

KENTUCKY COURT OF APPEALS

NOVEMBER 18, 2022 MINUTES

RELEASED: 10:00 A.M.

738. KENNETH LAMONT BOONE, JR. v. COMMONWEALTH OF KENTUCKY [2019-CA-0966-MR](#) FAYETTE  
**NOT TO BE PUBLISHED**  
**OPINION AFFIRMING BY JUDGE K. THOMPSON**  
ACREE, J. (CONCURS) AND DIXON, J. (CONCURS)
739. MARION BUELL, JR. v. COMMONWEALTH OF KENTUCKY [2020-CA-1388-MR](#) FAYETTE  
[2021-CA-0102-MR](#)  
**AND NOT TO BE PUBLISHED**  
YUSEF KWAN WESLEY v. COMMONWEALTH OF KENTUCKY  
**OPINION AFFIRMING BY JUDGE CALDWELL**  
GOODWINE, J. (CONCURS) AND JONES, J. (CONCURS IN RESULT ONLY)
740. STEPHEN SCHOMAKER v. COMMONWEALTH OF KENTUCKY [2020-CA-1591-MR](#) CAMPBELL  
[2021-CA-1451-MR](#)  
**NOT TO BE PUBLISHED**  
**OPINION AFFIRMING BY JUDGE L. THOMPSON**  
ACREE, J. (CONCURS) AND MCNEILL, J. (CONCURS)
741. TENNCO ENERGY, INC. v. RICHARD LANE, ET AL. [2021-CA-0211-WC](#) WORKERS' COMPENSATION BOARD  
**NOT TO BE PUBLISHED**  
**OPINION AFFIRMING BY JUDGE K. THOMPSON**  
COMBS, J. (CONCURS) AND MAZE, J. (CONCURS)

**KENTUCKY COURT OF APPEALS**

**NOVEMBER 18, 2022 MINUTES**

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

742. AARON H. COPASS v. COMMONWEALTH OF KENTUCKY [2021-CA-0259-MR](#) FAYETTE  
**NOT TO BE PUBLISHED**  
**OPINION AFFIRMING BY JUDGE ACREE**  
MCNEILL, J. (CONCURS) AND  
L. THOMPSON, J. (CONCURS)
743. MORGAN RAE PETTY v. BENJAMIN DAVID ADKINS [2021-CA-0576-MR](#) GRAYSON  
**NOT TO BE PUBLISHED**  
**OPINION AFFIRMING BY JUDGE MAZE**  
COMBS, J. (CONCURS) AND  
LAMBERT, J. (CONCURS)
744. L.S., THE BIOLOGICAL MOTHER v. CABINET FOR HEALTH AND FAMILY SERVICES, COMMONWEALTH OF KENTUCKY, ET AL. [2021-CA-0884-ME](#) WARREN  
**NOT TO BE PUBLISHED**  
**OPINION AFFIRMING BY JUDGE DIXON**  
GOODWINE, J. (CONCURS) AND  
L. THOMPSON, J. (CONCURS)
745. PROSPECT LAND CONSERVATION, LLC v. LOUISVILLE/JEFFERSON COUNTY METRO PLANNING COMMISSION, ET AL. [2021-CA-0956-MR](#) JEFFERSON  
**NOT TO BE PUBLISHED**  
**OPINION AFFIRMING BY JUDGE TAYLOR**  
K. THOMPSON, J. (CONCURS) AND  
L. THOMPSON, J. (CONCURS)

KENTUCKY COURT OF APPEALS

NOVEMBER 18, 2022 MINUTES

RELEASED: 10:00 A.M.

746. DTP, LLC, TRUSTEE OF THE 681 S. 38TH STREET LAND TRUST, LARRY MCWHORTER TRUSTEE v. EQUITY TRUST COMPANY CUSTODIAN FBO WILLIAM LONG, IRA [2021-CA-1019-MR](#) JEFFERSON  
**NOT TO BE PUBLISHED**
- OPINION REVERSING AND REMANDING BY JUDGE CETRULO**
- ACREE, J. (CONCURS) AND GOODWINE, J. (CONCURS)
747. THE BANNISTER CO., LLC v. WILLIAM HUMBERTO HUERTA, ET AL. [2021-CA-1225-WC](#) WORKERS' COMPENSATION BOARD  
**NOT TO BE PUBLISHED**
- OPINION AFFIRMING BY JUDGE MCNEILL**
- GOODWINE, J. (CONCURS) AND MAZE, J. (CONCURS)
748. HOPE MCSWIGAN v. G1 PROPERTIES, LLC [2021-CA-1287-MR](#) KENTON  
**NOT TO BE PUBLISHED**
- OPINION AFFIRMING BY JUDGE TAYLOR**
- L. THOMPSON, J. (CONCURS) AND K. THOMPSON, J. (CONCURS IN RESULT ONLY)
749. DAVID SCOTT TATE v. COMMONWEALTH OF KENTUCKY [2021-CA-1332-MR](#) MENIFEE  
**NOT TO BE PUBLISHED**
- OPINION REVERSING AND REMANDING BY JUDGE L. THOMPSON**
- CLAYTON, C.J. (CONCURS) AND JONES, J. (CONCURS)

KENTUCKY COURT OF APPEALS

NOVEMBER 18, 2022 MINUTES

RELEASED: 10:00 A.M.

