

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 22, 2005

RELEASED: 2:00 P.M.

- | | | | |
|------|---|--|--------------------|
| 215. | RANDY KURTZ V.
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT
BY JUSTICE GRAVES – <u>VACATING
AND REMANDING FOR A NEW TRIAL.</u>
ROACH AND WINTERSHEIMER, J.J.,
CONCUR IN RESULT ONLY. | <u>2004-SC-000650-MR</u>
TO BE PUBLISHED | BARREN |
| 216. | DAVID LEROY SKAGGS V.
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
JUSTICE COOPER – <u>REMANDING.</u>
WINTERSHEIMER, J., DISSENTS BY
SEPARATE OPINION. | <u>2002-SC-000436-MR</u>
TO BE PUBLISHED | BARREN |
| 217. | FELICIA DONISE HEARD V.
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
JUSTICE SCOTT – <u>REMANDING.</u> | <u>2003-SC-001031-DG</u>
TO BE PUBLISHED | FAYETTE |
| 218. | COMMONWEALTH OF KENTUCKY V.
OTHANIEL CANTRELL NOURSE
AND
OTHANIEL CANTRELL NOURSE V.
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
JUSTICE GRAVES – <u>AFFIRMING.</u>
WINTERSHEIMER, J., CONCURS IN
PART AND DISSENTS IN PART. | <u>2003-SC-000220-MR</u>
TO BE PUBLISHED

<u>2003-SC-000221-MR</u>
TO BE PUBLISHED | LOGAN

LOGAN |
| 219. | TERRY GOFF V
LAURA ANDREWS GOFF
OPINION OF THE COURT BY
CHIEF JUSTICE LAMBERT –
<u>AFFIRMING.</u> | <u>2003-SC-000477-DG</u>
TO BE PUBLISHED | WARREN |

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 22, 2005

RELEASED: 2:00 P.M.

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| 220. | ANTHONY MONROE POTTS V.
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
JUSTICE COOPER – <u>AFFIRMING.</u> | <u>2003-SC-00500-MR</u>
TO BE PUBLISHED | MONTGOMERY |
| 221. | COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION
CABINET V.
KENTEC COAL CO., INC.
OPINION OF THE COURT BY
JUSTICE SCOTT – <u>AFFIRMING.</u>
COOPER, J., CONCURS IN PART
AND DISSENTS IN PART BY SEPARATE
OPINION WITH JOHNSTONE AND ROACH,
J.J., JOINING THAT OPINION. ROACH, J.,
DISSENTS BY SEPARATE OPINION WITH
COOPER AND JOHNSTONE, J.J., JOINING
THAT OPINION. | <u>2003-SC-000622-DG</u>
TO BE PUBLISHED | FRANKLIN |
| 222. | STEVEN BRAY V.
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
JUSTICE COOPER – <u>AFFIRMING.</u> | <u>2003-SC-000656-MR</u>
TO BE PUBLISHED | CHRISTIAN |
| 223. | MARGARET COOMER V.
CHARLIE PHELPS, ET AL
OPINION OF THE COURT BY
JUSTICE ROACH – <u>AFFIRMING.</u> | <u>2004-SC-000294-DG</u>
TO BE PUBLISHED | PULASKI |
| 224. | STEVEN WILLIAMS, DECEASED,
ET AL V.
WHITE CASTLE SYSTEMS, INC.,
ET AL
OPINION OF THE COURT -
<u>AFFIRMING.</u> | <u>2004-SC-001048-WC</u>
TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 225. | BILLY BAKER PAINTING V.
DANIEL BARRY, ET AL
OPINION OF THE COURT –
<u>AFFIRMING.</u> | <u>2005-SC-000029-WC</u>
TO BE PUBLISHED | FROM COURT
OF APPEALS |

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 22, 2005

RELEASED: 2:00 P.M.

