| COURT OF APPEALS OF KENTUCKY             |                                       |  |         |  |
|--|---------------------------------------|--|---------|--|
|  |                                       |  |         |  |
| 05/17/2019 AT 10:00 A.M.<br>PAGE 1 of 11 |                                       |  |         |  |
| 440                                      | <del>-</del>                          | I  | HARDIN  |  |
| 418                                      | HAGAN (WILLIAM ROBERT), ET AL. VS.    | 2014-CA-001882-MR<br>NOT TO BE PUBLISHED | HARDIN  |  |
|  | COMMONWEALTH OF KENTUCKY,             | NOT TO BE PUBLISHED                      |         |  |
|  | TRANSPORTATION CABINET.               |  |         |  |
|  | DEPARTMENT OF HIGHWAYS                |  |         |  |
|  | OPINION AFFIRMING                     |  |         |  |
|  | NICKELL (PRESIDING JUDGE)             |  |         |  |
|  | ACREE (CONCURS) AND CLAYTON           |  |         |  |
|  | (CONCURS IN RESULT ONLY)              |  |         |  |
| 419                                      | LEMASTER (TERRI), ET AL.              | 2016-CA-000717-MR                        | JOHNSON |  |
|  | VS.                                   | 2016-CA-000878-MR                        |         |  |
|  | LYCOM COMMUNICATIONS, INC., ET AL.    | NOT TO BE PUBLISHED                      |         |  |
|  | OPINION AFFIRMING IN PART,            |  |         |  |
|  | REVERSING IN PART, AND REMANDING      |  |         |  |
|  | L. THOMPSON (PRESIDING JUDGE)         |  |         |  |
|  | LAMBERT (CONCURS) AND NICKELL         |  |         |  |
|  | (CONCURS IN RESULT ONLY AND FILES     |  |         |  |
| 420                                      | SEPARATE OPINION) MARTIN (PEPPY)      | 2016 CA 001040 MB                        | HART    |  |
| 420                                      | VS.                                   | 2016-CA-001040-MR<br>NOT TO BE PUBLISHED | ПАКІ    |  |
|  | U.S. DEPARTMENT OF                    | NOT TO BE TOBLISHED                      |         |  |
|  | TRANSPORTATION, KENTUCKY              |  |         |  |
|  | TRANSPORTATION CABINET, ET AL.        |  |         |  |
|  | OPINION AFFIRMING                     |  |         |  |
|  | COMBS (PRESIDING JUDGE)               |  |         |  |
|  | NICKELL (CONCURS) AND                 |  |         |  |
|  | K. THOMPSON (CONCURS)                 |  |         |  |
| 421                                      | NOFFSINGER (SHERRI MARLENE)           | 2016-CA-001162-MR                        | FAYETTE |  |
|  | VS.                                   | NOT TO BE PUBLISHED                      |         |  |
|  | NOFFSINGER (CHRISTOPHER HAYDEN)       |  |         |  |
|  | OPINION AFFIRMING IN PART, AND        |  |         |  |
|  | VACATING IN PART, AND REMANDING       |  |         |  |
|  | ACREE (PRESIDING JUDGE)               |  |         |  |
|  | HENRY (CONCURS) AND LAMBERT (CONCURS) |  |         |  |
| 422                                      | L.H.                                  | 2016-CA-001551-DG                        | HOPKINS |  |
| 1.22                                     | VS.                                   | TO BE PUBLISHED                          |         |  |
|  | COMMONWEALTH OF KENTUCKY              |  |         |  |
|  | OPINION AFFIRMING                     |  |         |  |
|  | ACREE (PRESIDING JUDGE)               |  |         |  |
|  | HENRY (CONCURS) AND JONES             |  |         |  |
|  | (CONCURS)                             |  |         |  |

