

**COURT OF APPEALS OF KENTUCKY**

12/17/2010 AT 10:00 a.m.

PAGE 1 of 8

|      |   |  |          |
|------|---|--|----------|
| 1185 | WAGNER (JOHN G.)<br>VS.<br>WILSON (EDWARD A.), ET AL.<br>OPINION AFFIRMING<br>BUCKINGHAM (PRESIDING JUDGE)<br>CAPERTON (CONCURS) AND<br>STUMBO (CONCURS)  | <a href="#">2008-CA-000955-MR</a><br>2008-CA-001033-MR<br>NOT TO BE PUBLISHED                      | MARION   |
| 1186 | LEVINE (STEVEN)<br>VS.<br>LEVINE (MARIA)<br>OPINION AFFIRMING IN PART,<br>REVERSING IN PART, AND<br>REMANDING<br>THOMPSON (PRESIDING JUDGE)<br>MOORE (CONCURS) AND WHITE<br>(CONCURS)                 | <a href="#">2009-CA-000843-MR</a><br>NOT TO BE PUBLISHED   | CAMPBELL |
| 1187 | BUCHINO (ROBERT JAMES)<br>VS.<br>DISANTO (ANDREA NICOLE)<br>OPINION AFFIRMING<br>SHAKE (PRESIDING JUDGE)<br>LAMBERT (CONCURS) AND<br>THOMPSON (CONCURS)   | <a href="#">2009-CA-000960-ME</a><br>2009-CA-001374-ME<br>2010-CA-000637-ME<br>NOT TO BE PUBLISHED | SCOTT    |
| 1188 | PRATHER (VICKIE S.), ET AL.<br>VS.<br>THE JAMES B. HAGGIN MEMORIAL<br>HOSPITAL, ET AL.<br>OPINION REVERSING AND<br>REMANDING<br>CLAYTON (PRESIDING JUDGE)<br>LAMBERT (CONCURS) AND HENRY<br>(CONCURS) | <a href="#">2009-CA-001010-MR</a><br>2009-CA-001094-MR<br>NOT TO BE PUBLISHED                      | MERCER   |
| 1189 | ROSSI (MICHAEL A.)<br>VS.<br>CSX TRANSPORTATION, INC.<br>OPINION AFFIRMING<br>NICKELL (PRESIDING JUDGE)<br>LAMBERT (CONCURS) AND MOORE<br>(CONCURS)   | <a href="#">2009-CA-001234-MR</a><br>2009-CA-001285-MR<br>TO BE PUBLISHED                          | PERRY    |
| 1190 | DIALS (BRENDA KAY), ET AL.<br>VS.<br>DAVIS (MILTON)<br>OPINION AFFIRMING<br>CLAYTON (PRESIDING JUDGE)<br>COMBS (CONCURS) AND LAMBERT<br>(CONCURS)   | <a href="#">2009-CA-001457-MR</a><br>NOT TO BE PUBLISHED   | MARTIN   |

**COURT OF APPEALS OF KENTUCKY**

12/17/2010 AT 10:00 a.m.

PAGE 2 of 8

|      |  |  |           |
|------|--|--|-----------|
| 1191 | ELLIS (DEMETRICK S.)<br>VS.<br>COMMONWEALTH OF KENTUCKY<br>OPINION AFFIRMING<br>ACREE (PRESIDING JUDGE)<br>HENRY (CONCURS) AND ISAAC<br>(CONCURS)  | <a href="#">2009-CA-001582-MR</a><br>NOT TO BE PUBLISHED | JEFFERSON |
| 1192 | KENTUCKY UNEMPLOYMENT<br>INSURANCE COMMISSION, ET AL.<br>VS.<br>SUN VENTURES, INC.<br>OPINION AFFIRMING IN PART,<br>REVERSING IN PART AND<br>REMANDING<br>DIXON (PRESIDING JUDGE)<br>ACREE (CONCURS) AND STUMBO<br>(CONCURS) | <a href="#">2009-CA-001718-MR</a><br>NOT TO BE PUBLISHED | LAWRENCE  |
| 1193 | JOHNSON (ANTHONY)<br>VS.<br>COMMONWEALTH OF KENTUCKY<br>OPINION AFFIRMING<br>NICKELL (PRESIDING JUDGE)<br>KELLER (CONCURS) AND STUMBO<br>(CONCURS)   | <a href="#">2009-CA-001855-MR</a><br>NOT TO BE PUBLISHED | CHRISTIAN |
| 1194 | TELEK (JOHN STEPHEN)<br>VS.<br>DAUGHERTY (NOW BUCHER)<br>(SAMANTHA)<br>OPINION REVERSING AND<br>REMANDING<br>LAMBERT (PRESIDING JUDGE)<br>STUMBO (CONCURS) AND SHAKE<br>(CONCURS)  | <a href="#">2009-CA-001993-ME</a><br>TO BE PUBLISHED     | KENTON    |
| 1195 | PARKER (DIRK)<br>VS.<br>COMMONWEALTH OF KENTUCKY<br>OPINION AFFIRMING<br>DIXON (PRESIDING JUDGE)<br>CLAYTON (CONCURS) AND WINE<br>(CONCURS)  | <a href="#">2009-CA-002028-MR</a><br>NOT TO BE PUBLISHED | FAYETTE   |
| 1196 | HORN (ROBERT C.) A/K/A ROBIN C.<br>HORN AND PAMELA Q. HORN<br>VS.<br>AMERICAN FOUNDERS BANK, INC.<br>OPINION AFFIRMING<br>HENRY (PRESIDING JUDGE)<br>ACREE (CONCURS) AND ISAAC<br>(CONCURS)                                  | <a href="#">2010-CA-000138-MR</a><br>NOT TO BE PUBLISHED | OLDHAM    |