226. AETNA CASUALTY & SURETY COMPANY, ET AL V. COMMONWEALTH OF KENTUCKY, NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET, ET AL AND WESTINGHOUSE HITTMAN NUCLEAR, INC., ET AL V. AETNA CASUALTY & SURETY COMPANY, ET AL AND ATCOR, INC., ET AL V. AETNA CASUALTY & SURETY COMPANY, ET AL
OPINION OF THE COURT BY JUSTICE SCOTT – AFFIRMING IN PART AND REVERSING IN PART.
COOPER, J., DISSENTS BY SEPARATE OPINION WITH ROACH, J., JOINING THAT OPINION EXCEPT FOR ITS RELIANCE ON SECTION 2 OF THE CONSTITUTION OF KENTUCKY.
- [2002-SC-000307-DG](#)
TO BE PUBLISHED
- JEFFERSON
- [2003-SC-000407-DG](#)
TO BE PUBLISHED
- JEFFERSON
- [2003-SC-000408-DG](#)
TO BE PUBLISHED
- JEFFERSON
227. JASPER POLLINI V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE GRAVES – AFFIRMING IN PART; REVERSING IN PART.
COOPER, J., CONCURS IN A SEPARATE OPINION IN WHICH JOHNSTONE, J., JOINS. SCOTT, J., DISSENTS IN A SEPARATE OPINION IN WHICH LAMBERT C., AND WINTERSHEIMER J., JOIN.
- [2003-SC-000552-MR](#)
TO BE PUBLISHED
- JEFFERSON

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 22, 2005

RELEASED: 2:00 P.M.

228. MEGAN BENTLEY, ET AL V. [2003-SC-001051-DG](#) GREENUP
DAVID BENTLEY TO BE PUBLISHED
**OPINION OF THE COURT BY
JUSTICE COOPER – AFFIRMING IN
PART AND REVERSING IN PART.**
ROACH, J., CONCURS BY SEPARATE
OPINION, WITH GRAVES, J., JOINING
THAT CONCURRING OPINION,
229. BILLY AKERS V. [2003-SC-001049-DG](#) PIKE
COMMONWEALTH OF KENTUCKY TO BE PUBLISHED
**OPINION OF THE COURT BY
JUSTICE JOHNSTONE –
AFFIRMING IN PART, REVERSING
IN PART, AND REMANDING.**
WINTERSHEIMER, J., DISSENTS
BECAUSE THE DISCOVERY VIOLATION
DID NOT REQUIRE A MISTRIAL AND
VACATION IS UNWARRANTED.
330. NICOLA (BROWN) GRAY V. [2004-SC-001027-WC](#) FROM COURT
TRIMMASTER, ET AL TO BE PUBLISHED OF APPEALS
**OPINION OF THE COURT –
AFFIRMING IN PART, REVERSING
IN PART, AND REMANDING.**

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 22, 2005

RELEASED: 2:00 P.M.

331. COMMONWEALTH OF KENTUCKY, [2003-SC-000556-DG](#) MADISON
TRANSPORTATION CABINET, **TO BE PUBLISHED**
DEPARTMENT OF HIGHWAYS V.
ROBIN L. BABBITT, ET AL
AND
BRANDON TAYLOR, ETC. V. [2003-SC-000586-DG](#) DAVIESS
COMMONWEALTH OF KENTUCKY, **TO BE PUBLISHED**
DEPARTMENT OF HIGHWAYS,
TRANSPORTATION CABINET, ET AL
OPINION OF THE COURT BY
JUSTICE COOPER – AFFIRMING IN
PART, AND REVERSING AND
REMANDING IN PART AS TO 2003-SC
-556-DG AND REVERSING AND
REMANDING AS TO 2003-SC-
586-DG.
232. DAVID LEE ROBINSON V. [2004-SC-000050-MR](#) GRAYSON
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE SCOTT – AFFIRMING IN
PART AND REVERSING AND
REMANDING IN PART.
233. KENTUCKY FARM BUREAU V. [2002-SC-001044-DG](#) LINCOLN
TINA RODGERS, NOW JOHNSON **TO BE PUBLISHED**
OPINION OF THE COURT –
REVERSING AND REMANDING.
LAMBERT, C.J., DISSENTS BY
SEPARATE OPINION, WITH SCOTT,
AND WINTERSHEIMER, JJ., JOINING
THAT DISSENTING OPINION.
WINTERSHEIMER, J., DISSENTS BY
SEPARATE OPINION, WITH LAMBERT,
C.J., AND SCOTT, J., JOINING THAT
DISSENTING OPINION.