| COURT OF ARREAD OF KENTHOKY                           |   |  |         |  |  |
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| COURT OF APPEALS OF KENTUCKY 05/17/2019 AT 10:00 A.M. |   |  |         |  |  |
|   | 05/17/2019 AT 10:00 A.M. PAGE 2 of 11   |  |         |  |  |
| 423   | THE KERNEL PRESS, INC., D/B/A THE KENTUCKY KERNEL VS. UNIVERSITY OF KENTUCKY, ET AL. OPINION AFFIRMING IN PART, REVERSING IN PART AND REMANDING K. THOMPSON (PRESIDING JUDGE) L. THOMPSON (CONCURS) AND TAYLOR (DISSENTS) | 2017-CA-000394-MR<br>2017-CA-001347-MR<br>TO BE PUBLISHED                          | FAYETTE |  |  |
| 424   | MURPHY (WAYNE C.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING JONES (PRESIDING JUDGE) KRAMER (CONCURS) AND K. THOMPSON (CONCURS)   | 2017-CA-000596-MR<br>2017-CA-001067-MR<br>NOT TO BE PUBLISHED                      | GREENUP |  |  |
| 425   | BARNETT (MARK MONTEZ) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING ACREE (PRESIDING JUDGE) KRAMER (CONCURS) AND TAYLOR (CONCURS)  | 2017-CA-000597-MR<br>NOT TO BE PUBLISHED   | HARDIN  |  |  |
| 426   | MEEHAN (REGINA) VS. B (E.G.), A MINOR CHILD, THROUGH AND ON BEHALF OF HIS MOTHER, ANGIE BAKER OPINION REMANDING JONES (PRESIDING JUDGE) MAZE (CONCURS) AND TAYLOR (CONCURS)   | 2017-CA-000709-MR<br>2017-CA-000710-MR<br>2017-CA-000711-MR<br>NOT TO BE PUBLISHED | PERRY   |  |  |
| 427   | PATTEN (PATRICIA ANN) (NOW NAVE) VS. PATTEN (WILLIAM EARLY) OPINION REVERSING AND REMANDING ACREE (PRESIDING JUDGE) HENRY (CONCURS) AND JONES (CONCURS)   | 2017-CA-000784-MR<br>NOT TO BE PUBLISHED   | FAYETTE |  |  |

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| 428                                   | LOUISVILLE SW HOTEL, LLC, ET AL. VS. LINDSEY (CHARLESTINE), INDIVIDUALLY, ET AL. OPINION AFFIRMING AS TO THE APPEAL AND REVERSING AND REMANDING AS TO THE CROSS- APPEAL K. THOMPSON (PRESIDING JUDGE) COMBS (CONCURS) AND LAMBERT (CONCURS)                                  | 2017-CA-000856-MR<br>2017-CA-000884-MR<br>TO BE PUBLISHED | JEFFERSON |  |
| 429                                   | LEXINGTON EAST MEDICAL INVESTORS, LLC, D/B/A MORNING POINTE OF LEXINGTON EAST, ET AL. VS. SCHUBERT (BARBARA), BY AND THROUGH HER CO-GUARDIANS, PHILIP GEOGHEGAN AND NORA KERBYSON OPINION AFFIRMING L. THOMPSON (PRESIDING JUDGE) TAYLOR (CONCURS) AND K. THOMPSON (CONCURS) | 2017-CA-001652-MR<br>NOT TO BE PUBLISHED                  | FAYETTE   |  |
| 430                                   | CORIO (ASHLEY) VS. NATIONAL SPECIALTY INSURANCE COMPANY OPINION AFFIRMING CLAYTON (PRESIDING JUDGE) DIXON (CONCURS) AND LAMBERT (CONCURS)  | 2017-CA-001870-MR<br>NOT TO BE PUBLISHED                  | FAYETTE   |  |
| 431                                   | WILLIAMS (JULIE) VS. ROGERS (CANDY), AS MOTHER OF NEXT FRIEND OF Z.R. OPINION AFFIRMING GOODWINE (PRESIDING JUDGE) JONES (CONCURS) AND NICKELL (CONCURS)   | 2017-CA-001945-MR<br>NOT TO BE PUBLISHED                  | JEFFERSON |  |
| 432                                   | RICHMOND (DERECK A.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING MAZE (PRESIDING JUDGE) HENRY (CONCURS) AND NICKELL (CONCURS)   | 2018-CA-000070-MR<br>NOT TO BE PUBLISHED                  | JEFFERSON |  |