**COURT OF APPEALS OF KENTUCKY**

12/17/2010 AT 10:00 a.m.

PAGE 3 of 8

|      |   |  |                  |
|------|---|--|------------------|
| 1197 | H. (B.)<br>VS.<br>COMMONWEALTH OF KENTUCKY<br>OPINION VACATING AND<br>REMANDING<br>MOORE (PRESIDING JUDGE)<br>CAPERTON (CONCURS) AND<br>VANMETER (CONCURS)  | <a href="#">2010-CA-000259-ME</a><br>TO BE PUBLISHED     | FAYETTE          |
| 1198 | CABINET FOR HEALTH AND FAMILY<br>SERVICES<br>VS.<br>W. (I.) JR., ET AL.<br>OPINION REVERSING AND<br>REMANDING<br>LAMBERT (PRESIDING JUDGE)<br>STUMBO (CONCURS) AND SHAKE<br>(CONCURS)                                 | <a href="#">2010-CA-000301-ME</a><br>TO BE PUBLISHED     | CLARK            |
| 1199 | KESSLER (JOHN)<br>VS.<br>SWITZER (FORMERLY KESSLER)<br>(REBECCA)<br>OPINION AFFIRMING<br>THOMPSON (PRESIDING JUDGE)<br>CLAYTON (CONCURS) AND<br>NICKELL (CONCURS)   | <a href="#">2010-CA-000337-ME</a><br>NOT TO BE PUBLISHED | JEFFERSON        |
| 1200 | SELBY (DONALD)<br>VS.<br>HALL (JOHNATHAN G.)<br>OPINION AFFIRMING<br>COMBS (PRESIDING JUDGE)<br>CLAYTON (CONCURS) AND WINE<br>(CONCURS)   | <a href="#">2010-CA-000798-MR</a><br>NOT TO BE PUBLISHED | FRANKLIN         |
| 1201 | POYNTER (RAYMOND O.)<br>VS.<br>BARREN-METCALFE AMBULANCE<br>SERVICE, ET AL.<br>OPINION AFFIRMING<br>SHAKE (PRESIDING JUDGE)<br>TAYLOR (CONCURS IN RESULT<br>ONLY) AND STUMBO (DISSENTS<br>AND FILES SEPARATE OPINION) | <a href="#">2010-CA-000985-WC</a><br>NOT TO BE PUBLISHED | WORKERS'<br>COMP |



**COURT OF APPEALS OF KENTUCKY**

12/17/2010 AT 10:00 a.m.

PAGE 5 of 8

|  |                   |            |
|--|-------------------|------------|
| S.R.G.<br>VS.<br>CABINET FOR HEALTH AND<br>FAMILY SERVICES, ET AL<br>ENTERED: 12/14/2010   | 2010-CA-000916-ME | JEFFERSON  |
| BILLIE DIXON, A/K/A<br>BILLIE J. DIXON<br>VS.<br>CITIZENS UNION BANK<br>ENTERED: 12/13/2010  | 2010-CA-000977-MR | JEFFERSON  |
| WELLS FARGO BANK, N.A.<br>VS.<br>KENTUCKY FARM BUREAU<br>INSURANCE COMPANIES, ET AL<br>ENTERED: 12/13/2010                             | 2010-CA-001418-MR | MONTGOMERY |
| DAVID ALAN LEA<br>VS.<br>DARIAN TARA LEA<br>ENTERED: 12/14/2010  | 2010-CA-001481-MR | KENTON     |
| CABINET FOR HEALTH AND<br>FAMILY SERVICES, COMMONWEALTH<br>OF KENTUCKY<br>VS.<br>HON. DOLLY BERRY, JUDGE, ET AL<br>ENTERED: 12/14/2010 | 2010-CA-001706-MR | JEFFERSON  |
| LAWRENCE A. RUTHER<br>VS.<br>BARRY GASH<br>ENTERED: 12/14/2010   | 2010-CA-001726-MR | FRANKLIN   |
| J.C., MOTHER<br>VS.<br>H.M.D., A CHILD, ET AL<br>ENTERED: 12/14/2010   | 2010-CA-001753-MR | WAYNE      |