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 22, 2005

RELEASED: 2:00 P.M.

234. WILLIAM ALEXANDER MAJOR V. [2003-SC-000673-MR](#) BOONE
COMMONWEALTH OF KENTUCKY TO BE PUBLISHED
**OPINION OF THE COURT BY
JUSTICE SCOTT – REVERSING
AND REMANDING.**
COOPER, J., CONCURS IN PART AND
DISSENTS IN PART BY SEPARATE
OPINION WITH JOHNSTONE, J., JOINING
THAT OPINION. ROACH, J., DISSENTS BY
SEPARATE OPINION WITH GRAVES AND
WINTERSHEIMER, JJ., JOINING THAT
OPINION. WINTERSHEIMER, J., DISSENTS
BY SEPARATE OPINION.
235. LISA ANN THOMPSON V. [2004-SC-000062-DG](#) CARTER
PAUL RICHARD THOMPSON TO BE PUBLISHED
**OPINION OF THE COURT BY
CHIEF JUSTICE LAMBERT –
REVERSING AND REMANDING.**
JOHNSTONE, J., DISSENTS BY
SEPARATE OPINION IN WHICH
SCOTT AND WINTERSHEIMER,
JJ., JOIN.
236. JAMES ANTHONY DENO V. [2004-SC-000233-MR](#) JESSAMINE
COMMONWEALTH OF KENTUCKY TO BE PUBLISHED
**OPINION OF THE COURT BY
CHIEF JUSTICE LAMBERT –
REVERSING AND REMANDING.**
237. TOMMIE LEE PATTERSON V. [2003-SC-000646-DG](#) MCCracken
THOMAS C. BLAIR, JR., ET AL TO BE PUBLISHED
**OPINION OF THE COURT BY
JUSTICE ROACH – REVERSING.**
GRAVES, J., NOT SITTING.

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 22, 2005

RELEASED: 2:00 P.M.

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| 238. | KENTUCKY RETIREMENT SYSTEMS BOARD OF TRUSTEES V.
H. DENNIS HALFHILL
OPINION OF THE COURT BY JUSTICE GRAVES – <u>REVERSING.</u>
ROACH, J., NOT SITTING.
WINTERSHEIMER, J., DISSENTS BY SEPARATE OPINION. | 2003-SC-000771-DG
TO BE PUBLISHED | FRANKLIN |
| 239. | JOSEPH JAMAR SHERRILL V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING.</u> | 2003-SC-000260-MR
NOT TO BE PUBLISHED | MCCRACKEN |
| 240. | JAMES GOWANS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING.</u> | 2003-SC-000401-MR
NOT TO BE PUBLISHED | FAYETTE |
| 241. | BILLY RAY CARROLL V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING.</u> | 2003-SC-000566-MR
NOT TO BE PUBLISHED | KENTON |
| 242. | MORTAVIUS LATA MITCHELL V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING.</u>
JOHNSTONE, J., CONCURS IN RESULT ONLY. | 2003-SC-000670-MR
NOT TO BE PUBLISHED | FAYETTE |
| 243. | WILLIAM E. BOWEN, JR. V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING.</u> | 2003-SC-000744-MR
NOT TO BE PUBLISHED | BULLITT |
| 244. | RICHARD EWING V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING.</u> | 2003-SC-001059-MR
NOT TO BE PUBLISHED | BULLITT |

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 22, 2005

RELEASED: 2:00 P.M.

