

SUPREME COURT OF KENTUCKY

MINUTES

AUGUST 24, 2006

RELEASED: 2:00 P.M.

160. RODNEY T. BIXLER V. [2004-SC-000215-MR](#) SHELBY
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE ROACH – AFFIRMING
GRAVES, MINTON, SCOTT AND
WINTERSHEIMER, JJ., CONCUR.
LAMBERT, C.J., DISSENTS BY SEPARATE
OPINION IN WHICH MCANULTY, J., JOINS.
161. DEMETRIUS MAURICE WILSON V. [2004-SC-000800-MR](#) MCCRACKEN
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE ROACH – AFFIRMING
162. RICKY BARBOUR V. [2004-SC-000917-MR](#) HART
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE ROACH – AFFIRMING
LAMBERT, C.J., AND GRAVES, MCANULTY,
MINTON, AND WINTERSHEIMER, JJ., CONCUR.
SCOTT, J., CONCURS IN RESULT ONLY.
163. JEREMY DESHANNON RICE V. [2005-SC-000146-MR](#) FAYETTE
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT BY
CHIEF JUSTICE LAMBERT – AFFIRMING
GRAVES, MCANULTY, MINTON, ROACH,
SCOTT AND WINTERSHEIMER, JJ., CONCUR.
164. STEVE BRYANT V. [2005-SC-000194-TG](#) CALDWELL
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE ROACH – AFFIRMING
165. ARNOLD ADAMS V. [2005-SC-000836-WC](#) FROM COURT
NHC HEALTHCARE, ET AL **TO BE PUBLISHED** OF APPEALS
OPINION OF THE COURT – AFFIRMING

SUPREME COURT OF KENTUCKY

MINUTES

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RELEASED: 2:00 P.M.

166. STEVE ROBERIE, ET AL V. [2004-SC-000250-DG](#) OWEN
ROBERT VONBOKERN, ET AL **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE ROACH – AFFIRMING IN PART
AND REVERSING IN PART
167. MANALAPAN MINING COMPANY, INC V. [2005-SC-000626-WC](#) FROM COURT
KYLE D. LUNSFORD, ET AL **TO BE PUBLISHED** OF APPEALS
AND
KYLE D. LUNSFORD, ET AL V. [2005-SC-000628-WC](#) FROM COURT
MANALAPAN MINING COMPANY, INC **TO BE PUBLISHED** OF APPEALS
OPINION OF THE COURT – REVERSING
MCANULTY, MINTON, ROACH AND
WINTERSHEIMER, JJ., CONCUR.
SCOTT, J., DISSENTS BY SEPARATE
OPINION IN WHICH LAMBERT, C.J.,
AND GRAVES, J., JOIN.
168. SHARON LYNN STORM [2006-SC-000008-DG](#) FLOYD
F/K/A SHARON LYNN MULLINS V. **TO BE PUBLISHED**
JERRY MULLINS, ET AL
OPINION OF THE COURT BY
JUSTICE ROACH – REVERSING
169. RICO LYVERS V. [2004-SC-000601-MR](#) FAYETTE
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
170. JAMES F. SIMPSON V. [2004-SC-000702-MR](#) GREENUP
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING

SUPREME COURT OF KENTUCKY

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171. JEFFREY CRAIG DUDGEON V. [2004-SC-000947-MR](#) GREEN
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
LAMBERT, C.J., AND GRAVES, MCANULTY,
MINTON, ROACH, SCOTT AND
WINTERSHEIMER, JJ., CONCUR.
172. TREMAINE DEJUAN WASHINGTON V. [2005-SC-000037-MR](#) FAYETTE
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
173. MICHAEL A. CUNDIFF V. [2005-SC-000081-MR](#) MEADE
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
LAMBERT, C.J., AND GRAVES, ROACH
SCOTT AND WINTERSHEIMER, JJ., CONCUR.
MCANULTY AND MINTON JJ., CONCUR IN
RESULT ONLY.
174. ORVILLE E. ROARK V. [2005-SC-000086-MR](#) MENIFEE
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
175. JOEY DAMONT PERRY V. [2005-SC-000098-MR](#) FAYETTE
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
LAMBERT, C.J., AND GRAVES, MCANULTY,
MINTON, ROACH, SCOTT AND
WINTERSHEIMER, JJ., CONCUR.

SUPREME COURT OF KENTUCKY

MINUTES

AUGUST 24, 2006

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| 176. | AARON FRASER V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
LAMBERT, C.J., AND GRAVES, MCANULTY,
MINTON, ROACH, SCOTT AND
WINTERSHEIMER, JJ., CONCUR. | 2005-SC-000262-MR
NOT TO BE PUBLISHED | MCCRACKEN |
| 177. | KEVIN MICHAEL RAIFORD V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2005-SC-000273-MR
NOT TO BE PUBLISHED | FAYETTE |
| 178. | JEFFREY MONN V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
LAMBERT, C.J., AND GRAVES, MCANULTY,
MINTON, ROACH, SCOTT AND
WINTERSHEIMER, JJ., CONCUR. | 2005-SC-000317-MR
NOT TO BE PUBLISHED | BOYD |
| 179. | PATICK SCOTT PRYOR V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
LAMBERT, C.J., AND GRAVES, MCANULTY,
MINTON, ROACH, SCOTT AND
WINTERSHEIMER, JJ., CONCUR. | 2005-SC-000341-MR
NOT TO BE PUBLISHED | FAYETTE |
| 180. | HENRY GILBERT RODGERS, JR. V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2005-SC-000379-MR
NOT TO BE PUBLISHED | FAYETTE |
| 181. | JACK RAMEY STAMPER, JR. V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2005-SC-000410-MR
NOT TO BE PUBLISHED | JEFFERSON |

