDING IN PART**  
VENTERS, J., NOT SITTING.
179. COMMONWEALTH OF KENTUCKY, [2007-SC-000436-DGE](#) JEFFERSON  
CABINET FOR HEALTH AND FAMILY [2007-SC-000821-DGE](#)  
SERVICES; AND A.J.M., A CHILD V. **NOT TO BE PUBLISHED**  
T.G., MOTHER  
**OPINION OF THE COURT BY  
JUSTICE ABRAMSON –  
REVERSING AND REINSTATING**

SUPREME COURT OF KENTUCKY

MINUTES

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180. JERRY GIBSON V.  
WEHR CONSTRUCTORS INC., ET AL [2007-SC-000810-WC](#) FROM COURT  
**NOT TO BE PUBLISHED** OF APPEALS  
**MEMORANDUM OPINION OF**  
**THE COURT – REVERSING**  
SCHRODER AND SCOTT, JJ.,  
DISSENT WITHOUT OPINION.  
VENTERS, J., NOT SITTING.

**OPINIONS AND ORDERS – AUGUST 21, 2008**

KENTUCKY BAR ASSOCIATION V.  
DANA LEA B. QUESINBERRY [2008-SC-000286-KB](#) IN SUPREME  
**TO BE PUBLISHED** COURT  
**ORDER SUSPENDED RESPONDENT**  
**FROM THE PRACTICE OF LAW FOR**  
**181 DAYS.**

KENTUCKY BAR ASSOCIATION V.  
THOMAS JOSEPH GRADY [2008-SC-000307-KB](#) IN SUPREME  
**TO BE PUBLISHED** COURT  
**ORDER SUSPENDED RESPONDENT**  
**FROM THE PRACTICE OF LAW FOR**  
**181 DAYS.**

KENTUCKY BAR ASSOCIATION V.  
ERIC LAMAR EMERSON [2008-SC-000353-KB](#) IN SUPREME  
**TO BE PUBLISHED** COURT  
**ORDER PUBLICLY REPRIMANDED**  
**RESPONDENT.**



**SUPREME COURT OF KENTUCKY**

**MINUTES**

**AUGUST 21, 2008**

**RELEASED: 2:00 P.M.**

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –  
AUGUST 13, 2008**

JESSAMINE COUNTY PROPERTY VALUATION ADMINISTRATOR, ET AL V. ST. ANDREW ORTHODOX CHURCH, INC.	2007-SC-000640-DG	JESSAMINE
TERRY GLENN HOBSON V. COMMONWEALTH OF KENTUCKY	2007-SC-000645-DG	BOYD
MPM FINANCIAL GROUP, INC. V. MICHAEL P. MORTON	2007-SC-000652-DG	FAYETTE
COMMONWEALTH OF KENTUCKY V. RICHARD WAYNE TERRY	2007-SC-000796-DG	JEFFERSON
CASSANDRA SMITH V. COMMONWEALTH OF KENTUCKY	2008-SC-000060-DG	JEFFERSON
INA COCHRAN V. COMMONWEALTH OF KENTUCKY	2008-SC-000095-DG	CASEY
TINA MARTIN, ADMINISTRATRIX OF THE ESTATE OF BILLIE CAROL SHREVE, DECEASED, AND DONALD RAY SHREVE, INDIVIDUALLY V. OHIO COUNTY HOSPITAL CORPORATION	2008-SC-000211-DG	OHIO

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
AUGUST 13, 2008**

TONY TYRONE JEWELL V. COMMONWEALTH OF KENTUCKY	2006-SC-000545-D	FAYETTE
KENTUCKY RESTAURANT CONCEPTS, INC. V. LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, ETC., ET AL	2007-SC-000608-D	JEFFERSON