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| 245. | DANIEL HAYES V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT - <u>AFFIRMING.</u> | 2004-SC-000109-MR
NOT TO BE PUBLISHED | MCCRACKEN |
| 246. | CARTER GAFFNEY V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT - <u>AFFIRMING.</u> | 2004-SC-000144-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 247. | COREY MCCARY V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT - <u>AFFIRMING.</u> | 2004-SC-000277-MR
NOT TO BE PUBLISHED | GRAVES |
| 248. | DAVID WAYNE KING V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT - <u>AFFIRMING.</u> | 2004-SC-000322-MR
NOT TO BE PUBLISHED | GRAYSON |
| 249. | JAMES ROY TUCKER V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT - <u>AFFIRMING.</u> | 2004-SC-000411-MR
NOT TO BE PUBLISHED | FAYETTE |
| 250. | KELVIN QUARLES V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT - <u>AFFIRMING.</u> | 2004-SC-000439-MR
NOT TO BE PUBLISHED | MCCRACKEN |
| 251. | STEVE ELDRIDGE V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT - <u>AFFIRMING.</u> | 2004-SC-000475-MR
NOT TO BE PUBLISHED | WOLFE |
| 252. | JORGE LUIS TAMAYO-MORA V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT - <u>AFFIRMING.</u> | 2004-SC-000510-MR
NOT TO BE PUBLISHED | JEFFERSON |

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 22, 2005

RELEASED: 2:00 P.M.

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| 253. | BRUCE DEWAYNE HALEY V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u> | 2004-SC-000716-MR
NOT TO BE PUBLISHED | BELL |
| 254. | ROBERT JOHN HUMMEL, SR., V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u> | 2004-SC-000762-MR
NOT TO BE PUBLISHED | MCCRACKEN |
| 255. | HENRY THOMAS SMITH V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u> | 2004-SC-000890-MR
NOT TO BE PUBLISHED | KENTON |
| 256. | PLASTIC PRODUCTS COMPANY,
INC., AS INSURED BY UNDER-
WRITERS' SAFETY AND CLAIMS V.
JEFF HOOTS, ET AL
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u> | 2004-SC-000979-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 257. | MELVIN BROWN V.
HON. LISABETH HUGHES
ABRAMSON, JUDGE, JEFFERSON
CIRCUIT COURT, ET AL
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u> | 2005-SC-000396-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 258. | GARY HAVEN MILLS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING IN PART AND
REVERSING AND REMANDING IN PART.</u> | 2004-SC-000140-MR
NOT TO BE PUBLISHED | JOHNSON |

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 22, 2005

RELEASED: 2:00 P.M.

259. CHARLES CRUMES V. [2003-SC-000336-MR](#) KENTON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF THE
COURT – REVERSING AND REMANDING.
WINTERSHEIMER, J., DISSENTS BY
SEPARATE OPINION, WITH LAMBERT, C.J.,
JOINING THAT DISSENTING OPINION.

OPINIONS AND ORDERS

JOHN D. ROGERS V. 2003-SC-000329-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT
OPINION AND ORDER DENYING
REINSTATEMENT.
ENTERED: SEPTEMBER 22, 2005

BRYAN L. REINHARDT V. 2004-SC-000377-MR LOGAN
COMMONWEALTH OF KENTUCKY 2004-SC-000911-TG
OPINION AND ORDER GRANTING
MOTION FOR SUMMARY DISPOSITION.
ENTERED: SEPTEMBER 16, 2005

KENTUCKY BAR ASSOCIATION V. [2005-SC-000548-KB](#) IN SUPREME
GREGORY A. GABBARD **TO BE PUBLISHED** COURT
OPINION AND ORDER SUSPENDING
RESPONDENT FROM THE PRACTICE
OF LAW IN KENTUCKY FOR A PERIOD
OF ONE YEAR.
ENTERED: SEPTEMBER 22, 2005

KENTUCKY BAR ASSOCIATION V. [2005-SC-00549-KB](#) IN SUPREME
JEFFREY LEE WADE **TO BE PUBLISHED** COURT
OPINION AND ORDER SUSPENDING
RESPONDENT FROM THE PRACTICE
OF LAW FOR A PERIOD OF 5 YEARS.
GRAVES, J., WOULD TAKE REVIEW AND
VOTE TO DISBAR RESPONDENT.
ENTERED: SEPTEMBER 22, 2005

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 22, 2005

RELEASED: 2:00 P.M.

