

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**NOVEMBER 21, 2007**

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

- |      |  |   |                          |
|------|--|---|--------------------------|
| 190. | BETTY HUNSAKER AND PEGGY GREER V.<br>COMMONWEALTH OF KENTUCKY,<br>DEPARTMENT OF TRANSPORTATION,<br>DEPARTMENT OF HIGHWAYS<br><b>OPINION OF THE COURT BY<br/>JUSTICE SCHRODER – <u>AFFIRMING</u></b><br>SCOTT, J., DISSENTS BY SEPARATE<br>OPINION. | <a href="#">2005-SC-000974-DG</a><br><b>TO BE PUBLISHED</b> | LETCHER                  |
| 191. | THOMAS WRIGHT V.<br>COMMONWEALTH OF KENTUCKY<br><b>OPINION OF THE COURT BY<br/>JUSTICE SCOTT – <u>AFFIRMING</u></b>  | <a href="#">2006-SC-000509-MR</a><br><b>TO BE PUBLISHED</b> | WHITLEY                  |
| 192. | COMMONWEALTH OF KENTUCKY V.<br>AMANDA R. GADDIE<br><b>OPINION OF THE COURT BY<br/>JUSTICE MINTON – <u>AFFIRMING</u></b><br>NOBLE, J., NOT SITTING.   | <a href="#">2006-SC-000575-DG</a><br><b>TO BE PUBLISHED</b> | HARDIN                   |
| 193. | W.D.B. (A CHILD UNDER<br>EIGHTEEN) V.<br>COMMONWEALTH OF KENTUCKY<br><b>OPINION OF THE COURT BY<br/>JUSTICE MINTON – <u>AFFIRMING</u></b><br>SCHRODER, J., CONCURS IN PART<br>AND DISSENTS IN PART BY SEPARATE<br>OPINION.                         | <a href="#">2006-SC-000937-DG</a><br><b>TO BE PUBLISHED</b> | HENDERSON                |
| 194. | NAOMI RAMSEY V.<br>SAYRE CHRISTIAN VILLAGE<br>NURSING HOME, ET AL.<br><b>OPINION OF THE COURT –<br/><u>AFFIRMING</u></b><br>LAMBERT, C.J., DISSENTS BY<br>SEPARATE OPINION.  | <a href="#">2007-SC-000052-WC</a><br><b>TO BE PUBLISHED</b> | FROM COURT<br>OF APPEALS |

SUPREME COURT OF KENTUCKY

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| 195. | LINDA KERN CUMMINGS V.<br>JOHN BROOKS PITMAN (EXECUTOR<br>OF THE ESTATE OF BETTY KERN<br>MILLER), ET AL.<br><b>OPINION OF THE COURT BY CHIEF<br/>JUSTICE LAMBERT – <u>REVERSING<br/>AND REMANDING</u></b>   | <a href="#">2005-SC-000861-DG</a><br><b>TO BE PUBLISHED</b>     | BOYLE     |
| 196. | APPALACHIAN REGIONAL<br>HEALTHCARE, INC., V.<br>HONORABLE EDDY COLEMAN,<br>JUDGE, CIRCUIT COURT, ET AL.<br><b>OPINION OF THE COURT BY<br/>JUSTICE NOBLE – <u>REVERSING</u></b>  | <a href="#">2007-SC-000324-MR</a><br><b>TO BE PUBLISHED</b>     | PIKE      |
| 197. | CHARLES R. ROBERSON V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING</u></b><br>NOBLE, J., DISSENTS BY SEPARATE<br>OPINION IN WHICH CUNNINGHAM,<br>J., JOINS.  | <a href="#">2006-SC-000025-MR</a><br><b>NOT TO BE PUBLISHED</b> | HENDERSON |
| 198. | BILLY KEITH MELTON V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING</u></b><br>SCOTT, J., FILES A SEPARATE<br>OPINION CONCURRING IN PART<br>AND DISSENTING IN PART IN WHICH<br>LAMBERT, C.J., AND NOBLE, J., JOIN. | <a href="#">2006-SC-000080-MR</a><br><b>NOT TO BE PUBLISHED</b> | MONROE    |
| 199. | ROY LEE CLEM V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING</u></b>  | <a href="#">2006-SC-000145-MR</a><br><b>NOT TO BE PUBLISHED</b> | LEE       |