SUPREME COURT OF KENTUCKY

MINUTES

AUGUST 21, 2008

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
AUGUST 13, 2008**

COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS V. SUE HINKLE, ADMINISTRATRIX OF THE ESTATE OF JAMES WILES, DECEASED, AND THE KENTUCKY BOARD OF CLAIMS	2007-SC-000720-D	HARLAN
LILLIAN BASSETT V. BOARD OF REGENTS, KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEMS (KCTCS), DR. MICHAEL B. MCCALL, PRESIDENT	2007-SC-000735-D	OLDHAM
VICKI BOTELER V. DOROTHY ALEXANDER	2007-SC-000752-D	HOPKINS
HANS KALLENBERGER V. HENRY COUNTY BOARD OF ZONING ADJUSTMENT, ET AL	2007-SC-000766-D	HENRY
JPMORGAN CHASE BANK, AS TRUSTEE ON BEHALF OF ABFS MORTGAGE LOAN TRUST 2003-1, ET AL. V. SCOTT ENGLE AND MICHELLE ENGLE	2007-SC-000768-D	LAUREL
LOUISVILLE METRO DEPARTMENT OF CORRECTIONS, ET AL V. COMMONWEALTH OF KENTUCKY, ET AL	2007-SC-000778-D	JEFFERSON
BOB PITTMAN V. JEANNE CRAWFORD <b>COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.</b>	2007-SC-000780-D	JEFFERSON
JAMIE L. ALLEN V. COMMONWEALTH OF KENTUCKY	2007-SC-000840-D	FRANKLIN

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**AUGUST 21, 2008**

**RELEASED: 2:00 P.M.**

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
AUGUST 13, 2008**

WHITTENBERG CONSTRUCTION COMPANY V. THE UNIVERSITY OF KENTUCKY	2007-SC-000861-D	FRANKLIN
JOE BERT JONES V. COMMONWEALTH OF KENTUCKY	2007-SC-000869-D	MARION
JOHN HICKS V. FLOYD COUNTY BOARD OF EDUCATION	2007-SC-000870-D	FLOYD
LEON HARRIS V. COMMONWEALTH OF KENTUCKY	2007-SC-000873-D	BOYLE
JAMES JARBOE V. COMMONWEALTH OF KENTUCKY	2007-SC-000874-D	KENTON
BILLY CURTSINGER, INDIVIDUALLY AND AS REPRESENTATIVE OF A CLASS OF SIMILARLY SITUATED PERSONS, ET AL. V. DEPARTMENT OF REVENUE, FINANCE AND ADMINISTRATION CABINET, COMMONWEALTH OF KENTUCKY, ET AL.	2007-SC-000875-D	FRANKLIN
SHERRI SMITH, NOW WILSON V. CABINET FOR HEALTH AND FAMILY SERVICES	2007-SC-000908-D	FAYETTE
MICHAEL CRAGER V. KRISTINA SHEPHERD STROHSCHIEIN, ET AL.	2007-SC-000958-D	FLOYD
ANTHONY WADE V. COMMONWEALTH OF KENTUCKY	2008-SC-000004-D	JEFFERSON
TERRA CROUCH, BY HER NEXT FRIEND, KELLY CROUCH V. JOBE DARNELL AND LONNIE PAGE	2008-SC-0000013-D	ADAIR

**SUPREME COURT OF KENTUCKY**

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
AUGUST 13, 2008**

VIRGIL WILSON, SR. V. COMMONWEALTH OF KENTUCKY	2008-SC-000055-D	BELL
JOHN RAY PRICE V. COMMONWEALTH OF KENTUCKY	2008-SC-000061-D	HOPKINS
JANA JONES V. KENNETH HAUT AND LOUANN HAUT	2008-SC-000090-D	JOHNSON
JAMES V. BUCHANAN V. COMMONWEALTH OF KENTUCKY <b>COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.</b>	2008-SC-000094-D	FULTON
GERRY MOSBY V. COMMONWEALTH OF KENTUCKY	2008-SC-000113-D	BARREN
MARK A. PRICE V. COMMONWEALTH OF KENTUCKY	2008-SC-000115-D	CAMPBELL
BRE/HOMESTEAD PORTFOLIO, LLC V. SHARON SCHROADER AND ROBERT SCHROADER	2008-SC-000119-D	JEFFERSON
ZACHARY LAMAR TAYLOR V. COMMONWEALTH OF KENTUCKY	2008-SC-000123-D	WARREN
EDWIN A. HISLE, ET AL. V. LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT	2008-SC-000142-D	FAYETTE
SAM DEAN RUSSELBURG V. COMMONWEALTH OF KENTUCKY	2008-SC-000156-D	CARLISLE
THOMAS WAYNE MITCHELL V. COMMONWEALTH OF KENTUCKY	2008-SC-000161-D	JEFFERSON