SUPREME COURT OF KENTUCKY

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182. GARY V. GAMBLE V. [2005-SC-000439-MR](#) WARREN
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
183. ALLEN W. HATCHER V. [2005-SC-000623-MR](#) EDMONSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
184. PAUL AMBURGEY V. [2005-SC-000722-MR](#) PIKE
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
LAMBERT, C.J., AND GRAVES, MCANULTY,
MINTON, ROACH, SCOTT AND
WINTERSHEIMER, JJ., CONCUR.
185. EMOISHA L. DUNCAN V. [2005-SC-000760-MR](#) FAYETTE
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
186. MANALAPAN MINING COMPANY, INC V. [2005-SC-000790-WC](#) FROM COURT
RALPH MORGAN, ET AL **NOT TO BE PUBLISHED** OF APPEALS
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
LAMBERT, C.J., AND GRAVES,
MINTON, ROACH, SCOTT AND
WINTERSHEIMER, JJ., CONCUR.
MCANULTY, J., NOT SITTING.
187. DAVID RANCK V. [2005-SC-000863-WC](#) FROM COURT
BRIAN GRAY, ET AL **NOT TO BE PUBLISHED** OF APPEALS
MEMORANDUM OPINION OF
THE COURT – AFFIRMING

SUPREME COURT OF KENTUCKY

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188. CARITAS MEDICAL CENTER V. [2005-SC-000895-WC](#) FROM COURT
LYNDA STOUT, ET AL **NOT TO BE PUBLISHED** OF APPEALS
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
LAMBERT, C.J., AND GRAVES, MINTON,
SCOTT AND WINTERSHEIMER, JJ., CONCUR.
ROACH, J., CONCURS IN RESULT ONLY.
MCANULTY, J., NOT SITTING.
189. SPADE CORPORATION V. [2005-SC-000918-WC](#) FROM COURT
SECUNDINO DELEON, ET AL **NOT TO BE PUBLISHED** OF APPEALS
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
190. MICHAEL REYNOLDS V. [2006-SC-000059-WC](#) FROM COURT
MAXIM/CARLISLE **NOT TO BE PUBLISHED** OF APPEALS
CONSTRUCTION , ET AL
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
LAMBERT, C.J., AND GRAVES, MCANULTY,
ROACH, SCOTT AND WINTERSHEIMER, JJ.,
CONCUR. MINTON, J., NOT SITTING.
191. PATRICIA GLAHN V. [2006-SC-000060-WC](#) FROM COURT
CASTELLINI COMPANY, ET AL **NOT TO BE PUBLISHED** OF APPEALS
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
LAMBERT, C.J., AND GRAVES, MCANULTY,
ROACH, SCOTT AND WINTERSHEIMER, JJ.,
CONCUR. MINTON, J., NOT SITTING.
192. DEPARTMENT OF REVENUE, ET AL V. [2006-SC-000113-MR](#) MCCRACKEN
HON. R. JEFFREY HINES, JUDGE, **NOT TO BE PUBLISHED**
MCCRACKEN CIRCUIT COURT, DIVISION 1
AND
MARQUETTE TRANSPORTATION
COMPANY, INC.
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**

SUPREME COURT OF KENTUCKY

MINUTES

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193. ELSWORTH SAMUELS V. [2006-SC-000214-MR](#) OLDHAM
HON. PAUL W. ROSENBLUM NOT TO BE PUBLISHED
AND
RALPH DAILEY, WARDEN
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
MCANULTY, J., NOT SITTING.
194. WILLIAM KELLY CLARK V. [2005-SC-000111-MR](#) WARREN
COMMONWEALTH OF KENTUCKY NOT TO BE PUBLISHED
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART AND
REVERSING AND REMANDING IN PART**
LAMBERT, C.J., AND GRAVES, MCANULTY,
MINTON, AND SCOTT, JJ., CONCUR.
ROACH, J., CONCURS IN RESULT ONLY.
WINTERSHEIMER, J., DISSENTS FOR THE
REASONS SET OUT IN HIS DISSENT IN
JACKSON V. COMMONWEALTH,
670 S.W.2ND 828 (KY. 1984).
195. MICHAEL SPARKS V. [2005-SC-000254-MR](#) BOYD
COMMONWEALTH OF KENTUCKY NOT TO BE PUBLISHED
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART AND
REVERSING AND REMANDING IN PART**
196. KEVIN HUBER V. [2004-SC-000912-MR](#) WARREN
COMMONWEALTH OF KENTUCKY NOT TO BE PUBLISHED
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART
REVERSING IN PART**

