

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 18, 2008

RELEASED: 10:00 A.M.

181. MELVIN LEE PARRISH V. [2006-SC-000592-MR](#) JEFFERSON  
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE NOBLE – AFFIRMING**  
ABRAMSON, J., NOT SITTING.
182. CHEYENNE RESOURCES, INC. [2006-SC-000721-DG](#) FLOYD  
AND PC&H CONSTRUCTION, INC. V. **TO BE PUBLISHED**  
ELK HORN COAL CORPORATION  
**OPINION OF THE COURT BY SPECIAL**  
**JUSTICE GREGORY L. MONGE –**  
**AFFIRMING**  
CUNNINGHAM, J., DISSENTS BY  
SEPARATE OPINION IN WHICH  
SPECIAL JUSTICE  
MICHAEL O. MCDONALD, JOINS.  
SPECIAL JUSTICE  
MICHAEL O. MCDONALD DISSENTS  
BY SEPARATE OPINION IN WHICH  
CUNNINGHAM, J., JOINS. VENTERS,  
ABRAMSON AND SCOTT, JJ.,  
NOT SITTING.
- Questions Presented:**  
Judgment of Restitution.  
Prejudgment Interest. Where  
supersedeas penalty statute was  
declared unconstitutional, and  
penalty previously paid was ordered  
returned by judgment of restitution,  
the issue is whether prejudgment  
interest on the amount should be  
calculated from date penalty was  
paid, or from date penalty statute  
was declared unconstitutional.
183. SEBASTIAN-VOOR PROPERTIES, [2006-SC-000732-DG](#) FAYETTE  
LLC, ET AL. V. **TO BE PUBLISHED**  
LEXINGTON-FAYETTE URBAN  
COUNTY GOVERNMENT, ET AL.  
**MEMORANDUM OPINION OF**  
**THE COURT – AFFIRMING**  
SCHRODER, J., CONCURS BY  
SEPARATE OPINION IN WHICH  
CUNNINGHAM, J., JOINS.  
NOBLE, J., NOT SITTING.

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 18, 2008

RELEASED: 10:00 A.M.

184. DONALD C. CAMERON V. S. LYNEA CAMERON  
**OPINION OF THE COURT BY JUSTICE CUNNINGHAM – AFFIRMING**
- [2007-SC-000105-DG](#) NICHOLAS  
**TO BE PUBLISHED**
- Questions Presented:**  
Domestic Relations. Dissolution of Marriage. Property Division. At issue is whether the parties reconciled, thereby invalidating a separation agreement giving half the husband's non-marital property to the wife.
185. COMMONWEALTH OF KENTUCKY V. JAMES OSCAR MERRIMAN  
**AND**  
COMMONWEALTH OF KENTUCKY V. LEQUA MARTEZ HICKMAN  
**OPINION OF THE COURT BY JUSTICE NOBLE – AFFIRMING IN THE CASE OF 2006-SC-000332-DG AND REVERSING AND REMANDING IN THE CASES OF 2006-SC-000330-DG AND 2006-SC-000690-DG**  
VENTERS, J., NOT SITTING.
- [2006-SC-000330-DG](#) FAYETTE  
[2006-SC-000690-DG](#)  
**TO BE PUBLISHED**  
[2006-SC-000332-DG](#) JEFFERSON  
**TO BE PUBLISHED**
- Questions Presented:**  
Juvenile Code. Youthful Offenders. Violent Offenders. Issues include whether a youthful offender who has committed a violent offense, upon being returned to circuit court when reaching age 18, may be considered for probation or conditional discharge pursuant to KRS 640.030(2), or whether the offender is ineligible pursuant to the violent-offender statute. KRS 439.3401.
186. HELEN H. MOORHEAD V. CAROLYN A. DODD  
(CO-EXECUTRIX OF THE ESTATE OF J. WILLIAM MANNING, DECEASED), ET AL.  
**OPINION OF THE COURT BY JUSTICE SCOTT – REVERSING**  
SCHRODER, J., NOT SITTING.
- [2006-SC-000251-DG](#) JEFFERSON  
**TO BE PUBLISHED**
- Questions Presented:**  
Attorney Fees. Issues include the propriety of new litigation, subsequent to final disposition of contract and attorney fee litigation, as a procedure for pursuing post judgment attorney fees.