**SUPREME COURT OF KENTUCKY**

**MINUTES**

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
AUGUST 13, 2008**

MICHAEL THOMAS REED V. COMMONWEALTH OF KENTUCKY	2008-SC-000166-D	FAYETTE
BILLY TANNER V. COMMONWEALTH OF KENTUCKY	2008-SC-000169-D	JEFFERSON
RICHARD BROWN V. COMMONWEALTH OF KENTUCKY	2008-SC-000176-D	OHIO
ROBERT EDWIN VAUGHN V. COMMONWEALTH OF KENTUCKY	2008-SC-000187-D	JEFFERSON
GEORGE MCGINNIS, JR. V. COMMONWEALTH OF KENTUCKY	2008-SC-000194-D	MCCRACKEN
PAUL NASH V. COMMONWEALTH OF KENTUCKY <b>COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.</b>	2008-SC-000209-D	GRAYSON
RANDY SPRINGFIELD V. COMMONWEALTH OF KENTUCKY	2008-SC-00215-D	MCCRACKEN
NATHAN HERBERT HILL V. COMMONWEALTH OF KENTUCKY	2008-SC-000217-D	KENTON
EARL WALLER V. RANDY STOVALL, WARDEN, LEE ADJUSTMENT CENTER	2008-SC-000220-D	LEE
JAMES WILSON, ET AL. V. JEFFERSON COUNTY BOARD OF ELECTIONS, ET AL.	2008-SC-000228-D	JEFFERSON
DAVID NEWTON V. COMMONWEALTH OF KENTUCKY	2008-SC-000230-D	MARION

SUPREME COURT OF KENTUCKY

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
AUGUST 13, 2008**

DANNY RAY GLASCOCK V. COMMONWEALTH OF KENTUCKY	2008-SC-000237-D	MASON
HERMAN LEE VIRES V. COMMONWEALTH OF KENTUCKY <b>ENTERED: AUGUST 14, 2008</b>	2008-SC-000238-D	BREATHITT
DAVID FERNANDEZ V. COMMONWEALTH OF KENTUCKY	2008-SC-000241-D	JEFFERSON
JEREMY DEVERS V. COMMONWEALTH OF KENTUCKY	2008-SC-000248-D	JEFFERSON
DAVID COBB V. LYLE D. COBB	2008-SC-000261-D	FRANKLIN
COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES V. C.M., A CHILD, ET AL. <b>COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.</b>	2008-SC-000268-DE	KENTON
MARK JENKINS V. LT. ANTOSH, CHAIRMAN	2008-SC-000282-D	LYON
COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES V. T.K.	2008-SC-000298-DE	JEFFERSON
EUGENIA ROBINSON V. ROBERT ROBINSON	2008-SC-000302-DE	ROCKCASTLE
S.C., A MINOR V. COMMONWEALTH OF KENTUCKY	2008-SC-000321-DE	JEFFERSON

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**AUGUST 21, 2008**

**RELEASED: 2:00 P.M.**

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
AUGUST 13, 2008**

J.J., FATHER V. P.C., MOTHER	2008-SC-000346-DE	MCCRACKEN
ZAYER ANTONIO ADAMS V. COMMONWEALTH OF KENTUCKY	2008-SC-000361-D	CHRISTIAN
J.M., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY	2008-SC-000385-DE	JESSAMINE