SUPREME COURT OF KENTUCKY

MINUTES

AUGUST 24, 2006

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OPINIONS AND ORDERS – AUGUST 24, 2006

GEICO CASUALTY COMPANY V. 2004-SC-000874-DG MEADE
ROBERT E. HARTLEY, ET AL

**ORDER GRANTED DISCRETIONARY
REVIEW, VACATED OPINION OF THE
COURT OF APPEALS AND REMANDED
TO THE COURT OF APPEALS.**

WINTERSHEIMER, J., DISSENTS BECAUSE
BOTH PARTIES SHOULD BE ALLOWED TO
SUBMIT SUPPLEMENTAL BRIEFS. ONE
SUPPLEMENTAL BRIEF HAS ALREADY
BEEN TENDERED. THE ORAL ARGUMENT
SHOULD TAKE PLACE AS SCHEDULED.
REMAND WILL ONLY UNNECESSARILY
DELAY THIS MATTER.

ENTERED: JULY 20, 2006

C. WES COLLINS V. 2005-SC-000875-MR FAYETTE
HON. JOANN WISE, JUDGE, FAYETTE
CIRCUIT COURT, FAMILY DIVISION
AND

PEGGY S. COLLINS
**ORDER AFFIRMED COURT OF APPEALS
ORDER, DENIED APPELLANT'S REQUEST
FOR INTERMEDIATE RELIEF, AND DISMISSED
APPELLANT'S CLAIM FOR MONEY DAMAGES.**
LAMBERT, C.J., NOT SITTING.

KENTUCKY BAR ASSOCIATION, 2006-SC-000023-KB IN SUPREME
CLE COMMISSION V. TO BE PUBLISHED COURT
JASON MICHAEL NEMES

**RESPONDENT IS ORDERED TO PAY A
FINE OF \$300 FOR NON-COMPLIANCE
WITH CLE REQUIREMENTS.**
LAMBERT, C.J., NOT SITTING.
SCOTT, J., CONCURS IN A SEPARATE
OPINION IN WHICH GRAVES, MCANULTY,
MINTON, AND ROACH, J.J., JOIN.

SUPREME COURT OF KENTUCKY

MINUTES

AUGUST 24, 2006

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OPINIONS AND ORDERS – AUGUST 24, 2006

COMMONWEALTH OF KENTUCKY V. KENNETH ROSE ORDER GRANTED MOTION FOR DISCRETIONARY REVIEW, VACATED DECISION OF THE COURT OF APPEALS AND REMANDED TO THE COURT OF APPEALS. MINTON, J., NOT SITTING. ENTERED: AUGUST 17, 2006	2006-SC-000191-D	MCCRACKEN
COMMONWEALTH OF KENTUCKY V. CHAD ELLENBERGER ORDER GRANTED DISCRETIONARY REVIEW, VACATED DECISION OF THE COURT OF APPEALS AND REMANDED TO THE COURT OF APPEALS. ENTERED: AUGUST 17, 2006	2006-SC-000219-D	MARSHALL
KENTUCKY BAR ASSOCIATION V. DAVID A. WEINBERG AND KENTUCKY BAR ASSOCIATION V. DENO C. CAPELLO, JR. AND KENTUCKY BAR ASSOCIATION V. AN UNNAMED ATTORNEY ORDER PUBLICLY REPRIMANDED DAVID WEINBERG AND DENO CAPELLO AND FOUND THE UNNAMED ATTORNEY NOT GUILTY.	2006-SC-000225-KB TO BE PUBLISHED 2006-SC-000226-KB TO BE PUBLISHED 2006-SC-000227-KB TO BE PUBLISHED	IN SUPREME COURT IN SUPREME COURT IN SUPREME COURT

SUPREME COURT OF KENTUCKY

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OPINIONS AND ORDERS – AUGUST 24, 2006

KENTUCKY BAR ASSOCIATION V. STEVEN F. CLAYPOOLE ORDER SUSPENDED RESPONDENT FROM THE PRACTICE OF LAW FOR A PERIOD OF 30 DAYS WITH CONDITIONS.	2006-SC-000242-KB TO BE PUBLISHED	IN SUPREME COURT
INQUIRY COMMISSION V. MAXWELL HAMMOND ORDER TEMPORARILY SUSPENDED RESPONDENT FROM THE PRACTICE OF LAW.	2006-SC-000323-KB TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. RODNEY MCDANIEL ORDER SUSPENDED RESPONDENT FROM THE PRACTICE OF LAW FOR A PERIOD OF 30 DAYS.	2006-SC-000352-KB TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. STEVE P. ROBEY ORDER PUBLICLY REPRIMANDED RESPONDENT.	2006-SC-000358-KB TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. BRYAN K. BURLEW ORDER SUSPENDED RESPONDENT FROM THE PRACTICE OF LAW FOR A PERIOD OF 181 DAYS.	2006-SC-000367-KB TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. ALECIA LOCOCO ORDER SUSPENDED RESPONDENT FROM THE PRACTICE OF LAW FOR A PERIOD OF 6 MONTHS.	2006-SC-000388-KB TO BE PUBLISHED	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