SUPREME COURT OF KENTUCKY

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| 200. | SARAH ROARK V.<br>UNITED PARCEL SERVICE, ET AL.<br><b>MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING</u></b>   | <a href="#">2006-SC-000945-WC</a><br><b>NOT TO BE PUBLISHED</b>                                      | FROM COURT OF APPEALS |
| 201. | GARNETT LISTER V.<br>COMMONWEALTH OF KENTUCKY,<br>TRANSPORTATION CABINET, ET AL.<br><b>MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING</u></b>  | <a href="#">2007-SC-000023-WC</a><br><b>NOT TO BE PUBLISHED</b>                                      | FROM COURT OF APPEALS |
| 202. | KEVIN W. GARLAND V.<br>H.T. HACKNEY COMPANY, INC.,<br>ET AL.<br><b>MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING</u></b>  | <a href="#">2007-SC-000079-WC</a><br><b>NOT TO BE PUBLISHED</b>                                      | FROM COURT OF APPEALS |
| 203. | LYKINS ENTERPRISES, INC.,;<br>FUEL STOP REAL ESTATE, A/K/A<br>FUEL STOPS REAL ESTATE<br>COMPANY, ET AL. V.<br>MAXINE S. FELIX<br><b>OPINION OF THE COURT BY<br/>JUSTICE ABRAMSON – <u>REVERSING<br/>REMANDING</u></b><br>MINTON, J., CONCURS BY SEPARATE<br>OPINION. | <a href="#">2006-SC-000142-DG</a><br><a href="#">2006-SC-000624-DG</a><br><b>NOT TO BE PUBLISHED</b> | MASON                 |
| 204. | COMMONWEALTH OF KENTUCKY V.<br>GREGORY A. LINK<br><b>MEMORANDUM OPINION OF THE COURT – <u>REVERSING</u></b><br>ABRAMSON, J., CONCURS IN<br>RESULT ONLY.  | <a href="#">2004-SC-000216-DG</a><br><a href="#">2005-SC-000068-DG</a><br><b>NOT TO BE PUBLISHED</b> | GRANT                 |

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**NOVEMBER 21, 2007**

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

205. BUDDY LEE WORKMAN V. [2006-SC-000399-MR](#) HENDERSON  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF THE**  
**COURT – REVERSING**  
ABRAMSON, J., CONCURS IN  
RESULT ONLY. SCHRODER, J.,  
CONCURS IN RESULT ONLY STATING,  
ALTHOUGH THE OUTCOME WOULD  
BE THE SAME, THE HEARSAY ISSUE  
SHOULD HAVE BEEN ANALYZED  
UNDER CRAWFORD V. WASHINGTON,  
541 U.S. 36, 124 S. CT. 1354, 158 L.  
ED. 2D 177(2004) AND DAVIS V.  
WASHINGTON, \_\_ U.S. \_\_,  
126 S. CT. 2266, 165 L. ED. 2D 224  
2006). NOBLE, J., CONCURS IN  
PART AND DISSENTS IN PART  
BY SEPARATE OPINION.

**OPINIONS AND ORDERS – NOVEMBER 21, 2007**

- KENTUCKY BAR ASSOCIATION V. [2007-SC-000355-KB](#) IN SUPREME  
MICHAEL TAYLOR MEEHAN **TO BE PUBLISHED** COURT  
**ORDER PUBLICLY REPRIMANDED**  
**RESPONDENT.**
- PRESTON ELLIOTT MCKEE V. 2007-SC-000474-DG FAYETTE  
COMMONWEALTH OF KENTUCKY  
**ORDER GRANTED MOTION FOR**  
**DISCRETIONARY REVIEW, VACATED COURT**  
**OF APPEALS' OPINION AND REMANDED**  
**CASE TO FAYETTE CIRCUIT COURT.**  
ENTERED NOVEMBER 15, 2007.

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**NOVEMBER 21, 2007**

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**OPINIONS AND ORDERS – NOVEMBER 21, 2007**

**KENNETH R. WITT V.  
KENTUCKY BAR ASSOCIATION  
ORDER PUBLICLY REPRIMANDED  
MOVANT.**

[2007-SC-000677-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**ROBERT L. TREADWAY V.  
KENTUCKY BAR ASSOCIATION  
ORDER PERMANENTLY DISBARRED  
MOVANT FROM THE PRACTICE OF LAW.**

[2007-SC-000758-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –  
NOVEMBER 15, 2007**

**JAMES MALONE V.  
KENTUCKY FARM BUREAU MUTUAL  
INSURANCE COMPANY**

2007-SC-000468-DG

MCCRACKEN

**BEVERLY MCCLENDON V.  
JERRY R. HODGES**

2007-SC-000559-DG

MONROE

**MYANH COLEMAN V.  
BEE LINE COURIER SERVICE, INC.**

2007-SC-000628-DG

JEFFERSON

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
NOVEMBER 15, 2007**

**KAREN LYNN ALLEN SMITH V.  
VOLNEY BRENT ALLEN**

2007-SC-000206-D

FLOYD

**JAMES OTIS D/B/A RELIABLE  
BUILDERS, ET AL. V.  
SHERRY CROUCH, AMANDA CROUCH, ET AL.**

2007-SC-000226-D

BATH

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 21, 2007

RELEASED: 2:00 P.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
NOVEMBER 15, 2007**

