

KENTUCKY COURT OF APPEALS

SEPTEMBER 30, 2022 MINUTES

RELEASED: 10:00 A.M.

622. ALLEN FAMILY PARTNERSHIP #1, LLC, ET AL. v. WALTER SWYERS, ET AL. [2020-CA-0322-MR](#) JEFFERSON
NOT TO BE PUBLISHED
- OPINION REVERSING IN PART,
VACATING IN PART AND REMANDING BY
JUDGE K. THOMPSON**
- CLAYTON, C.J. (CONCURS) AND
L. THOMPSON, J. (CONCURS)
623. ESTATE OF KENDRICK BELL, JR. BY AND THROUGH LENISE BELL AS ADMINISTRATRIX v. LAURIE CRAYCROFT, M.D., ET AL. [2020-CA-0360-MR](#) JEFFERSON
TO BE PUBLISHED
- OPINION VACATING AND REMANDING BY
JUDGE MAZE**
- GOODWINE, J. (CONCURS) AND
L. THOMPSON, J. (CONCURS)
624. RAZ, INC., ET AL. v. MERCER COUNTY FISCAL COURT, ET AL. [2020-CA-0543-MR](#) MERCER
TO BE PUBLISHED
- OPINION AND ORDER AFFIRMING AND
DISMISSING APPEAL BY CHIEF JUDGE
CLAYTON**
- DIXON, J. (CONCURS) AND
COMBS, J. (CONCURS AND FILES
SEPARATE OPINION)

KENTUCKY COURT OF APPEALS

SEPTEMBER 30, 2022 MINUTES

RELEASED: 10:00 A.M.

625. BLUEGRASS TRUST FOR HISTORIC PRESERVATION v. LEXINGTON FAYETTE URBAN COUNTY GOVERNMENT PLANNING COMMISSION, ET AL. [2020-CA-0726-MR](#)
TO BE PUBLISHED FAYETTE
- OPINION AND ORDER DISMISSING APPEAL BY CHIEF JUDGE CLAYTON**
- COMBS, J. (CONCURS) AND DIXON, J. (CONCURS)
626. NORMA TERRY v. MARK TERRY [2020-CA-0938-MR](#)
NOT TO BE PUBLISHED GREENUP
- OPINION AFFIRMING BY JUDGE JONES**
- CALDWELL, J. (CONCURS) AND GOODWINE, J. (DISSENTS AND DOES NOT FILE SEPARATE OPINION)
627. BINGHAM GREENEBAUM DOLL LLP v. CUT-N-SHOOT LLC, ET AL. [2020-CA-1131-MR](#)
[2020-CA-1217-MR](#)
[2021-CA-0320-MR](#)
NOT TO BE PUBLISHED GALLATIN
- OPINION AFFIRMING IN PART AND REVERSING AND REMANDING IN PART BY CHIEF JUDGE CLAYTON**
- CALDWELL, J. (CONCURS) AND K. THOMPSON, J. (CONCURS)

KENTUCKY COURT OF APPEALS

SEPTEMBER 30, 2022 MINUTES

RELEASED: 10:00 A.M.

628. BOONE DEVELOPMENT, LLC, ET AL. v. [2021-CA-0099-MR](#) JESSAMINE
NICHOLASVILLE BOARD OF [2021-CA-0150-MR](#)
ADJUSTMENT, ET AL. **NOT TO BE PUBLISHED**
AND
HAROLD SMITH (AKA HAROLD E. SMITH),
IN HIS OFFICIAL CAPACITY AS A
MEMBER OF THE NICHOLASVILLE
BOARD OF ADJUSTMENT, ET AL. v.
BOONE DEVELOPMENT, LLC, ET AL.
**OPINION AND ORDER REMANDING
APPEAL AND CROSS-APPEAL BY CHIEF
JUDGE CLAYTON**
COMBS, J. (CONCURS) AND
DIXON, J. (CONCURS)
629. COMMONWEALTH OF KENTUCKY, [2021-CA-0411-MR](#) JESSAMINE
EX REL. DANIEL CAMERON, ATTORNEY **TO BE PUBLISHED**
GENERAL v.
BOONE DEVELOPMENT, LLC, ET AL.
**OPINION REVERSING AND REMANDING
BY CHIEF JUDGE CLAYTON**
COMBS, J. (CONCURS) AND
DIXON, J. (CONCURS)
630. ROBERT D. JONES v. [2021-CA-0640-ME](#) JEFFERSON
KELLI LYNNE SCHMIDT, ET AL. **NOT TO BE PUBLISHED**
**OPINION AFFIRMING BY JUDGE
K. THOMPSON**
ACREE, J. (CONCURS) AND
DIXON, J. (CONCURS)

KENTUCKY COURT OF APPEALS

SEPTEMBER 30, 2022 MINUTES

RELEASED: 10:00 A.M.