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OPINIONS AND ORDERS – AUGUST 24, 2006

KENTUCKY BAR ASSOCIATION V. RODNEY S. JUSTICE ORDER SUSPENDED RESPONDENT FROM THE PRACTICE OF LAW FOR A PERIOD OF 30 DAYS.	2006-SC-000522-KB TO BE PUBLISHED	IN SUPREME COURT
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KENTUCKY BAR ASSOCIATION V. ROBERT D. MEREDITH ORDER PUBLICLY REPRIMANDED RESPONDENT.	2006-SC-000524-KB TO BE PUBLISHED	IN SUPREME COURT
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COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW – AUGUST 17, 2006

PAPA JOHN'S INTERNATIONAL, INC., ET AL. V. GARY MCCOY	2005-SC-000614-DG	FLOYD
KAREN BROWN V. COMMONWEALTH OF KENTUCKY AND KAREN BROWN V. COMMONWEALTH OF KENTUCKY	2005-SC-000967-DG 2006-SC-000151-DG	FAYETTE FAYETTE
BETTY HUNSAKER AND PEGGY GREER V. DEPARTMENT OF TRANSPORTATION, COMMONWEALTH OF KENTUCKY, DEPARTMENT OF HIGHWAYS	2005-SC-000974-DG	LETCHER
COMMONWEALTH OF KENTUCKY V. RONNIE LEE COKER	2005-SC-000981-DG	FRANKLIN
SHIRLEY MCVAY LACH, INDIVIDUALLY AND ON BEHALF OF MAN O WAR LTD PARTNERSHIP V. MAN O WAR, LLC, FORMERLY MAN O WAR MGT, LLC, ET AL	2005-SC-001014-DG	FAYETTE

SUPREME COURT OF KENTUCKY

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COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW – AUGUST 17, 2006

DAVID KAPLAN V. GARY WADE PUCKETT	2006-SC-000018-DG	JEFFERSON
LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT V. RAYMOND CHARLES BISCHOFF	2006-SC-000058-DG	JEFFERSON
COMMONWEALTH OF KENTUCKY V. JOHNNY C. BISHOP, ET AL	2006-SC-000123-DG	CLAY
COMMONWEALTH OF KENTUCKY V. DEANNA GAYLE WOOTEN	2006-SC-000125-DG	BRACKEN
LYKINS ENTERPRISES, INC., ET AL V. MAXINE S. FELIX	2006-SC-000142-DG	MASON
COMMONWEALTH OF KENTUCKY V. ANTHONY WAYNE SWIFT	2006-SC-000155-DG	OHIO
COMMONWEALTH OF KENTUCKY V. BARRY COFFEY AND GERALAN ANDERSON	2006-SC-000172-DG	BARREN
MATTHEW DERRY V. COMMONWEALTH OF KENTUCKY	2006-SC-000181-DG	METCALFE
COMMONWEALTH OF KENTUCKY V. JOSE R. PADILLA	2006-SC-000321-DG	HARDIN
CITY OF LOUISVILLE, KENTUCKY, ET AL V. ERIC P. LIGHT AND CONNIE LIGHT, ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED	2006-SC-000371-DG	JEFFERSON
CHRISTY PILES, CHARLES WARNER, AND ELLEN G. FRIEDMAN V. CRAIG & BISHOP, INC., D/B/A SONNY BISHOP CARS	2006-SC-000432-DG	JEFFERSON

SUPREME COURT OF KENTUCKY

MINUTES

AUGUST 24, 2006

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COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW – AUGUST 17, 2006

LONNIE HARRIS V. COMMONWEALTH OF KENTUCKY	2006-SC-000451-DG	CASEY
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COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW – AUGUST 17, 2006

WILLIE LEON FARTHING V. COMMONWEALTH OF KENTUCKY	2004-SC-000478-D	UNION
NEIGHBORHOOD FOOD MART V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH SERVICES	2005-SC-000424-D	JEFFERSON
RICHARD TRAVIS MORROW V. COMMONWEALTH OF KENTUCKY	2005-SC-000725-D	PULASKI
KEVIN GRAY V. COMMONWEALTH OF KENTUCKY	2005-SC-000766-D	GRANT
LANDON NIGUEL PRICE, SR. V. COMMONWEALTH OF KENTUCKY	2005-SC-000825-D	FAYETTE
SYLVIA BUSH AND LEWIS BUSH V. MERRILL LYNCH	2005-SC-000856-D	WARREN
TERRY MILLS V. COMMONWEALTH OF KENTUCKY	2005-SC-000865-D	MCCRACKEN
WILLIAM HITCHCOCK, ET AL V. IRENE CASTLE DICKERSON, ET AL	2005-SC-000871-D	LAWRENCE
GAS GROUP, INC., ET AL V. COMMONWEALTH OF KENTUCKY, PUBLIC SERVICE COMMISSION	2005-SC-000888-D	FRANKLIN
BOB LEE V. ERIKSEN CHIROPRACTIC	2005-SC-000891-D	LARUE