750. AARON TUSSEY v. [2021-CA-1453-MR](#) BOYD  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**OPINION AFFIRMING BY JUDGE MAZE**  
LAMBERT, J. (CONCURS) AND  
TAYLOR, J. (CONCURS)
751. BARBARA ANN DITTO, ET AL. v. [2021-CA-1488-MR](#) BRECKINRIDGE  
JERRY T. MUCKER **TO BE PUBLISHED**  
**OPINION AFFIRMING BY JUDGE**  
**CETRULO**  
ACREE, J. (CONCURS) AND  
GOODWINE, J. (CONCURS)
752. ERIC STRAUB v. [2022-CA-0056-MR](#) CAMPBELL  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**OPINION VACATING AND REMANDING BY**  
**JUDGE L. THOMPSON**  
DIXON, J. (CONCURS) AND  
GOODWINE, J. (CONCURS)
753. J.S. v. [2022-CA-0091-ME](#) ALLEN  
M.M., ET AL. **NOT TO BE PUBLISHED**  
**OPINION AFFIRMING BY JUDGE**  
**CETRULO**  
COMBS, J. (CONCURS) AND  
GOODWINE, J. (CONCURS)
754. J.S. v. [2022-CA-0189-ME](#) ALLEN  
M.M., ET AL. **NOT TO BE PUBLISHED**  
**OPINION AND ORDER DISMISSING BY**  
**JUDGE CETRULO**  
COMBS, J. (CONCURS) AND  
GOODWINE, J. (CONCURS)

KENTUCKY COURT OF APPEALS

NOVEMBER 18, 2022 MINUTES

RELEASED: 10:00 A.M.

755. KENNETH MCPEEK RACING STABLE, INC. [2022-CA-0195-MR](#) FAYETTE  
v. **TO BE PUBLISHED**  
NORMANDY FARM, LLC
- OPINION REVERSING AND REMANDING  
BY JUDGE L. THOMPSON**
- ACREE, J. (CONCURS) AND  
MCNEILL, J. (CONCURS)
756. BARBARA ANN GIBSON, EXECUTRIX OF [2022-CA-0204-MR](#) GRAYSON  
THE ESTATE OF BRADLEY GIBSON, AND **NOT TO BE PUBLISHED**  
ON BEHALF OF THE WRONGFUL DEATH  
BENEFICIARIES OF BRADLEY GIBSON v.  
SPRING VIEW HEALTH & REHAB  
CENTER, INC. D/B/A SPRING VIEW  
HEALTH & REHAB CENTER, ET AL.
- OPINION AFFIRMING BY JUDGE COMBS**
- CETRULO, J. (CONCURS) AND  
GOODWINE, J. (CONCURS)
757. AMERICAN NATIONAL PROPERTY & [2022-CA-0258-MR](#) JOHNSON  
CASUALTY COMPANY A/S/O DANA **NOT TO BE PUBLISHED**  
COLLETT AND GEORGE COLLETT v.  
R&N ENTERPRISES, INC. D/B/A B&W TV  
AND APPLIANCE CO.
- OPINION REVERSING AND REMANDING  
BY JUDGE L. THOMPSON**
- ACREE, J. (CONCURS) AND  
MCNEILL, J. (CONCURS)
758. O.P., SR. v. [2022-CA-0364-ME](#) NELSON  
CABINET FOR HEALTH AND FAMILY **NOT TO BE PUBLISHED**  
SERVICES, ET AL.
- OPINION AFFIRMING BY JUDGE  
CALDWELL**
- CETRULO, J. (CONCURS) AND  
COMBS, J. (CONCURS)

KENTUCKY COURT OF APPEALS

NOVEMBER 18, 2022 MINUTES

RELEASED: 10:00 A.M.

759. S.R.P. v. [2022-CA-0598-ME](#) FRANKLIN  
COMMONWEALTH OF KENTUCKY,  
CABINET FOR HEALTH AND FAMILY  
SERVICES, ET AL. **NOT TO BE PUBLISHED**

**OPINION AFFIRMING BY JUDGE  
GOODWINE**

CETRULO, J. (CONCURS) AND  
COMBS, J. (CONCURS)

760. L.B. v. [2022-CA-0599-ME](#) KENTON  
CABINET FOR HEALTH AND FAMILY  
SERVICES, COMMONWEALTH OF  
KENTUCKY, ET AL. [2022-CA-0602-ME](#)  
**NOT TO BE PUBLISHED**

**OPINION AFFIRMING BY JUDGE  
L. THOMPSON**

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

**ORDERS DISMISSING**

DAVID VORHERR, ET AL. v.  
BRETT COLDIRON, ET AL.

[2020-CA-1550-MR](#)  
[2021-CA-0885-MR](#)  
[2022-CA-0065-MR](#)

KENTON

**Entered: NOVEMBER 08, 2022**

PHILIP EDWARDS v.  
ANDREW LOGSDON

[2022-CA-0499-MR](#)

JEFFERSON

**Entered: NOVEMBER 07, 2022**

**ORDER AFFIRMING**

MARKUS HUPP-SMITH v.  
COMMONWEALTH OF KENTUCKY

[2022-CA-1095-ME](#)

MADISON

**Entered: NOVEMBER 10, 2022**

**KENTUCKY COURT OF APPEALS**

**NOVEMBER 18, 2022 MINUTES**

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

**ORDER VACATING AND REMANDING**

MICHAEL R. DESPAIN v.  
COMMONWEALTH OF KENTUCKY

[2022-CA-0520-ME](#)

JEFFERSON

**Entered: NOVEMBER 10, 2022**

**ORDER REMANDING**

MARVIN SHADE HALCOMB v.  
COMMONWEALTH OF KENTUCKY

[2022-CA-1018-ME](#)

[2022-CA-1019-ME](#)

[2022-CA-1020-ME](#)

LETCHER

**Entered: NOVEMBER 15, 2022**