631. W.C.H., JR., ET AL. v. [2021-CA-0749-ME](#) MCCRACKEN
COMMONWEALTH OF KENTUCKY, [2021-CA-0752-ME](#)
CABINET FOR HEALTH AND FAMILY **NOT TO BE PUBLISHED**
SERVICES, ET AL.

OPINION AFFIRMING BY JUDGE TAYLOR

CALDWELL, J. (CONCURS) AND
L. THOMPSON, J. (CONCURS)

632. GREATER LOUISVILLE PROPERTY [2021-CA-1002-MR](#) JEFFERSON
MANAGEMENT LLC, TRUSTEE OF **NOT TO BE PUBLISHED**
NORFOLK LAND TRUST, DATED
MAY 1, 2011 v.
RE/MAX PROPERTIES EAST, INC.

**OPINION REVERSING AND REMANDING
BY JUDGE CALDWELL**

K. THOMPSON, J. (CONCURS) AND
CLAYTON, C.J. (DISSENTS AND FILES
SEPARATE OPINION)

633. ROBERT ANDREW SHARP v. [2021-CA-1005-MR](#) WARREN
ROBBIN NELSON, ET AL. **TO BE PUBLISHED**

OPINION AFFIRMING BY JUDGE JONES

CALDWELL, J. (CONCURS) AND
GOODWINE, J. (CONCURS)

634. EUGENE SISCO, III v. [2021-CA-1108-MR](#) PIKE
ALEXANDRIA ALLEN, ET AL. **NOT TO BE PUBLISHED**

**OPINION AFFIRMING BY JUDGE
CETRULO**

CLAYTON, C.J. (CONCURS) AND
K. THOMPSON, J. (CONCURS)

KENTUCKY COURT OF APPEALS

SEPTEMBER 30, 2022 MINUTES

RELEASED: 10:00 A.M.

635. HAROLD BAKER v.
COMMONWEALTH OF KENTUCKY
OPINION AFFIRMING BY JUDGE JONES
CALDWELL, J. (CONCURS) AND
GOODWINE, J. (CONCURS)
- [2021-CA-1147-MR](#)
[2021-CA-1148-MR](#)
NOT TO BE PUBLISHED
- WASHINGTON
636. T.L.M., SR. v.
COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH AND FAMILY
SERVICES, ET AL.
OPINION AFFIRMING BY JUDGE JONES
CALDWELL, J. (CONCURS) AND
GOODWINE, J. (CONCURS)
- [2021-CA-1230-ME](#)
[2021-CA-1232-ME](#)
NOT TO BE PUBLISHED
- HOPKINS
637. VINCENT MOCK v.
PANERA BREAD COMPANY
OPINION AFFIRMING BY JUDGE MAZE
LAMBERT, J. (CONCURS) AND
TAYLOR, J. (CONCURS)
- [2021-CA-1393-MR](#)
NOT TO BE PUBLISHED
- FAYETTE
638. WILLIAM THOMPSON, ET AL. v.
LAKE CUMBERLAND RESORT
COMMUNITY ASSOCIATION, INC.
**OPINION AFFIRMING BY CHIEF JUDGE
CLAYTON**
ACREE, J. (CONCURS) AND
TAYLOR, J. (CONCURS)
- [2021-CA-1419-MR](#)
NOT TO BE PUBLISHED
- PULASKI
639. ALAN FERRARA, ET AL. v.
TONY BRANDON MILLER
**OPINION REVERSING AND REMANDING
BY JUDGE LAMBERT**
DIXON, J. (CONCURS) AND
L. THOMPSON, J. (CONCURS)
- [2021-CA-1440-MR](#)
NOT TO BE PUBLISHED
- JOHNSON

KENTUCKY COURT OF APPEALS

SEPTEMBER 30, 2022 MINUTES

RELEASED: 10:00 A.M.