SUPREME COURT OF KENTUCKY

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COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW – AUGUST 17, 2006

PRATHER & ASSOCIATES, INC., ET AL V. FAIRBANKS ARTIC BLIND COMPANY	2005-SC-000900-D	FAYETTE
DOUGLAS C. NORDIKE V. COMMONWEALTH OF KENTUCKY	2005-SC-000909-D	WARREN
WENDY M. DIXON V. JUDY S. BROWN, ET AL	2005-SC-000927-D	HENDERSON
PNC BANK, AS CONSEVATOR FOR JULIUS BURNS, A MINOR V. LOUISVILLE METRO HOUSING AUTHORITY	2005-SC-000932-D	JEFFERSON
JENNIFER S. BALES (NOW MARTIN) V. RICHARD ALAN BALES	2005-SC-000947-D	CAMPBELL
HYATT CORPORATION OF DELAWARE, D/B/A HYATT REGENCY LEXINGTON V. YOUNG AND ASSOCIATE, INC, D/B/A ANDY FRAIN SERVICES, INC.	2005-SC-000975-D	FAYETTE
KELLY W. WILSON V. SHARON L. WILSON, ET AL	2005-SC-000990-D	MEADE
CLYDE L. HARRISON V. SANDRA L. HARRISON	2005-SC-000995-D	HARDIN
MICHAEL STEWART, PH.D V. FAST FORWARD VIDEO, INC.	2005-SC-000997-D	GARRARD
NATHON C. DONAHOO V. COMMONWEALTH OF KENTUCKY	2005-SC-001002-D	MCLEAN
COMMONWEALTH OF KENTUCKY V. EBONY LATREECE DUBOISE	2005-SC-001005-D	FRANKLIN

SUPREME COURT OF KENTUCKY

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COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW – AUGUST 17, 2006

CONSECO FINANCE CORPORATION, ET AL V. COMMONWEALTH OF KENTUCKY, REVENUE CABINET	2005-SC-001011-D	FRANKLIN
DREW W. SMITH V. CAROL ANN HODGES	2005-SC-001015-D	JEFFERSON
AARON MILGROM V. KENTUCKY REAL ESTATE COMMISSION AND DAVILD L. JONES	2006-SC-000006-D	CLARK
RODNEY DEWAYNE MAYS V. COMMONWEALTH OF KENTUCKY	2006-SC-000013-D	CLAY
JAMIE C. FERGUSON V. COMMONWEALTH OF KENTUCKY	2006-SC-000039-D	HARDIN
GARY CALDWELL V. COMMONWEALTH OF KENTUCKY	2006-SC-000069-D	UNION
JAMES MALLORY V. PATTI WEBB, WARDEN, AND LIGGETT MORRIS	2006-SC-000070-D	MUHLENBERG
G. E. MAIER COMPANY V. UNIVERSITY OF KENTUCKY, ET AL AND	2006-SC-000074-D	FRANKLIN
C. E. PENNINGTON COMPANY V. B & H ELECTRICAL CONTRACTORS, ET AL	2006-SC-000083-D	FRANKLIN
LARRY G. MARSEE V. COMMONWEALTH OF KENTUCKY	2006-SC-000084-D	CARROLL
TAURUS HOLLINS V. COMMONWEALTH OF KENTUCKY	2006-SC-000092-D	LOGAN
DEPARTMENT OF REVENUE, ETC., ET AL V. GEORGE W. DAVIS AND CATHERINE DAVIS	2006-SC-000105-D	JEFFERSON

SUPREME COURT OF KENTUCKY

MINUTES

AUGUST 24, 2006

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COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW – AUGUST 17, 2006

IDABELLE CASE, ET AL V. ISRATEX, INC., ET AL	2006-SC-000126-D	CARTER
COMMONWEALTH OF KENTUCKY V. BEVE STEWART	2006-SC-000133-D	KNOX
ROBERT A LAMPMAN, ET AL V. FRANCES ELAINE HUGHES, ET AL	2006-SC-000152-D	JEFFERSON
JOHN DAVID FIELDS V. COMMONWEALTH OF KENTUCKY COURT OF APPEALS OPINION ORDERED NOT TO BE PUBLISHED.	2006-SC-000162-D	DAVISS
TODD LOVETT V. COMMONWEALTH OF KENTUCKY	2006-SC-000200-D	MARSHALL
RONNIE MARDIS V. COMMONWEALTH OF KENTUCKY COURT OF APPEALS OPINION ORDERED NOT TO BE PUBLISHED.	2006-SC-000201-D	MARSHALL
ROBERT B. HARROD V. COMMONWEALTH OF KENTUCKY	2006-SC-000209-D	JEFFERSON
ROY FITZGERALD HARRIS V. COMMONWEALTH OF KENTUCKY	2006-SC-000222-D	FAYETTE
WILLIAM POIRIER, M.D. V. OUR LADY OF BELLEFONTE HOSPITAL, INC.	2006-SC-000224-D	GREENUP
CHARLIE CORNETT, ET AL V. SAM EVERAGE AND JEWELL EVERAGE	2006-SC-000231-D	KNOTT
HIGHLANDER MORTGAGE COMPANY V. KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION, ET AL	2006-SC-000252-D	JEFFERSON