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 18, 2008

RELEASED: 10:00 A.M.

187. ALICE SOUTH HUME, ET AL. V. [2006-SC-000499-DG](#) FRANKLIN  
FRANKLIN COUNTY **TO BE PUBLISHED**  
FISCAL COURT, ET AL.  
**AND**  
LEWIS BIZZACK, ET AL. V. [2007-SC-000091-DG](#) FRANKLIN  
ALICE SOUTH HUME, ET AL. **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE SCHRODER –**  
**REVERSING**  
ABRAMSON, J., CONCURS IN  
RESULT ONLY. MINTON, C.J.,  
NOT SITTING.
- Questions Presented:**  
Zoning. Multiple, successive rezoning petitions applying to the same property. Issues include (1) the propriety of considering a new petition while a ruling on a prior petition is on appeal, (2) whether the principle of res judicata applies to the new petition, (3) law of the case considerations, and (4) whether the record should be reviewed as to whether the Fiscal Court ruling was supported by the evidence.
188. SIMON OLIVER V. [2005-SC-000864-MR](#) PERRY  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF**  
**THE COURT – AFFIRMING**  
ABRAMSON, J., CONCURS IN  
RESULT ONLY BY SEPARATE  
OPINION. MINTON, C.J., DISSENTS  
BY SEPARATE OPINION.

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 18, 2008

RELEASED: 10:00 A.M.

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| 189. | RONNIE LEE BOWLING V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>SCHRODER, J., DISSENTS BY<br>SEPARATE OPINION IN WHICH<br>NOBLE, J., JOINS. SARA W. COMBS,<br>SPECIAL JUSTICE, ALSO DISSENTS<br>BY SEPARATE OPINION IN WHICH<br>NOBLE, J., ALSO JOINS. SCOTT AND<br>VENTERS, JJ., NOT SITTING. | <a href="#">2006-SC-000034-MR</a><br><b>NOT TO BE PUBLISHED</b> | LAUREL  |
| 190. | JOHN FRAZIER HOWARD V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b>  | <a href="#">2006-SC-000681-MR</a><br><b>NOT TO BE PUBLISHED</b> | FAYETTE |
| 191. | RUSSELL LEE JONES V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b>  | <a href="#">2007-SC-000147-MR</a><br><b>NOT TO BE PUBLISHED</b> | HARLAN  |
| 192. | JAMES GILLIAM 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-000180-TG</a><br><b>NOT TO BE PUBLISHED</b> | LAUREL  |
| 193. | DENNIS MARTIN MACKIN 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-000184-MR</a><br><b>NOT TO BE PUBLISHED</b> | NELSON  |
| 194. | PEARLY SUE MILLS GAMBREL V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>SCHRODER, J., NOT SITTING.   | <a href="#">2007-SC-000349-MR</a><br><b>NOT TO BE PUBLISHED</b> | KNOX    |

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 18, 2008

RELEASED: 10:00 A.M.