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| 433  | RIVER CITY FRATERNAL ORDER OF POLICE LODGE 614, INC. VS.  | 2018-CA-000344-MR<br>TO BE PUBLISHED     | JEFFERSON |  |
|  | LOUISVILLE/JEFFERSON COUNTY METROPOLITAN GOVERNMENT ACTING THROUGH ITS POLICE DEPARTMENT OPINION AFFIRMING                            |  |           |  |
|  | NICKELL (PRESIDING JUDGE) JONES (CONCURS) AND TAYLOR (CONCURS)  |  |           |  |
| 434  | JONES (BREN)<br>VS.<br>BALL (JERRY), ET AL.   | 2018-CA-000445-MR<br>NOT TO BE PUBLISHED | FRANKLIN  |  |
|  | OPINION AFFIRMING L. THOMPSON (PRESIDING JUDGE) TAYLOR (CONCURS) AND K. THOMPSON (CONCURS)  |  |           |  |
| 435  | BULLITT UTILITIES, INC., BY ROBERT W. KEATS, ITS CHAPTER 7 TRUSTEE VS. KENTUCKY PUBLIC SERVICE  | 2018-CA-000559-MR<br>NOT TO BE PUBLISHED | FRANKLIN  |  |
|  | COMMISSION, ET AL. OPINION AFFIRMING JONES (PRESIDING JUDGE) KRAMER (CONCURS) AND K. THOMPSON (CONCURS)                               |  |           |  |
| 436  | THOMAS (CODY A.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING LAMBERT (PRESIDING JUDGE) CLAYTON (CONCURS) AND DIXON                 | 2018-CA-000576-MR<br>NOT TO BE PUBLISHED | CARROLL   |  |
|  | (CONCURS)   |  |           |  |
| 437  | SPICER (ALBERTA) VS. MCCORD (EDDIE) OPINION AFFIRMING L. THOMPSON (PRESIDING JUDGE) ACREE (CONCURS) AND NICKELL (CONCURS)             | 2018-CA-000943-MR<br>NOT TO BE PUBLISHED | GALLATIN  |  |
| 438  | PEYTON (SHAUNE M.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING L. THOMPSON (PRESIDING JUDGE) ACREE (CONCURS) AND NICKELL (CONCURS) | 2018-CA-000994-MR<br>NOT TO BE PUBLISHED | FAYETTE   |  |

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| 439  | REED (DON) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING DIXON (PRESIDING JUDGE) SPALDING (CONCURS) AND TAYLOR (CONCURS)  | 2018-CA-001050-MR<br>NOT TO BE PUBLISHED | MAGOFFIN         |
| 440  | COMMONWEALTH OF KENTUCKY, CABINET FOR ECONOMIC DEVELOPMENT VS. THE COURIER-JOURNAL, INC. OPINION AFFIRMING IN PART AND REVERSING IN PART KRAMER (PRESIDING JUDGE) JONES (CONCURS) AND MAZE (CONCURS) | 2018-CA-001131-ME<br>TO BE PUBLISHED     | FRANKLIN         |
| 441  | VERNATTER (YVONNE CASKEY) VS. VERNATTER (BOBBY) OPINION AFFIRMING, IN PART, REVERSING, IN PART, AND REMANDING ACREE (PRESIDING JUDGE) GOODWINE (CONCURS) AND KRAMER (CONCURS)                        | 2018-CA-001401-ME<br>NOT TO BE PUBLISHED | CARTER           |
| 442  | CARDWELL (KEVIN) VS. MCLEAN COUNTY FISCAL COURT, ET AL. OPINION AFFIRMING L. THOMPSON (PRESIDING JUDGE) ACREE (CONCURS) AND NICKELL (CONCURS)  | 2019-CA-000081-WC<br>NOT TO BE PUBLISHED | WORKERS'<br>COMP |

## ORDERS FOR THE WEEK ENDING 05/03/2019:

### ORDER DENYING PETITION FOR WRIT OF MANDAMUS:

EILEEN M. BRIAN, ET AL. 2019-CA-000189-OA OLDHAM

VS.

HON. KAREN S. CONRAD, JUDGE, ET AL.

ENTERED: 05/01/2019

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## ORDERS FOR THE WEEK ENDING 05/10/2019:

ORDERS DISMISSING:

KURT LOWE 2016-CA-001046-MR BOONE

VS.

COMMONWEALTH OF KENTUCKY

ENTERED: 05/08/2019

BUSTER CHANDLER 2018-CA-000531-MR FRANKLIN

VS.

ANDREW BESHEAR, KENTUCKY ATTORNEY GENERAL

ENTERED: 05/09/2019

COMMONWEALTH OF KENTUCKY 2018-CA-001094-MR HENDERSON

VS.