SUPREME COURT OF KENTUCKY

MINUTES

AUGUST 24, 2006

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COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW – AUGUST 17, 2006

KEVIN ANTWAN HENDERSON V. COMMONWEALTH OF KENTUCKY	2006-SC-000260-D	JEFFERSON
MARILYN W. CRAWFORD V. NATIONAL CITY BANK OF KENTUCKY	2006-SC-000263-D	JEFFERSON
TIM KREITER V. AMELIA RUTH ODEN KREITER	2006-SC-000264-D	BELL
TIMOTHY WASHABAUGH, JR. V. COMMONWEALTH OF KENTUCKY	2006-SC-000265-D	FAYETTE
JOEY ROBINSON V. MIKE TURNER, ET AL	2006-SC-000296-D	PERRY
MENIFEE COUNTY FISCAL COURT, ET AL V. LYNDON PROPERTY INSURANCE COMPANY	2006-SC-000299-D	MENIFEE
WADE MCNABB V. COMMONWEALTH OF KENTUCKY	2006-SC-000307-D	LEWIS
DOUG RUNYON V. SERGEANT BELL, ET AL	2006-SC-000308-D	KENTON
TONY AKERS V. LARRY CHANDLER, WARDEN	2006-SC-000325-D	OLDHAM
KATHERINE GIBSON V. DELPHIN B. MORELY	2006-SC-000326-D	JEFFERSON
FRANCIS GERALD THOMAS V. COMMONWEALTH OF KENTUCKY	2006-SC-000331-D	JEFFERSON
T. D. V. CABINET FOR HEALTH AND FAMILY SERVICES, INC.	2006-SC-000334-D	WARREN

SUPREME COURT OF KENTUCKY

MINUTES

AUGUST 24, 2006

RELEASED: 2:00 P.M.

COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW – AUGUST 17, 2006

EARL GAY AND JAMES GAY V. COMMONWEALTH OF KENTUCKY	2006-SC-000375-D	MONTGOMERY
JEFFREY ALLEN MORRIS V. COMMONWEALTH OF KENTUCKY	2006-SC-000378-D	PULASKI
WARREN H. WADLINGTON V. COMMONWEALTH OF KENTUCKY	2006-SC-000383-D	HOPKINS
ERIK HAMILTON V. PATTI WEBB, WARDEN	2006-SC-000409-D	MUHLENBERG

COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE A MOTION FOR DISCRETIONARY REVIEW – AUGUST 21, 2006

ULYSSES G.G. DAVIS, III V. PATTI WEBB, WARDEN	2006-SC-000274-D	MUHLENBERG
TAMMY KELLY V. COMMONWEALTH OF KENTUCKY. IN THE INTEREST OF T.K., A MINOR CHILD	2006-SC-000280-D	FAYETTE
DERRICK MOTLEY V. COMMONWEALTH OF KENTUCKY	2006-SC-000382-D	CHRISTIAN
TRACY FELDPAUSH V. MARY ADAMS	2006-SC-000468-DE	DAVIESS
COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES V. A.A.W.K., ET AL	2006-SC-000498-DE	PIKE

SUPREME COURT OF KENTUCKY

MINUTES

AUGUST 24, 2006

RELEASED: 2:00 P.M.

COURT ORDER GRANTING MOTION TO TRANSFER – AUGUST 24, 2006

RUBEN RIOS SALINAS V. TOM SIMPSON AND RUBEN RIOS SALINAS V. COMMONWEALTH OF KENTUCKY	2006-SC-000482-TG 2006-SC-000483-TG	LYON FAYETTE
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COURT ORDERS DENYING PETITION FOR REHEARING – AUGUST 24, 2006

JOHN COMBS, SR. V. COMMONWEALTH OF KENTUCKY	2002-SC-000780-MR 2004-SC-001005-MR	PERRY
MICHAEL ANTHONY PEAK V. COMMONWEALTH OF KENTUCKY AND PATRICK W. MEEKS V. COMMONWEALTH OF KENTUCKY ORDER MODIFIED OPINION RENDERED JUNE 15, 2006 BY SUBSTITUTION OF PAGES 1, 5, AND 7.	2003-SC-000244-MR 2003-SC-000271-MR	JEFFERSON JEFFERSON
LOUISE HOWELL V. DARRELL A. HERALD, EXECUTOR OF THE ESTATE OF JOHN R. TURNER ORDER MODIFIED OPINION RENDERED FEBRUARY 23, 2006 BY MODIFICATION ON PAGE 4.	2003-SC-000476-DG	FAYETTE
ROGER EPPERSON V. COMMONWEALTH OF KENTUCKY	2003-SC-000595-MR	WARREN
TODD A. FISCHER V. JACQUELYN FISCHER, INDIVIDUALLY, AND AS EXECUTRIX OF THE ESTATE OF RICHARD A. FISCHER	2003-SC-000982-DG	BOONE
DENNIS R. GREENE, SR. V. COMMONWEALTH OF KENTUCKY	2004-SC-000046-MR	KENTON

SUPREME COURT OF KENTUCKY

MINUTES

AUGUST 24, 2006

RELEASED: 2:00 P.M.