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| 195. | CARROLL WAYNE ALEXANDER V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>SCHRODER, J., CONCURS IN<br>RESULT ONLY. VENTERS, J.,<br>NOT SITTING. | <a href="#">2007-SC-000369-MR</a><br><b>NOT TO BE PUBLISHED</b> | MCCRACKEN                |
| 196. | RINKER MATERIALS CORPORATION V.<br>WILLIAM BRATCHER, ET AL.<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>ABRAMSON, J., NOT SITTING.                                       | <a href="#">2007-SC-000650-WC</a><br><b>NOT TO BE PUBLISHED</b> | FROM COURT<br>OF APPEALS |
| 197. | BOB WILLIAMS 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-000674-MR</a><br><b>NOT TO BE PUBLISHED</b> | MONROE                   |
| 198. | DENTON W. DYER V.<br>M.W. MANUFACTURERS HOLDING<br>CORPORATION, ET AL.<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b>  | <a href="#">2007-SC-000850-WC</a><br><b>NOT TO BE PUBLISHED</b> | FROM COURT<br>OF APPEALS |
| 199. | SCHNEIDER TRANSPORT, INC. V.<br>ROGER EACRET, ET AL.<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b>  | <a href="#">2007-SC-000938-WC</a><br><b>NOT TO BE PUBLISHED</b> | FROM COURT<br>OF APPEALS |
| 200. | DANIEL JOHNSON V.<br>DIAMOND MAY COAL<br>COMPANY, ET AL.<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b>  | <a href="#">2007-SC-000954-WC</a><br><b>NOT TO BE PUBLISHED</b> | FROM COURT<br>OF APPEALS |

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 18, 2008

RELEASED: 10:00 A.M.

201. DONALD H. JOHNSON V. [2006-SC-000548-MR](#) FLOYD  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF**  
**THE COURT – AFFIRMING IN PART**  
**AND VACATING AND REMANDING**  
**IN PART**  
VENTERS, J., NOT SITTING.
202. BRYCE BONNER V. [2006-SC-000437-MR](#) JEFFERSON  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF**  
**THE COURT – AFFIRMING IN PART**  
**AND REVERSING AND REMANDING**  
**IN PART**  
NOBLE, J., DISSENTS BY SEPARATE  
OPINION IN WHICH SCOTT, J., JOINS.
203. MAMMOTH MEDICAL, INC. V. [2008-SC-000048-MR](#) FAYETTE  
HON. KIMBERLY BUNNELL (JUDGE, **NOT TO BE PUBLISHED**  
FAYETTE CIRCUIT COURT), ET AL.  
**MEMORANDUM OPINION OF**  
**THE COURT – REVERSING**  
ABRAMSON, J., CONCURS BY  
SEPARATE OPINION, WITH  
VENTERS, J., JOINING THAT  
OPINION. NOBLE, J., NOT SITTING.

**OPINIONS AND ORDERS – SEPTEMBER 18, 2008**

JARET C. HILL V. 2008-SC-000174-KB IN SUPREME  
KENTUCKY BAR ASSOCIATION COURT  
**ORDER RESTORED MOVANT TO THE**  
**PRACTICE OF LAW WITH CONDITIONS.**

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**SEPTEMBER 18, 2008**

**RELEASED: 10:00 A.M.**

**OPINIONS AND ORDERS – SEPTEMBER 18, 2008**

KENTUCKY BAR ASSOCIATION V. RICHARD KIP CAMERON <b>ORDER PERMANENTLY DISBARRED RESPONDENT FROM THE PRACTICE OF LAW.</b> CUNNINGHAM, J., NOT SITTING	<a href="#">2008-SC-000316-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT
THOMAS MCADAM III V. KENTUCKY BAR ASSOCIATION <b>ORDER PUBLICLY REPRIMANDED MOVANT.</b> VENTERS, J., NOT SITTING	<a href="#">2008-SC-000521-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT
JOSEPH L. ANDERSON V. KENTUCKY BAR ASSOCIATION <b>ORDER PUBLICLY REPRIMANDED AND SUSPENDED MOVANT FROM THE PRACTICE OF LAW FOR 30 DAYS.</b>	<a href="#">2008-SC-000546-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT
PAUL HENRY RILEY, JR. V. KENTUCKY BAR ASSOCIATION <b>ORDER PUBLICLY REPRIMANDED MOVANT WITH CONDITIONS.</b>	<a href="#">2008-SC-000554-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 10, 2008**

NELLIE MEECE, ET AL. V. FELDMAN LUMBER COMPANY	2007-SC-000785-DG	PULASKI
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**SUPREME COURT OF KENTUCKY**