TERRELL WOOSLEY V. COMMONWEALTH OF KENTUCKY	2007-SC-000258-D	HENDERSON
BESSIE RUNNER, AS EXECUTRIX OF THE ESTATE OF DALLAS RUNNER, ET AL. V. BASIL CLARK POLLITT D/B/A DESTINY BAY ENERGY, INC., ET AL.	2007-SC-000321-D	WARREN
WILLIAM HARRY MEECE V. COMMONWEALTH OF KENTUCKY	2007-SC-000326-D	FAYETTE
CAROLYN HOLLINGSWORTH V. COMMONWEALTH OF KENTUCKY	2007-SC-000354-D	GRAVES
MICHAEL BUCHANAN V. COMMONWEALTH OF KENTUCKY	2007-SC-000378-D	OHIO
ZACHARY THOMPSON V. COMMONWEALTH OF KENTUCKY	2007-SC-000394-D	BOURBON
JAY DEE LEACH V. COMMONWEALTH OF KENTUCKY	2007-SC-000437-D	JEFFERSON
FLOYD GROVER JOHNSON V. COMMONWEALTH OF KENTUCKY <b>COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.</b>	2007-SC-000445-D	BREATHITT
DANIEL BUGG V. AMERICAN LEGION, ANDERSON POST #34 <b>COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.</b>	2007-SC-000451-D	ANDERSON

**SUPREME COURT OF KENTUCKY**

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
NOVEMBER 15, 2007**

RENNIE D. WARFIELD V. LARRY CHANDLER, WARDEN, KENTUCKY STATE REFORMATORY	2007-SC-000463-D	OLDHAM
ASTRO, INCORPORATED V. ENVIRONMENTAL AND PUBLIC PROTECTION CABINET <b>COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.</b>	2007-SC-000479-D	FRANKLIN
BARNEY CLARK V. COMMONWEALTH OF KENTUCKY	2007-SC-000530-D	WAYNE
OTIS MARTIN V. JOHN COY, KENTUCKY PAROLE BOARD AND JOHN MOTLEY, WARDEN	2007-SC-000557-D	FRANKLIN
YVONNE DARLING; KIM PLUMMER; AND BYRON PLUMMER V. DELMAR PLUMMER, INDIVIDUALLY, ET AL.	2007-SC-000564-D	GREENUP
KINDRED HEALTHCARE, INC., ET AL. V. SUSAN LUTTRELL, AS ADMINISTRATRIX OF THE ESTATE OF ALTHA DUNCAN, DECEASED. <b>COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.</b>	2007-SC-000577-D	CASEY
HUBERT SMITH V. COMMONWEALTH OF KENTUCKY	2007-SC-000582-D	FRANKLIN
R. W., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY	2007-SC-000600-D	OWEN

**SUPREME COURT OF KENTUCKY**

**MINUTES**

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
NOVEMBER 15, 2007**

MINDY POWELL V. 2007-SC-000605-D PENDLETON  
LARRY DANIEL

JAMES DEAN ATKINS, II V. 2007-SC-000660-D SCOTT  
COMMONWEALTH OF KENTUCKY  
**COURT OF APPEALS' OPINION ORDERED  
NOT TO BE PUBLISHED.**

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE  
DISCRETIONARY REVIEW – NOVEMBER 9, 2007**

MORTGAGE ELECTRONIC 2007-SC-000781-D MADISON  
REGISTRATION SYSTEMS, INC. V.  
ROY EUGENE JONES, A/K/A  
ROY E. JONES, ET AL.

**COURT ORDERS GRANTING MOTION TO TRANSFER – NOVEMBER 13, 2007**

COMAIR, INC., ET AL. V. 2007-SC-000602-TG FAYETTE  
LEXINGTON-FAYETTE URBAN COUNTY  
AIRPORT CORPORATION, ET AL.  
**ENTERED NOVEMBER 21, 2007.**

BURGESS HARRISON YONTS V. 2007-SC-000710-TG CALLOWAY  
COMMONWEALTH OF KENTUCKY



**SUPREME COURT OF KENTUCKY**

**MINUTES**

**NOVEMBER 21, 2007**

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

**COURT ORDERS DENYING PETITION FOR REHEARING – NOVEMBER 21, 2007**

GENERAL ELECTRIC COMPANY V. [2004-SC-000043-DG](#) JEFFERSON  
DENNIS CAIN, ETC., ET AL.