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE  
MOTION FOR DISCRETIONARY REVIEW – AUGUST 19, 2008**

ALDEAN HENDERSON V. COMMONWEALTH OF KENTUCKY	2008-SC-000338-D	JEFFERSON
DEREK WORKS V. COMMONWEALTH OF KENTUCKY	2008-SC-000339-D	FAYETTE
OSCAR LEE DAVIS V. COMMONWEALTH OF KENTUCKY	2008-SC-000350-D	JEFFERSON
KEATH BRAMBLETT V. COMMONWEALTH OF KENTUCKY	2008-SC-000444-D	OWEN
COMMONWEALTH OF KENTUCKY V. DANTE CORVETTE STONE	2008-SC-000463-D	JEFFERSON

**COURT ORDERS GRANTING MOTION TO TRANSFER – AUGUST 21, 2008**

BEVERLY L. MILLER V. ADMINISTRATIVE OFFICE OF THE COURTS	2007-SC-000609-TG	JEFFERSON
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SUPREME COURT OF KENTUCKY

MINUTES

AUGUST 21, 2008

RELEASED: 2:00 P.M.

**COURT ORDERS DENYING PETITION FOR REHEARING – AUGUST 21, 2008**

LEIF C. HALVORSEN V. COMMONWEALTH OF KENTUCKY	2004-SC-000017-MR	FAYETTE
MARCO ALLEN CHAPMAN V. COMMONWEALTH OF KENTUCKY <b>ORDER MODIFIED THE OPINION RENDERED AUGUST 23, 2007, CORRECTED DECEMBER 27, 2007, BY SUBSTITUTION OF NEW OPINION</b>	<a href="#">2005-SC-000070-MR</a>	BOONE
NATHANIEL BARKLEY BROWN V. COMMONWEALTH OF KENTUCKY	2005-SC-000419-MR	JEFFERSON
STEPHANIE DENISE OLSON V. COMMONWEALTH OF KENTUCKY <b>ORDER MODIFIED THE MEMORANDUM OPINION OF THE COURT RENDERED MARCH 20, 2008 BY SUBSTITUTION OF NEW OPINION.</b>	<a href="#">2005-SC-000592-MR</a>	SCOTT
LEIF C. HALVORSEN V. COMMONWEALTH OF KENTUCKY	2006-SC-000100-MR	FAYETTE
JOSHUA POPP V. COMMONWEALTH OF KENTUCKY <b>ORDER MODIFIED THE OPINION RENDERED APRIL 24, 2008, BY SUBSTITUTION OF NEW OPINION</b>	<a href="#">2006-SC-000311-MR</a>	FRANKLIN
JASON ALLEN DANT V. COMMONWEALTH OF KENTUCKY	2006-SC-000505-MR	HANCOCK
GREGORY JERMAINE LANGLEY V. COMMONWEALTH OF KENTUCKY <b>ORDER MODIFIED THE OPINION RENDERED MARCH 20, 2008, BY SUBSTITUTION OF PAGES 19 THROUGH 24.</b>	<a href="#">2006-SC-000853-MR</a>	HENDERSON