**MINUTES**

**SEPTEMBER 18, 2008**

**RELEASED: 10:00 A.M.**

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 10, 2008**

ROBERT M. BLANKENSHIP, M.D. V. HORACE COLLIER <b>AND</b> CARITAS HEALTH SERVICES, INC., (D/B/A CARITAS MEDICAL CENTER) V. HORACE COLLIER	2007-SC-000916-DG	JEFFERSON
ASSOCIATED INSURANCE SERVICE, INC., ET AL, V. DANIEL GARCIA, M.D., ET AL. <b>AND</b> AON RISK SERVICES INC. OF OHIO, ET AL. V. DANIEL GARCIA, M.D., ET AL.	2007-SC-000921-DG	JEFFERSON
ASSOCIATED INSURANCE SERVICE, INC., ET AL, V. DANIEL GARCIA, M.D., ET AL. <b>AND</b> AON RISK SERVICES INC. OF OHIO, ET AL. V. DANIEL GARCIA, M.D., ET AL.	2008-SC-000037-DG	JEFFERSON
VERONICA JEWELL V. KENTUCKY SCHOOL BOARD ASSOCIATION	2008-SC-000044-DG	JEFFERSON
VERONICA JEWELL V. KENTUCKY SCHOOL BOARD ASSOCIATION	2008-SC-000244-DG	WHITLEY
COMMONWEALTH OF KENTUCKY V. TOMMY LOPEZ	2008-SC-000308-DG	HARDIN
KENTUCKY LOTTERY CORPORATION V. KIMBERLY G. HILL AND ROBERT W. HILL	2008-SC-000380-DG	JEFFERSON

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 10, 2008**

DERMOT HALPIN, ET AL. V. DAVID POWERS, D/B/A BETTER HOMES TECHNOLOGY, ET AL.	2007-SC-000456-D	FAYETTE
COLLEEN JACKSON V. WILLIAM GRANT TULLAR, JR., ET AL.	2007-SC-000469-D	MCCRACKEN



SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 18, 2008

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 10, 2008**

DONNIE THACKER V. CITY OF CRITTENDEN, ET AL.	2007-SC-000637-D	GRANT
CHARLES KELLY V. COMMONWEALTH OF KENTUCKY	2007-SC-000730-D	CRITTENDEN
PERRY COUNTY MEMORIAL HOSPITAL, ET AL. V. MELISSA ELDER, INDIVIDUALLY, AND AS ADMINISTRATRIX OF THE ESTATE OF JOHNATHON ELDER, ET AL. <b>COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.</b>	2007-SC-000741-D	JEFFERSON
MARY SUE MCKINNEY D/B/A PERFORMANCE REALTY V. CITY OF NEWPORT, KENTUCKY <b>COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.</b>	2007-SC-000786-D	CAMPBELL
COMMONWEALTH OF KENTUCKY V. MICHAEL DEAN <b>COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.</b>	2007-SC-000809-D	WAYNE
CARL BROWN V. DEPARTMENT OF CORRECTIONS	2007-SC-000811-D	BOYLE
MICHAEL RICHARD SHEARER V. COMMONWEALTH OF KENTUCKY <b>COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.</b>	2007-SC-000813-D	FAYETTE
JACKIE JAGGERS V. COMMONWEALTH OF KENTUCKY	2007-SC-000816-D	HARDIN