OPINIONS AND ORDERS

INQUIRY COMMISSION V.
STEPHEN P. ROBEY, ESQ.
**OPINION AND ORDER TEMPORARILY
SUSPENDING RESPONDENT FROM
THE PRACTICE OF LAW IN THE
COMMONWEALTH OF KENTUCKY.**
ENTERED: SEPTEMBER 22, 2005

[2005-SC-000573-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW – SEPTEMBER 14, 2005

BITUMINOUS CASUALTY
CORPORATION V.
KENWAY CONTRACTING, INC., JUDY
TURNER, NEAL TURNER AND INTEGRA
BANK, N.A.

2005-SC-000013-DG

WARREN

DEBRA DOWELL AND TAMATHA
HASTING V.
SAFE AUTO INSURANCE COMPANY

2005-SC-000153-DG

JEFFERSON

PATTI WEBB; LIGGET MORRIS; ET AL. V.
BRIAN SHARP AND DONTRAE THOMAS

2005-SC-000271-DG

MUHLENBERG

COMMONWEALTH OF KENTUCKY V.
GERALD YOUNG

2005-SC-000556-DG

FAYETTE

COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW – SEPTEMBER 14, 2005

BOURBON COUNTY BOARD OF
EDUCATION V.
ARNOLD WOODROW CARTER AND JAMIE
SMITH

2004-SC-000958-D

BOURBON

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 22, 2005

RELEASED: 2:00 P.M.

COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW – SEPTEMBER 14, 2005

GRAND COMMUNITIES, LTD., ET AL. V. DONALD L. STEPNER	2004-SC-000985-D	BOONE
CHARLES TOMMIE GRAY, JR. V. COMMONWEALTH OF KENTUCKY	2004-SC-000993-D	FAYETTE
GERALD COMBERGER V. THE DREES COMPANY	2004-SC-001036-D	BOONE
MIDWESTERN INSURANCE ALLIANCE, INC. V. H. DOUGLAS JONES AND GREENBAUM DOLL & MCDONALD, PLLC	2004-SC-001057-D	JEFFERSON
STEVE EDWARDS AND RICHARD ALLEN EDWARDS V. COMMONWEALTH OF KENTUCKY	2004-SC-001063-D	GREEN
COREN ESTES V. CARPENTER COMPANY; JIM GUTHRIE; ET AL.	2004-SC-001100-D	LOGAN
A & A MECHANICAL, INC. V. THOMAS & BETTS CORPORATION, INC., AND ARMOUR ENTERPRISES COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.	2004-SC-001130-D	JEFFERSON
HURSTBOURNE HEALTHCARE, LLC V. CONSECO FINANCE SERVICING CORPORATION, F/K/A GREEN TREE FINANCIAL SERVICING CORPORATION	2005-SC-000003-D	JEFFERSON

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 22, 2005

RELEASED: 2:00 P.M.

COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW – SEPTEMBER 14, 2005

GRAOCH ASSOCIATES #73 LIMITED PARTNERSHIP V. LAKEVIEW ESTATES LAKE ASSOCIATION, INC. COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.	2005-SC-000018-D	FAYETTE
TERRY WEDDING V. COMMONWEALTH OF KENTUCKY	2005-SC-000028-D	MUHLENBERG
HAMILTON MUTUAL INSURANCE COMPANY V. GOLDEN RULE PUBLISHERS; ET AL.	2005-SC-000051-D	PULASKI
DONALD LEMONS V. COMMONWEALTH OF KENTUCKY	2005-SC-000053-D	JEFFERSON
DONALD W. WOLTER, LAWRENCE J. WOLTER; ET AL. V. US BANKCORP	2005-SC-000054-D	MARSHALL
NELSON MOSS V. DONZELLA MOSS COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.	2005-SC-000069-D	JEFFERSON
H. JOSEPH SCHUTTE AND BETTY SCHUTTE V. WILLIAM J. CHAMBERS, EXECUTOR OF THE ESTATE OF DEBORAH C. BELL; ET AL.	2005-SC-000071-D	JEFFERSON
GAYLA CISSELL, INDIVIDUALLY, ET AL. V. BOARD OF COMMISSIONERS OF THE CITY OF BOWLING GREEN, KENTUCKY, ET AL.	2005-SC-000076-D	WARREN