**SUPREME COURT OF KENTUCKY**

**MINUTES**

**AUGUST 21, 2008**

**RELEASED: 2:00 P.M.**

**COURT ORDERS DENYING PETITION FOR REHEARING – AUGUST 21, 2008**

TONY R. CRAIN V. 2007-SC-000120-MR JEFFERSON  
COMMONWEALTH OF KENTUCKY

WAYNE MURPHY V. 2007-SC-000176-MR GREENUP  
COMMONWEALTH OF KENTUCKY

**COURT ORDERS DISMISSING**

DAVID SOMMERS V. 2006-SC-000529-DG FULTON  
COMMONWEALTH OF KENTUCKY  
**ENTERED: JULY 9, 2008**

BENNY LEE HODGE V. 2008-SC-000067-TG LAUREL  
COMMONWEALTH OF KENTUCKY  
**ENTERED: AUGUST 19, 2008**

BRIAN KEITH MOORE V. 2008-SC-000258-MR FULTON  
COMMONWEALTH OF KENTUCKY  
**ENTERED: AUGUST 15, 2008**

CHARLES SHEPHERD V. 2008-SC-000375-D HART  
COMMONWEALTH OF KENTUCKY  
**ENTERED: JULY 18, 2008**

**COURT ORDERS**

JEFFREY ALLEN V. [2006-SC-000407-MR](#) LETCHER  
COMMONWEALTH OF KENTUCKY  
**ORDER MODIFIED MEMORANDUM  
OPINION OF THE COURT,  
RENDERED JUNE 19, 2008,  
BY SUBSTITUTION OF PAGE 1.  
ENTERED: JUNE 19, 2008**

SUPREME COURT OF KENTUCKY

MINUTES

AUGUST 21, 2008

RELEASED: 2:00 P.M.

**COURT ORDERS**

SANFORD WILLIAMS,  
ADMINISTRATOR OF THE ESTATE  
OF PAUL WILLIAMS V.  
STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY  
**ORDER MODIFIED OPINION OF THE  
COURT RENDERED JUNE 19, 2008,  
BY SUBSTITUTION OF PAGES 1 AND 4.**  
ENTERED: JUNE 24, 2008

[2006-SC-000856-DG](#) MENIFEE

NEURODIAGNOSTICS, INC. V.  
KENTUCKY FARM BUREAU  
MUTUAL INSURANCE COMPANY, ET AL.  
**ORDER CORRECTED OPINION OF THE  
COURT RENDERED APRIL 24, 2008,  
BY SUBSTITUTION OF PAGE 1.**  
ENTERED: JULY 30, 2008

[2006-SC-000857-DG](#) FAYETTE

DORA NANCY PRICE V.  
PAINTSVILLE TOURISM COMMISSION  
AND CITY OF PAINTSVILLE  
**ORDER DENIED MOTION TO RECONSIDER  
AND ORDER MODIFYING OPINION TO  
DESIGNATE PUBLICATION.**  
ENTERED: AUGUST 21, 2008

[2007-SC-000957-I](#) JOHNSON

**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE  
KENTUCKY BAR ASSOCIATION –**

BARBARA JOY AMES MANGRUM V.  
KENTUCKY BAR ASSOCIATION  
**ENTERED: JUNE 26, 2008**

2008-SC-000462-KB IN SUPREME COURT

MICHAEL BAYARD CRUTCHER V.  
KENTUCKY BAR ASSOCIATION  
**ENTERED: JUNE 26, 2008**

2008-SC-000466-KB IN SUPREME COURT

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**AUGUST 21, 2008**

**RELEASED: 2:00 P.M.**

**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE KENTUCKY BAR ASSOCIATION –**

REBECCA KING STEVENS V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 12, 2008</b>	2008-SC-000538-KB	IN SUPREME COURT
JAMES E. STEVENS V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 12, 2008</b>	2008-SC-000539-KB	IN SUPREME COURT
GEORGE RICHARD WILSON V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 12, 2008</b>	2008-SC-000540-KB	IN SUPREME COURT
DONALD ROBERT RICHARDSON V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 12, 2008</b>	2008-SC-000541-KB	IN SUPREME COURT

**SUPREME COURT RECENT OPINIONS** – THE KENTUCKY SUPREME COURT HAS COMPILED THE MOST RECENT OPINIONS INTO A ZIP FILE. PLEASE VIEW THE INSTRUCTIONS AND FILE BEFORE DOWNLOADING ON OUR SEARCHABLE OPINIONS WEBSITE, [http://apps.kycourts.net/supreme/sc\\_opinions.shtm](http://apps.kycourts.net/supreme/sc_opinions.shtm)