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**SEPTEMBER 18, 2008**

**RELEASED: 10:00 A.M.**

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 10, 2008**

JAMES VESTAL V. JOHN MOTLEY, WARDEN, ET AL. <b>COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.</b>	2007-SC-000843-D	FRANKLIN
KLINT KELLY V. MIKE MILLER, JUDGE/EXECUTIVE, ET AL. <b>COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.</b>	2007-SC-000847-D	MARSHALL
MARY BOURQUE, ET AL. V. CSX TRANSPORTATION, INC.	2007-SC-000856-D	JEFFERSON
REGINALD CRAIG BRANCH V. COMMONWEALTH OF KENTUCKY	2007-SC-000899-D	FAYETTE
TINA TALLMAN, PERSONAL REPRESENTATIVE OF THE ESTATE OF HAROLD G. LEE., DECEASED, ET AL. V. CITY OF ELIZABETHTOWN, ET AL.	2007-SC-000907-D	HARDIN
AF&L INSURANCE COMPANY V. JOYCE DAVENPORT, ADMINISTRATRIX OF THE ESTATE OF DOVIE MUSICK	2007-SC-000943-D	CHRISTIAN
RITA MEREDITH V. CITY OF VERSAILLES	2007-SC-000953-D	WOODFORD
KENT FRANK HILL V. COMMONWEALTH OF KENTUCKY	2008-SC-000057-D	OHIO
LEWIS JEWELL, ET AL. V. CITY OF BARDSTOWN, KENTUCKY, ET AL.	2008-SC-000125-D	NELSON
KELVIN MCCRAY V. COMMONWEALTH OF KENTUCKY	2008-SC-000130-D	JEFFERSON

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 18, 2008

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 10, 2008**

MICHAEL TUMEY V. JANET TUMEY	2008-SC-000131-D	JEFFERSON
BILLY SHEPHERD V. COMMONWEALTH OF KENTUCKY	2008-SC-000155-D	FLOYD
CHARLES BEALL, CO-ADMINISTRATOR OF THE ESTATE OF MICHAEL BEALL, DECEASED, ET AL. V. OAKWOOD COMMUNITY CENTER, D/B/A COMMUNITIES AT OAKWOOD	2008-SC-000168-D	PULASKI
DARREN THOMAS, D/B/A THOMAS & LAWSON CONTRACTING V. STEEPLECHASE SUBDIVISION HOMEOWNERS ASSOCIATION, INC. <b>COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.</b>	2008-SC-000170-D	BOONE
JESSE DAVIS V. COMMONWEALTH OF KENTUCKY	2008-SC-000172-D	FAYETTE
WINSTON WARD JOHNSON V. COMMONWEALTH OF KENTUCKY <b>COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.</b>	2008-SC-000188-D	MONROE
WILLIAM LUDWIG V. LARRY CHANDLER, ET AL.	2008-SC-000197-D	OLDHAM
FRENCH IMPLEMENT COMPANY, INC., AND SENTRY INSURANCE AGENCY, INC. V. JAMES ALAN WILSON, EXECUTOR OF THE ESTATE OF ELIZABETH JEAN WILSON, DECEASED, ET AL.	2008-SC-000208-D	CARLISLE

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**SEPTEMBER 18, 2008**

**RELEASED: 10:00 A.M.**

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 10, 2008**

J.W.C. V. KENTUCKY CABINET FOR HEALTH AND FAMILY SERVICES, ET AL.	2008-SC-00212-DE	FRANKLIN
JAMES D. PAYNE V. COMMONWEALTH OF KENTUCKY	2008-SC-000229-D	CAMPBELL
DANNY RAY MATTHEWS V. COMMONWEALTH OF KENTUCKY	2008-SC-000249-D	JEFFERSON
JAMES HENRY BERRY V. COMMONWEALTH OF KENTUCKY	2008-SC-000255-D	JEFFERSON
AARON WARREN V. COMMONWEALTH OF KENTUCKY	2008-SC-000276-D	GRAYSON
RONALD B. HUB V. THE KROGER COMPANY	2008-SC-000284-D	FRANKLIN
JAMES M. HARRIS V. COMMONWEALTH OF KENTUCKY	2008-SC-000320-D	JEFFERSON
LARRY MCINTOSH, ET AL. V. OLDHAM COUNTY BOARD OF EDUCATION	2008-SC-000322-D	OLDHAM
DEBORAH BALL V. LOUIS BALL	2008-SC-000325-D	CAMPBELL
SAMUEL MCMILLEN V. COMMONWEALTH OF KENTUCKY	2008-SC-000328-D	HARDIN
DONALD R. FIELDS V. COMMONWEALTH OF KENTUCKY	2008-SC-000330-D	FAYETTE