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 22, 2005

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COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW – SEPTEMBER 14, 2005

BILLY CARL UTLEY V. COMMONWEALTH OF KENTUCKY	2005-SC-000095-D	UNION
B.P., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY	2005-SC-000099-D	LAUREL
N.B.S., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY	2005-SC-000108-D	JOHNSON
AZHAR MASOOD, M.D. V. KENTUCKY BOARD OF MEDICAL LICENSURE	2005-SC-000117-D	JEFFERSON
J.J.B. HILLIARD, W.L. LYONS, INC. (D/B/A PNC INVESTMENTS) V. MICHAELENA MILLER, ET AL.	2005-SC-000143-D	OLDHAM
RONALD LAKIN DOWNS, JR. V. COMMONWEALTH OF KENTUCKY	2005-SC-000157-D	MONTGOMERY
GREGORY ALLEN CONN V. COMMONWEALTH OF KENTUCKY	2005-SC-000158-D	MEADE
SUE EDMONDSON V. BONNIE ROBERSON	2005-SC-000171-D	JEFFERSON
J.B., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY	2005-SC-000186-D	LAUREL
JEREMY B. LYNN V. SUSAN PEPPERS	2005-SC-000191-D	CHRISTIAN
THOMAS MITCHELL V. COMMONWEALTH OF KENTUCKY	2005-SC-000202-D	ROWAN
BOBBY NOBLE V. NATHAN MILLER AND LOLA MILLER	2005-SC-000218-D	PERRY

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 22, 2005

RELEASED: 2:00 P.M.

COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW – SEPTEMBER 14, 2005

CHRISTOPHER W. MEREDITH V. LARRY CHANDLER, WARDEN, KENTUCKY STATE REFORMATORY	2005-SC-000264-D	OLDHAM
MARIE AQEL V. MOHAMMED AQEL	2005-SC-000269-D	KENTON
UNIFIED FOODSERVICE PURCHASING CO-OP, LLC, ET AL. V. ANN MICHELLE GREENWELL COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.	2005-SC-000288-D	JEFFERSON
LESLIE R. YOUNG V. COMMONWEALTH OF KENTUCKY	2005-SC-000311-D	MCCREARY
MAGNUM DRILLING OF OHIO, INC., ET AL. V. RAYMOND W. STARR, JR.	2005-SC-000314-D	LAWRENCE
TERRY G. HELM V. COMMONWEALTH OF KENTUCKY	2005-SC-000353-D	LYON
JAMES FRANKLIN PAYTON, JR. V. COMMONWEALTH OF KENTUCKY	2005-SC-000375-D	JEFFERSON
NORMA J. BEATTY, ET AL. V. MELODY LAKE RANCH CLUB, INC.	2005-SC-000378-D	NELSON
OLIVER B. QUILLEN V. JAMES HERALD	2005-SC-000385-D	LETCHER
RICHARD ALLEN MARSHALL, JR. V. COMMONWEALTH OF KENTUCKY	2005-SC-000398-D	FAYETTE
MICHAEL W. HAYS V. COMMONWEALTH OF KENTUCKY	2005-SC-000408-D	JEFFERSON

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 22, 2005

RELEASED: 2:00 P.M.

COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW – SEPTEMBER 14, 2005

HARRIS TERRY, ETC., ET AL. V. JAMES FAULTEROY SMITH, ET AL.	2005-SC-000416-D	HOPKINS
LARRY R. ORDWAY V. COMMONWEALTH OF KENTUCKY	2005-SC-000445-D	JEFFERSON
VADA ANN CONLEY V. DANNY KEITH CONLEY	2005-SC-000452-D	JOHNSON
THOMAS M. THOMPSON V. COMMONWEALTH OF KENTUCKY	2005-SC-000453-D	MONTGOMERY
C.N., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY	2005-SC-000457-D	UNION
HERBERT MARSHALL CAUDILL V. FRANK D. SMITH; PAUL JOSEPH STRAIN; ET AL.	2005-SC-000467-D	JESSAMINE
TONYA FLETCHER V. KENTUCKY NATIONAL INSURANCE COMPANY	2005-SC-000485-D	JEFFERSON
WILLIAM SHANNON BALDRIDGE V. COMMONWEALTH OF KENTUCKY	2005-SC-000497-D	GREENUP
ROXAN PHILLIPS V. COMMONWEALTH OF KENTUCKY	2005-SC-000501-D	WHITLEY
AMY O. BADHAM (NOW OAKLEY) V. WILLIAM TERRY BADHAM, II	2005-SC-000506-D	FRANKLIN
PAUL WILLIAM LEWIS V. LARRY CHANDLER, WARDEN	2005-SC-000535-D	OLDHAM
JESS HENSLEY V. COMMONWEALTH OF KENTUCKY	2005-SC-000552-D	HARLAN

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 22, 2005

RELEASED: 2:00 P.M.

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF
TIME TO FILE A MOTION FOR DISCRETIONARY REVIEW**

ERRIC CURRY V. COMMONWEALTH OF KENTUCKY ENTERED: SEPTEMBER 6, 2005	2005-SC-000541-D	JEFFERSON
MELISSA J. BENNETT V. R. CRAIG REINHARDT, ET AL. ENTERED: SEPTEMBER 13, 2005	2005-SC-000605-D	WHITLEY

COURT ORDERS GRANTING MOTION TO TRANSFER

DANA SEUM STEPHENSON V. VIRGINIA L. WOODWARD, ET AL AND	2005-SC-000603-T	FRANKLIN
DAVID L. WILLIAMS, ETC., V. VIRGINIA L. WOODWARD, ET AL AND	2005-SC-000604-T	FRANKLIN
VIRGINIA L. WOODWARD V. DANA SEUM STEPHENSON, ET AL ENTERED: AUGUST 31, 2005	2005-SC-000645-T	FRANKLIN

COURT ORDERS DENYING MOTION TO TRANSER

DAVID ALAN HARNISH V. BARBARA KAY HARNISH	2005-SC-000417-T	FROM COURT OF APPEALS
DANA SEUM STEPHENSON V. VIRGINIA WOODWARD, ET AL AND	2005-SC-000464-T	FRANKLIN
DAVID L. WILLIAMS, ETC., V. VIRGINIA L. WOODWARD, ET AL ENTERED: AUGUST 31, 2005	2005-SC-000477-T	FRANKLIN

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 22, 2005

RELEASED: 2:00 P.M.

COURT ORDERS DENYING MOTION TO TRANSFER

WARREN P. ROGERS; KENTUCKY-AMERICAN WATER COMPANY; ET AL. V. LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT; BLUEGRASS FLOW, INC.; ET AL.	2005-SC-000698-T	FROM COURT OF APPEALS
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COURT ORDERS DENYING PETITION FOR REHEARING ENTERED SEPTEMBER 22, 2005.

JOHN MILLS V. COMMONWEALTH OF KENTUCKY	2002-SC-000216-MR	KNOX
VINCENT C. STOPHER V. F. KENNETH CONLIFFE, JUDGE JEFFERSON CIRCUIT COURT	2003-SC-000710-OA	IN SUPREME COURT
MARK LEO THOMAS V. COMMONWEALTH OF KENTUCKY	2003-SC-000989-MR	JEFFERSON

COURT ORDERS

WILLIAM VERNON MATTHEWS V. COMMONWEALTH OF KENTUCKY COURT ORDER MODIFYING OPINION RENDERED MAY 19, 2005 SHALL BE MODIFIED BY CHANGING THE VICTIM'S NAME. ENTERED: AUGUST 25, 2004	2003-SC-000378-MR	ROWAN
RODNEY HALLGATH, ET AL. V. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY COURT ORDER DISMISSING APPEAL. ENTERED: SEPTEMBER 14, 2005	2004-SC-000850-DG	KENTON

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 22, 2005

RELEASED: 2:00 P.M.