COURT ORDERS DENYING PETITION FOR REHEARING – AUGUST 24, 2006

COMMONWEALTH OF KENTUCKY V. MARCUS BUFORD	2004-SC-000177-DG	MCCRACKEN
JAMES SHERMAN HUGHES V. COMMONWEALTH OF KENTUCKY	2004-SC-000238-MR	FAYETTE
LLOYD AND JACKIE KNOTTS V. ZURICH INSURANCE CO., ET AL	2004-SC-000400-DG	JEFFERSON
GARY DENZIK V. CANDY DENZIK, NOW BLAZAR	2004-SC-001131-DG	WARREN
WILLIAM RAINEY V. COMMONWEALTH OF KENTUCKY	2005-SC-000185-DG	JEFFERSON
RALPH STEPHENS BAZE, JR. V. COMMONWEALTH OF KENTUCKY	2005-SC-000415-MR 2005-SC-000889-MR	ROWAN
GENEALIA ASHER V. TECUMSEH PRODUCTS COMPANY, ET AL	2005-SC-000481-WC	FROM COURT OF APPEALS
GARY SKINNER V. HALE CONTRACTING, INC., ET AL	2005-SC-000513-WC	FROM COURT OF APPEALS
DONALD MORRISON V. THE HOME DEPOT, ET AL ORDER MODIFIED OPINION RENDERED MAY 18, 2006 ON PAGE 6.	2005-SC-000719-WC	FROM COURT OF APPEALS

SUPREME COURT OF KENTUCKY

MINUTES

AUGUST 24, 2006

RELEASED: 2:00 P.M.

COURT ORDERS

JOHN COMBS, SR. V.
COMMONWEALTH OF KENTUCKY
**ORDER CORRECTED OPINION RENDERED
APRIL 20, 2006, BY SUBSTITUTION OF
PAGES 1, 4, 5, 8, 9 AND 10.**
ENTERED: JULY 5, 2006

[2002-SC-000780-MR](#)
[2004-SC-001005-MR](#)

PERRY

MICHAEL ANTHONY PEAK V.
COMMONWEALTH OF KENTUCKY
AND
PATRICK W. MEEKS V.
COMMONWEALTH OF KENTUCKY
**ORDER MODIFIED OPINION RENDERED
JUNE 15, 2006, BY SUBSTITUTION OF
PAGES 1 AND 19.**
ENTERED: AUGUST 2, 2006

[2003-SC-000244-MR](#)

JEFFERSON

[2003-SC-000271-MR](#)

JEFFERSON

COMMONWEALTH OF KENTUCKY V.
RANDALL SCOTT LUCAS
**ORDER MODIFIED OPINION RENDERED
JUNE 15, 2006, BY SUBSTITUTION OF
PAGES 1 AND 7.**
ENTERED: AUGUST 2, 2006

[2004-SC-000075-DG](#)

FAYETTE

NICK RATLIFF V.
COMMONWEALTH OF KENTUCKY
**ORDER MODIFIED OPINION RENDERED
JUNE 15, 2006, BY SUBSTITUTION OF
PAGE 1.**
ENTERED: JULY 28, 2006

[2004-SC-000452-MR](#)

LAWRENCE

SUPREME COURT OF KENTUCKY

MINUTES

AUGUST 24, 2006

RELEASED: 2:00 P.M.

COURT ORDERS

VICTOR E. HIATT V. HON. THOMAS L. CLARK, JUDGE FAYETTE CIRCUIT COURT AND COMMONWEALTH OF KENTUCKY ORDER CORRECTED OPINION RENDERED JUNE 15, 2006, BY SUBSTITUTION OF PAGES 1 AND 12. ENTERED: JULY 5, 2006	2005-SC-000455-MR	FAYETTE
MARCUS LEWIS V. COMMONWEALTH OF KENTUCKY ORDER GRANTED APPELLANT'S MOTION TO DISMISS THE APPEAL. ENTERED: JUNE 15, 2006	2005-SC-000468-MR	LAWRENCE
STEVEN WAYNE ASHBAUGH V. COMMONWEALTH OF KENTUCKY ORDER CORRECTED OPINION RENDERED JUNE 15, 2006, BY SUBSTITUTION OF PAGES 1 AND 5. ENTERED: JUNE 19, 2006	2004-SC-000562-MR	JEFFERSON
RICHARD E. JACOBS GROUP, INC., ET AL V. CHRIS WHITE, ET AL AND LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT V. CHRIS WHITE, ET AL ORDER MODIFIED OPINION RENDERED JUNE 15, 2006 BY SUBSTITUTION OF PAGES 1 AND 8 OF THE DISSENTING OPINION BY JUSTICE ROACH AND SUBSTITUTION OF NEW PAGE 1 OF THE MAJORITY OPINION. ENTERED: JUNE 23, 2006	2005-SC-000695-WC 2005-SC-000696-WC	FROM COURT OF APPEALS FROM COURT OF APPEALS

SUPREME COURT OF KENTUCKY

MINUTES

AUGUST 24, 2006

RELEASED: 2:00 P.M.