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**SEPTEMBER 18, 2008**

**RELEASED: 10:00 A.M.**

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 10, 2008**

THOMAS PENNINGTON, ET AL. V. GREENUP COUNTY BOARD OF EDUCATION AND TRACEY KELLEY <b>COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.</b>	2008-SC-000365-D	GREENUP
MICHAEL WAYNE LONG V. LARRY CHANDLER, WARDEN	2008-SC-000445-D	OLDHAM
KATHY GILMET V. RODNEY SHANE GILMET	2008-SC-000455-DE	OLDHAM
S.K. V. CABINET FOR HEALTH AND FAMILY SERVICES, COMMONWEALTH OF KENTUCKY	2008-SC-000501-DE	FAYETTE

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE  
MOTION FOR DISCRETIONARY REVIEW – SEPTEMBER 9, 2008**

RICHARD CRAWFORD V. EXTENDED STAY AMERICA, LLC	2008-SC-000568-D	FAYETTE
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**COURT ORDERS GRANTING MOTION TO TRANSFER – SEPTEMBER 18, 2008**

GALLATIN HEALTH CARE, LLC, ET AL. V. JULIE MCPEAK, ET AL.	2008-SC-000381-TG	FRANKLIN
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**SUPREME COURT OF KENTUCKY**

**MINUTES**

**SEPTEMBER 18, 2008**

**RELEASED: 10:00 A.M.**

**COURT ORDERS DENYING PETITION FOR REHEARING – SEPTEMBER 18, 2008**

BARNEY JONES, INDIVIDUALLY AND AS SHERIFF OF BARREN COUNTY; AND UNKNOWN INSURANCE CARRIER OF BARNEY JONES V. JASON H. CROSS; MITZI R. CROSS; AND CHRISTOPHER A. SPRADLIN	2005-SC-000854-DG 2006-SC-000164-DG	BARREN
BEVERLY CLAY V. COMMONWEALTH OF KENTUCKY	2006-SC-000380-MR	GREENUP
CHRISTIE RICHARDSON V. LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT	2006-SC-000502-DG	JEFFERSON
WILLIAM RYAN DIXON V. COMMONWEALTH OF KENTUCKY	2006-SC-000682-MR	GREENUP
UNINSURED EMPLOYERS' FUND V. CITY OF SALYERSVILLE, ET AL.	2007-SC-000183-WC	FROM COURT OF APPEALS
BRAD COFFMAN V. DEBRA RANKIN	2007-SC-000348-DGE	HARDIN
MILLERSBURG MILITARY INSTITUTE V. JULIAN PUCKETT, ET AL.	2007-SC-000549-WC	FROM COURT OF APPEALS

**COURT ORDERS DISMISSING**

JEWELL ROBBINS V. HON. THOMAS WINGATE, JUDGE, FRANKLIN CIRCUIT COURT, ET AL. <b>ENTERED: AUGUST 28, 2008</b>	2008-SC-000527-MR	FRANKLIN
JAMES V. GAY, ET AL. V. JOYCE DAVIS, ET AL. <b>ENTERED: AUGUST 22, 2008</b>	2008-SC-000561-D	MONTGOMERY

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**SEPTEMBER 18, 2008**

**RELEASED: 10:00 A.M.**

**COURT ORDERS**

ROBERT (BOB) TERRY V. [2005-SC-000749-MR](#) OWSLEY  
COMMONWEALTH OF KENTUCKY  
**ORDER CORRECTED MEMORANDUM  
OPINION OF THE COURT, RENDERED  
DECEMBER 20, 2007, AND MODIFIED  
JUNE 13, 2008, BY SUBSTITUTION  
OF PAGES 1 AND 18.**  
ENTERED: AUGUST 26, 2008