**AND**

DEBBIE ELLEN REHM, ETC., ET AL. V. [2005-SC-000242-DGE](#) JEFFERSON  
NAVISTAR INTERNATIONAL CORPORATION;  
ET AL.

**ORDER MODIFIED OPINION RENDERED  
AUGUST 23, 2007 AND CORRECTED  
AUGUST 30, 2007, ON ITS FACE BY  
SUBSTITUTION OF PAGES 1, 31 AND  
32.**

RAYMOND WALKER V. 2006-SC-000480-MR JEFFERSON  
COMMONWEALTH OF KENTUCKY

**COURT ORDERS DISMISSING – NOVEMBER 15, 2007**

COMMONWEALTH OF KENTUCKY V. 2006-SC-000723-DG MAGOFFIN  
DEBORAH MILLER ALLEN

COMMONWEALTH OF KENTUCKY V. 2007-SC-000199-MR FAYETTE  
THOMAS CLYDE BOWLING

COMMONWEALTH OF KENTUCKY V. 2007-SC-000353-MR FAYETTE  
THOMAS CLYDE BOWLING

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**NOVEMBER 21, 2007**

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

**COURT ORDERS**

MICHAEL RAY PENLEY V. [2005-SC-000106-MR](#) WARREN  
COMMONWEALTH OF KENTUCKY  
**ORDER CORRECTED ORDER DENYING  
PETITION FOR REHEARING AND MODIFYING  
MEMORANDUM OF OPINION OF THE COURT  
ENTERED NOVEMBER 1, 2007 BY SUBSTITUTION  
OF PAGES 1 AND 6.**  
ENTERED: NOVEMBER 5, 2007

DAVID KAPLAN V. 2006-SC-000018-DG JEFFERSON  
GARY WADE PUCKETT  
**ORDER AFFIRMED COURT OF  
APPEALS' OPINION.**  
ENTERED NOVEMBER 14, 2007.

RANDALL KNUCKLES V. 2007-SC-000585-D BELL  
JOHN SLUSHER, ET AL.  
**ENTERED NOVEMBER 15, 2007.**

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

BRUCE ARTHUR SMITH V. 2007-SC-000799-KB IN SUPREME  
KENTUCKY BAR ASSOCIATION COURT  
**ENTERED: NOVEMBER 5, 2007**

MICHAEL JAMES GRANZEIER V. 2007-SC-000800-KB IN SUPREME  
KENTUCKY BAR ASSOCIATION COURT  
**ENTERED: NOVEMBER 5, 2007**

MICHELLE RENEE BLANKENSHIP V. 2007-SC-000801-KB IN SUPREME  
KENTUCKY BAR ASSOCIATION COURT  
**ENTERED: NOVEMBER 5, 2007**

**SUPREME COURT OF KENTUCKY**

**MINUTES**

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

<b>DOUGLAS B. NEAGLI V. KENTUCKY BAR ASSOCIATION ENTERED: NOVEMBER 5, 2007</b>	<b>2007-SC-000802-KB</b>	<b>IN SUPREME COURT</b>
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<b>JANINE MARIE MYATT V. KENTUCKY BAR ASSOCIATION ENTERED: NOVEMBER 5, 2007</b>	<b>2007-SC-000803-KB</b>	<b>IN SUPREME COURT</b>
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<b>FRANCIS PAUL HAJEK V. KENTUCKY BAR ASSOCIATION ENTERED: NOVEMBER 5, 2007</b>	<b>2007-SC-000808-KB</b>	<b>IN SUPREME COURT</b>
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<b>FREDERICK DAVID BANKS V. KENTUCKY BAR ASSOCIATION ENTERED: NOVEMBER 8, 2007</b>	<b>2007-SC-000826-KB</b>	<b>IN SUPREME COURT</b>
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<b>JOHN E. JONES JR. V. KENTUCKY BAR ASSOCIATION ENTERED: NOVEMBER 8, 2007</b>	<b>2007-SC-000827-KB</b>	<b>IN SUPREME COURT</b>
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**COURT ORDERS GRANTING MOVANT'S APPLICATION FOR REINSTATEMENT TO THE PRACTICE OF LAW – NOVEMBER 21, 2007**

<b>JENNIFER JESSICA HALL V. KENTUCKY BAR ASSOCIATION ORDER RESTORED MOVANT TO MEMBERSHIP OF THE KENTUCKY BAR ASSOCIATION.</b>	<b><a href="#">2007-SC-000578-KB</a> TO BE PUBLISHED</b>	<b>IN SUPREME COURT</b>
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