COURT ORDERS

BRIAN LANTER V.
KENTUCKY STATE POLICE, ET AL
**COURT ORDER CORRECTING OPINION
BY SUBSTITUTION OF A NEW PAGE 8.**
ENTERED: AUGUST 29, 2005

[2004-SC-000872-WC](#)

FROM COURT
OF APPEALS

IN RE: JUDICIAL ETHICS OPINION JE-106
**COURT ORDER VACATING JUDICIAL
OPINION, JE-106.**
ENTERED: SEPTEMBER 15, 2005

NATHAN EDWARD JOHNSON V.
COMMONWEALTH OF KENTUCKY
COURT ORDER DISMISSING APPEAL.
ENTERED: AUGUST 24, 2005

2005-SC-000336-MR

FAYETTE

JOE R. TURNER V.
WILLIAM R. HARRIS, JUDGE, ALLEN
CIRCUIT COURT
**COURT ORDER DENYING MOTION
TO REINSTATE APPEAL.**
ENTERED: SEPTEMBER 14, 2005.

2005-SC-000393-MR

ALLEN

MATTHEW BOWEN BLEEMEL V.
HON. THOMAS B. WINE, JUDGE
JEFFERSON CIRCUIT COURT, ET AL
COURT ORDER DISMISSING APPEAL.
ENTERED: AUGUST 24, 2005

2005-SC-000447-OA

JEFFERSON

KEM FLANNERY V.
COMMONWEALTH OF KENTUCKY
**COURT ORDER DENYING MOTION
FOR ENLARGEMENT OF TIME TO
FILE A NOTICE OF APPEAL.**
ENTERED: SEPTEMBER 13, 2005.

2005-SC-000482-MR

FAYETTE

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 22, 2005

RELEASED: 2:00 P.M.

COURT ORDERS

COMMONWEALTH OF KENTUCKY V. ANDRE FANT ORDER DENYING MOTION FOR CERTIFICATION OF LAW. ENTERED SEPTEMBER 22, 2005.	2005-SC-000537-CL	IN SUPREME COURT
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COMMONWEALTH OF KENTUCKY V. ROY H. MARCUM II ORDER DENYING MOTION FOR CERTIFICATION OF LAW. ENTERED SEPTEMBER 22, 2005.	2005-SC-000612-CL	KENTON
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COURT ORDERS ENTERED DENYING MOTION TO RECONSIDER – SEPTEMBER 13, 2005

PIXIE CALDWELL V. MARY BRECKINRIDGE HOSPITAL, ET AL.	2005-SC-000165-WC	FROM COURT OF APPEALS
BELVE CALLAHAN V. HUBB COAL COMPANY, ET AL.	2005-SC-000276-WC	FROM COURT OF APPEALS
MATTHEW BOWEN BLEEMEL V. HON. THOMAS B. WINE, JUDGE, JEFFERSON CIRCUIT COURT, ET AL.	2005-SC-000447-MR	JEFFERSON

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

BRADFORD ROBERT DENNIS V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 25, 2005	2005-SC-000657-KB	IN SUPREME COURT
KIMBERLY RAE MCLELLAN V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 25, 2005	2005-SC-000658-KB	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 22, 2005

RELEASED: 2:00 P.M.

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

SUSAN ALLEY V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 25, 2005	2005-SC-000659-KB	IN SUPREME COURT
JOHN FRANCIS MARCHAL V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 25, 2005	2005-SC-000660-KB	IN SUPREME COURT
JENNIFER BULLARD WILHELM V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 24, 2005	2005-SC-000663-KB	IN SUPREME COURT
THOMAS ANDREW HOWLEY V. KENTUCKY BAR ASSOCIATION	2005-SC-000715-KB	IN SUPREME COURT
KIMBERLY CAMILLE MORTON V. KENTUCKY BAR ASSOCIATION	2005-SC-000716-KB	IN SUPREME COURT