COMMONWEALTH OF KENTUCKY, [2006-SC-000454-DG](#) JEFFERSON  
TRANSPORTATION CABINET,  
DEPARTMENT OF HIGHWAYS V.  
SHANNON D. SEXTON, ET AL.  
**ORDER CORRECTED OPINION OF THE  
COURT BY JUSTICE MINTON, RENDERED  
JUNE 19, 2008, BY SUBSTITUTION  
OF PAGES 1 AND 3.**  
ENTERED: AUGUST 26, 2008

ROBERT LAMONT PENNINGTON V. 2006-SC-000861-DG MCCRACKEN  
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 IS HEREBY  
AFFIRMED AND SHALL NOT BE  
PUBLISHED.**  
ENTERED: AUGUST 20, 2008

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**SEPTEMBER 18, 2008**

**RELEASED: 10:00 A.M.**

**COURT ORDERS**

<b>KENTUCKY BAR ASSOCIATION V. NICHOLAS G. HAWKINS ORDER GRANTED MOTION TO RECONSIDER AND MODIFIED THE OPINION AND ORDER RENDERED MARCH 20, 2008, BY SUBSTITUTION OF PAGES 1 AND 5. ENTERED: SEPTEMBER 18, 2008</b>	<a href="#"><u>2007-SC-000849-KB</u></a>	<b>IN SUPREME COURT</b>
<b>KENTUCKY BAR ASSOCIATION V. THOMAS JOSEPH GRADY ORDER MODIFIED OPINION AND ORDER, ENTERED AUGUST 21, 2008, BY SUBSTITUTION OF PAGES 1, 3 AND 4. ENTERED: AUGUST 22, 2008</b>	<a href="#"><u>2008-SC-000307-KB</u></a>	<b>IN SUPREME COURT</b>
<b>KENTUCKY BAR ASSOCIATION V. ERIC LAMAR EMERSON ORDER MODIFIED OPINION AND ORDER, ENTERED AUGUST 21, 2008, BY SUBSTITUTION OF PAGES 1 AND 2. ENTERED: AUGUST 22, 2008</b>	<a href="#"><u>2008-SC-000353-KB</u></a>	<b>IN SUPREME COURT</b>
<b>CARLOS FAULKNER V. COMMONWEALTH OF KENTUCKY ORDER DENIED MOTION TO REINSTATE AND PERFECT A BELATED APPEAL. ENTERED: SEPTEMBER 9, 2008</b>	2008-SC-000414-MR	<b>KENTON</b>



**SUPREME COURT OF KENTUCKY**

**MINUTES**

**SEPTEMBER 18, 2008**

**RELEASED: 10:00 A.M.**

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

BYRON LAMAR VICKERY V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 26, 2008</b>	2008-SC-000607-KB	IN SUPREME COURT
KELLY J. SMITS V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 11, 2008</b>	2008-SC-000648-KB	IN SUPREME COURT
REIKO FUKUSHIMA V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 15, 2008</b>	2008-SC-000655-KB	IN SUPREME COURT
WILLIAM JAMES ANNEXSTAD V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 15, 2008</b>	2008-SC-000656-KB	IN SUPREME COURT
AMY ELIZABETH FORTE V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 15, 2008</b>	2008-SC-000657-KB	IN SUPREME COURT
SARAH STUMP KOLB V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 16, 2008</b>	2008-SC-000663-KB	IN SUPREME COURT
IRMA JULIA MONCLOVA-RODRIGUEZ V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 16, 2008</b>	2008-SC-000664-KB	IN SUPREME COURT
JILL RENEE PITSENBARGER V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 16, 2008</b>	2008-SC-000665-KB	IN SUPREME COURT

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KENTUCKY BAR ASSOCIATION –**

WAYNE DAVID STRAIT V.  
KENTUCKY BAR ASSOCIATION  
**ENTERED: SEPTEMBER 16, 2008**

2008-SC-000666-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)