HON. STEVEN A. HAYDEN, JUDGE, ET AL.

ENTERED: 05/09/2019

COMMONWEALTH OF KENTUCKY 2018-CA-001151-MR BULLITT

VS.

DENNIS POLINSKY

ENTERED: 05/09/2019

WESLEY BANKS 2018-CA-001227-MR CHRISTIAN

VS.

COMMONWEALTH OF KENTUCKY

ENTERED: 05/09/2019

MARSHALL D. PARKER, SR. 2018-CA-001306-WC WORKERS' COMP

VS.

WEBSTER COUNTY COAL, LLC, ET AL.

ENTERED: 05/08/2019

STEPHEN THORNHILL, ET AL. 2018-CA-001355-MR GRAYSON

VS.

COMMONWEALTH OF KENTUCKY, ET AL.

ENTERED: 05/08/2019

A.L., FATHER 2018-CA-001602-ME JEFFERSON

VS.

CABINET FOR HEALTH AND FAMILY SERVICES, COMMONWEALTH OF KENTUCKY, ET AL.

ENTERED: 05/10/2019

DELFON BLAIR 2018-CA-001712-MR KENTON

VS.

KENTON COUNTY DETENTION CENTER

ENTERED: 05/09/2019

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| C.W.<br>VS.<br>CABINET FOR HEALTH AND FAMILY<br>SERVICES, COMMONWEALTH OF KEN<br>ENTERED: 05/09/2019  |  | ANDERSON   |
|---|--|------------|
| CALIFORNIA HOUSEBOAT SERVICE,<br>LLC<br>VS.<br>MICHAEL D. DAVIS<br>ENTERED: 05/10/2019                | 2018-CA-001767-MR                      | PULASKI    |
| ROBERT GOINS, ET AL.<br>VS.<br>VENTURE GROUP PROPERTIES, LLC<br>ENTERED: 05/10/2019                   |  | FRANKLIN   |
| GLENDA CARMACK<br>VS.<br>KEVIN LEE CARMACK, ET AL.<br>ENTERED: 05/10/2019                             | 2018-CA-001779-MR                      | CAMPBELL   |
| K.P. VS. CABINET FOR HEALTH AND FAMILY SERVICES, COMMONWEALTH OF KENTUCKY, ET AL. ENTERED: 05/09/2019 | 2018-CA-001811-ME<br>2018-CA-001812-ME | GRAVES     |
| PERRY LOGSDON, INDIVIDUALLY, ET AL. VS. COLE HUNT, ET AL. ENTERED: 05/10/2019                         | 2018-CA-001832-MR                      | JEFFERSON  |
| MUHLENBERG COUNTY COAL COMPANY, LLC VS. EARL C. KIPLING, ET AL. ENTERED: 05/10/2019                   | 2018-CA-001835-MR                      | MUHLENBERG |
| TED WILLIS VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/10/2019   | 2018-CA-001854-MR                      | DAVIESS    |

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| LLOYD JUDWARE VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/09/2019               | 2018-CA-001863-MR | MEADE      |
|--|-------------------|------------|
| NICHOLAS D. OSTERBROOK<br>VS.<br>CHELSEA M. KAPPA<br>ENTERED: 05/10/2019     | 2018-CA-001887-ME | KENTON     |
| RONALD GUESS<br>VS.<br>DIANE GUESS<br>ENTERED: 05/10/2019                    | 2018-CA-001894-MR | CRITTENDEN |
| STEPHEN C. PARSONS<br>VS.<br>COMMONWEALTH OF KENTUCKY<br>ENTERED: 05/10/2019 | 2019-CA-000014-MR | ANDERSON   |
| BRANDON NETHERTON VS. TINA CAROL REYNOLDS, ET AL. ENTERED: 05/09/2019        | 2019-CA-000018-ME | BARREN     |
| RICHARD ALLEN VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/09/2019               | 2019-CA-000028-MR | JEFFERSON  |
| D.S.<br>VS.<br>C.G.B., ET AL.<br>ENTERED: 05/09/2019                         | 2019-CA-000098-ME | NICHOLAS   |
| PAUL WILLIAM LEWIS VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/10/2019          | 2019-CA-000166-MR | JEFFERSON  |
| JEREMY LEUENBERGER VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/09/2019          | 2019-CA-000168-MR | JEFFERSON  |