640. COMMONWEALTH OF KENTUCKY, ENERGY AND ENVIRONMENT CABINET v. ERIC SHRADER, ET AL. [2022-CA-0002-MR](#) **TO BE PUBLISHED** BRECKINRIDGE
- OPINION REVERSING BY JUDGE DIXON**
- CLAYTON, C.J. (CONCURS) AND COMBS, J. (CONCURS)
641. CHRISTOPHER FENNER v. DESIREE FENNER [2022-CA-0013-MR](#) **NOT TO BE PUBLISHED** SHELBY
- OPINION REVERSING AND REMANDING BY JUDGE L. THOMPSON**
- CLAYTON, C.J. (CONCURS) AND JONES, J. (CONCURS IN RESULT AND FILES SEPARATE OPINION)
642. ANTHONY FOUNTAINE v. PAMELA JEAN FOUNTAINE [2022-CA-0213-ME](#) **NOT TO BE PUBLISHED** CHRISTIAN
- OPINION AFFIRMING BY JUDGE MAZE**
- CLAYTON, C.J. (CONCURS) AND CETRULO, J. (CONCURS)
643. BRIDGETTE EHLY v. COMMONWEALTH OF KENTUCKY, STATE BOARD OF ELECTIONS, ET AL. [2022-CA-0803-EL](#) [2022-CA-0878-EL](#) **NOT TO BE PUBLISHED** OLDHAM
- OPINION REVERSING AND REMANDING BY JUDGE K. THOMPSON**
- LAMBERT, J. (CONCURS) AND JONES, J. (CONCURS AND FILES SEPARATE OPINION)

KENTUCKY COURT OF APPEALS

SEPTEMBER 30, 2022 MINUTES

RELEASED: 10:00 A.M.

ORDERS DISMISSING

ALISHA LUCAS (NOW SHULER) v.
JONAH LUCAS

[2021-CA-0498-MR](#)

LEE

Entered: **SEPTEMBER 22, 2022**

DWIGHT TROWELL, JR. v.
KATHRYN HARMON

[2022-CA-0815-MR](#)

JEFFERSON

Entered: **SEPTEMBER 21, 2022**

JASON LAMONT WILSON v.
MIRANDA DENISE WOODS

[2022-CA-0821-ME](#)

JEFFERSON

Entered: **SEPTEMBER 20, 2022**

CUDDIE HOLBROOK v.
HON. JULIE M. GOODMAN, JUDGE,
FAYETTE CIRCUIT COURT, ET AL.

[2022-CA-0639-OA](#)

FAYETTE

Entered: **SEPTEMBER 21, 2022**

KATRINA MITULSKI v.
BUDDY W. HARRIS

[2022-CA-0725-ME](#)

HENDERSON

Entered: **SEPTEMBER 23, 2022**

ORDERS DENYING PETITIONS FOR REHEARING

STACY STRADER, IN HIS CAPACITY AS
ADMINISTRATOR OF THE ESTATE OF
DELBERT LEROY PETERSON, JR., DECEASED
v.

[2020-CA-1535-MR](#)

TODD

KATHRYN PETERSON CARTWRIGHT, IN HER
CAPACITY AS ADMINISTRATOR CTA OF THE
ESTATE OF KRISTINE A. PETERSON, ET AL.

Entered: **SEPTEMBER 20, 2022**

KENTUCKY COURT OF APPEALS

SEPTEMBER 30, 2022 MINUTES

RELEASED: 10:00 A.M.

ORDERS DENYING PETITIONS FOR REHEARING

E.M.S. (M.) v. [2022-CA-0023-ME](#) WAYNE
C.E.M., ET AL.

Entered: **SEPTEMBER 22, 2022**

ORDER DENYING PETITION FOR WRIT OF PROHIBITION

PAUL CHRISTOPHER ORTH v. [2022-CA-0832-OA](#) KENTON
HON. CHRISTOPHER J. MEHLING, JUDGE,
KENTON CIRCUIT COURT, ET AL.

Entered: **SEPTEMBER 21, 2022**

ORDER GRANTING PETITION FOR WRIT OF MANDAMUS

LONNIE MAYNARD v. [2022-CA-0842-OA](#) ADAIR
HON. JUDY DENISE VANCE, JUDGE,
ADAIR CIRCUIT COURT, ET AL.

Entered: **SEPTEMBER 23, 2022**

ORDER DENYING MOTION FOR INTERLOCUTORY RELIEF UNDER CR 65.07

WASTE SERVICES OF THE BLUEGRASS, LLC [2022-CA-0769-I](#) FRANKLIN
v.
COMMONWEALTH OF KENTUCKY ENERGY
AND ENVIRONMENT CABINET, ET AL.

Entered: **SEPTEMBER 26, 2022**

ORDER GRANTING MOTION FOR INTERLOCUTORY RELIEF UNDER CR 65.07

STEVE CHARLES v. [2022-CA-0517-I](#) PIKE
DANNY CHILDERS, ET AL.

Entered: **SEPTEMBER 23, 2022**