COURT ORDERS

JEFF SAMS, ET AL V. CITY OF NEWPORT ORDER GRANTED MOVANT'S MOTION TO WITHDRAW MOTION FOR DISCRETIONARY REVIEW. ENTERED: JULY 19, 2006	2005-SC-001017-D	CAMPBELL
JIMMIE R. RADFORD V. HON. EDDIE C. LOVELACE, JUDGE CUMBERLAND CIRCUIT COURT AND COMMONWEALTH OF KENTUCKY ORDER CORRECTED OPINION RENDERED JUNE 15, 2006, BY SUBSTITUTION OF PAGES 1, 9 AND 13. ENTERED: AUGUST 10, 2006	2005-SC-001024-MR	CUMBERLAND
KENTUCKY BAR ASSOCIATION V. MICHAEL VESCIO ORDER DENIED APPELLANT'S MOTION FOR RECONSIDERATION. ENTERED: AUGUST 24, 2006	2006-SC-000087-KB	IN SUPREME COURT
FULTON COUNTY FISCAL COURT V. ROBERT E. HOPPER, JR., ET AL ORDER DISMISSED APPEAL. ENTERED: JULY 11, 2006	2006-SC-000107-WC	FROM COURT OF APPEALS
KENTUCKY EMPLOYERS' MUTUAL INSURANCE V. NINA BLACKBURN, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF GARY BLACKBURN, DECEASED, ET AL ORDER DISMISSED CROSS APPEAL. ENTERED: JULY 10, 2006	2006-SC-000135-WC	FROM COURT OF APPEALS

SUPREME COURT OF KENTUCKY

MINUTES

AUGUST 24, 2006

RELEASED: 2:00 P.M.

COURT ORDERS

INQUIRY COMMISSION V. MELBOURNE MILLS ORDER TEMPORARILY SUSPENDED RESPONDENT FROM THE PRACTICE OF LAW. ENTERED: AUGUST 24, 2006	2006-SC-000232-KB TO BE PUBLISHED	IN SUPREME COURT
INQUIRY COMMISSION V. WILLIAM J. GALLION ORDER TEMPORARILY SUSPENDED RESPONDENT FROM THE PRACTICE OF LAW. ENTERED: AUGUST 24, 2006	2006-SC-000240-KB TO BE PUBLISHED	IN SUPREME COURT
INQUIRY COMMISSION V. SHIRLEY A. CUNNINGHAM JR. ORDER TEMPORARILY SUSPENDED RESPONDENT FROM THE PRACTICE OF LAW. ENTERED: AUGUST 24, 2006	2006-SC-000249-KB TO BE PUBLISHED	IN SUPREME COURT
GRANT HATFIELD, JR. V. COMMONWEALTH OF KENTUCKY ORDER DISMISSED APPEAL. ENTERED: JULY 3, 2006	2006-SC-000333-MR	CLAY
ALICIA ANN DICKERSON V. KENTUCKY BAR ASSOCIATION ORDER RESTORED MOVANT TO MEMBERSHIP. ENTERED: JUNE 29, 2006	2006-SC-000335-KB	IN SUPREME COURT
FLAMINTO KENYARDA THOMAS V. HON. LISABETH HUGHES ABRAMSON, JUDGE, JEFFERSON CIRCUIT COURT, ET AL ORDER DISMISSED APPEAL. ENTERED: JULY 14, 2006	2006-SC-000434-OA	FROM COURT OF APPEALS

SUPREME COURT OF KENTUCKY

MINUTES

AUGUST 24, 2006

RELEASED: 2:00 P.M.

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

JENNIFER REBECCA LUITJENS V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 19, 2006	2006-SC-000423	IN SUPREME COURT
JEFFREY HOWARD RASANSKY V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 30, 2006	2006-SC-000452	IN SUPREME COURT
ERIC DEAN MCDONALD V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 27, 2006	2006-SC-000455	IN SUPREME COURT
ROBERT JEROME ANDERSON V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 27, 2006	2006-SC-000459	IN SUPREME COURT
DAVID L. VAN ZANT V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 10, 2006	2006-SC-000466	IN SUPREME COURT
TIMOTHY SCOTT CHASE V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 4, 2006	2006-SC-000554	IN SUPREME COURT
GREGORIO EMMANEL A VEZA V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 10, 2006	2006-SC-000566	IN SUPREME COURT
KIM POLAND V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 10, 2006	2006-SC-000567	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

MINUTES

AUGUST 24, 2006

RELEASED: 2:00 P.M.

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

LINDA S. PORTASIK V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 22, 2006	2006-SC-000609	IN SUPREME COURT
SHANNON KELLEY FORD V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 22, 2006	2006-SC-000610	IN SUPREME COURT
WILLIAM ARTHUR DAVIS V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 22, 2006	2006-SC-000611	IN SUPREME COURT