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| GERALD WILLIAMS VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/09/2019  | 2019-CA-000190-MR  | FRANKLIN  |
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| JANE DOE V<br>VS.<br>LOUISVILLE METRO POLICE DEPAR<br>ENTERED: 05/08/2019                               |  | JEFFERSON |
| WILLARD FLYNN VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/09/2019  | 2019-CA-000221-MR  | OWEN      |
| JOHN G. WEBBER VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/09/2019   | 2019-CA-000252-MR  | LYON      |
| CHARMIN WATSON, ET AL. VS. GEORGETOWN COMMUNITY HOSPITAL ENTERED: 05/08/2019                            |  | SCOTT     |
| T.N.B. VS. CABINET FOR HEALTH AND FAMILY SERVICES, COMMONWEALTH OF KENTUCKY, ET AL. ENTERED: 05/09/2019 | 2019-CA-000317-ME<br>2019-CA-000318-ME<br>2019-CA-000319-ME<br>2019-CA-000320-ME | BARREN    |
| PAUL BLEVINS<br>VS.<br>SHANNON JONES, ET AL.<br>ENTERED: 05/09/2019                                     | 2019-CA-000327-MR  | FRANKLIN  |
| TYWAN BEAUMONT VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/09/2019   | 2019-CA-000337-MR  | JEFFERSON |
| TYWAN BEAUMONT VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/09/2019   | 2019-CA-000338-MR  | JEFFERSON |

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| GLENDRICK GARDNER<br>VS.   | 2019-CA-000341-WC     | WORKERS' COMP |
|--|-----------------------|---------------|
| LEXINGTON-FAYETTE URBAN COUNT<br>ENTERED: 05/09/2019                     | TY GOVERNMENT, ET AL. |               |
| BONETTA MURPHY, ET AL. VS. DR. RYAN MAYNARD ENTERED: 05/08/2019          | 2019-CA-000360-MR     | FLOYD         |
| RAMA ARLA, ET AL.<br>VS.<br>KEVIN GROODY<br>ENTERED: 05/10/2019          | 2019-CA-000368-MR     | JEFFERSON     |
| D'MARKEO CHAVEZ TAYLOR VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/09/2019  | 2019-CA-000405-MR     | FAYETTE       |
| SYED JOSEPH ALI VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/09/2019         | 2019-CA-000461-MR     | JEFFERSON     |
| ORDERS DENYING PETITION FOR F  | REHEARING:            |               |
| ROMOCCO LAWARREN MALONE VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/10/2019 | 2017-CA-000443-MR     | FAYETTE       |
| DAVID DAUGHERTY VS. WARRIOR COAL, LLC, ET AL. ENTERED: 05/10/2019        | 2017-CA-001851-WC     | WORKERS' COMP |
| DONALD R. PHILLIPS VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/09/2019      | 2017-CA-002028-MR     | LESLIE        |
| CLAUDE ISAAC<br>VS.  | 2018-CA-000360-MR     | PIKE          |

COMMONWEALTH OF KENTUCKY ENTERED: 05/07/2019

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#### ORDER DENYING PETITION FOR WRIT OF PROHIBITION:

GLENN KERNS 2019-CA-000427-OA JEFFERSON

VS.

HON. A.C. MCKAY CHAUVIN, JUDGE, ET AL.

ENTERED: 05/08/2019

### ORDER DENYING MOTION FOR DISCRETIONARY REVIEW:

T.N.K. 2019-CA-000271-DR MEADE

VS.

CABINET FOR HEALTH AND FAMILY SERVICES, CHILD PROTECTIVE SERVICES BRANCH,

ET AL.

ENTERED: 05/09/2019

### ORDERS FOR THE WEEK ENDING 05/17/2019:

#### ORDER DENYING PETITION FOR REHEARING:

RIVER CITY FRATERNAL ORDER 2018-CA-000344-MR JEFFERSON

OF POLICE LODGE 614, INC.

VS.

LOUISVILLE/JEFFERSON COUNTY METROPOLITAN GOVERNMENT ACTING THROUGH ITS

POLICE DEPARTMENT

ENTERED: 05/17/2019

#### ORDER MODIFYING OPINION:

DANI FAZZARI 2017-CA-000802-MR GRAVES

VS.

COMMONWEALTH OF KENTUCKY

ENTERED 05/17/2019