**COURT OF APPEALS OF KENTUCKY**

12/17/2010 AT 10:00 a.m.

PAGE 6 of 8

\*\*\*\*\*

ORDER DENYING PETITION FOR REHEARING FROM PREVIOUS WEEK ENDING 12/10/2010:

STATE AUTOMOBILE MUTUAL  
INSURANCE COMPANY  
VS.  
OCCIDENTAL FIRE & CASUALTY  
INSURANCE COMPANY, ET AL  
ENTERED: 12/09/2010

2009-CA-001660-MR

BULLITT

\*\*\*\*\*

ORDERS DENYING PETITION FOR WRIT OF MANDAMUS/PROHIBITION FROM PREVIOUS WEEK ENDING 12/10/2010:

PERCY BROWN  
VS.  
HON. A.C. McKAY CHAUVIN,  
JUDGE JEFFERSON CIRCUIT  
COURT  
AND  
COMMONWEALTH OF KENTUCKY  
ENTERED: 12/10/2010

2010-CA-000806-OA

JEFFERSON

TAMARA KAY MILLS  
VS.  
HON. DAN BALLOU, JUDGE  
WHITLEY CIRCUIT COURT  
AND  
COMMONWEALTH OF KENTUCKY  
ENTERED: 12/10/2010

2010-CA-000983-OA

WHITLEY

CLINTON BREWER  
VS.  
HON. CRAIG Z. CLYMER, JUDGE  
McCRACKEN CIRCUIT COURT  
AND  
COMMONWEALTH OF KENTUCKY  
ENTERED: 12/09/2010

2010-CA-001191-OA

McCRACKEN

WESLEY S. ANGLIN  
VS.  
HON. BRUCE BUTLER, JUDGE  
BRECKINRIDGE CIRCUIT COURT  
AND

2010-CA-001383-OA

BRECKINRIDGE

**COURT OF APPEALS OF KENTUCKY**

12/17/2010 AT 10:00 a.m.

PAGE 7 of 8

COMMONWEALTH OF KENTUCKY

ENTERED: 12/09/2010

NAKIA DILLARD-EL

2010-CA-001384-OA

CHRISTIAN

VS.

HON. ANDREW SELF, JUDGE

CHRISTIAN CIRCUIT COURT

AND

COMMONWEALTH OF KENTUCKY

ENTERED: 12/10/2010

\*\*\*\*\*

ORDERS DISMISSING FROM PREVIOUS WEEK ENDING 12/10/2010:

BRAD DENNEY

2010-CA-000808-OA

McCREARY

VS.

COMMONWEALTH OF KENTUCKY

ENTERED: 12/10/2010

LARRY RAINES

2010-CA-002031-MR

JESSAMINE

VS.

COMMONWEALTH OF KENTUCKY

ENTERED: 12/10/2010

\*\*\*\*\*

OPINIONS ORDERED PUBLISHED BY KENTUCKY SUPREME COURT:

DANIELLE JOHNSON, INDIVIDUALLY  
AND AS PARENT AND NEXT FRIEND  
OF ALAYA DAKATA JOHNSON, A MINOR,  
ET AL

2009-CA-000404-MR

MITCHELL

VS.

UNITED PARCEL SERVICE, INC.

ENTERED: 12/10/2010

FRANK HARSCHER, III

2009-CA-000661-MR

FAYETTE

VS.

COMMONWEALTH OF KENTUCKY

ENTERED: 12/08/2010

**COURT OF APPEALS OF KENTUCKY**

12/17/2010 AT 10:00 a.m.

PAGE 8 of 8

\*\*\*\*\*

ORDER GRANTING MOTION TO PUBLISH FROM PREVIOUS WEEK ENDING 11/19/2010:

STEPHEN LEEDS, INDIVIDUALLY,  
ET AL  
VS.  
CITY OF MULDRAUGH, KY  
ENTERED: 11/19/2010

2008-CA-000110-MR      MEADE  
2009-CA-000427-MR

\*\*\*\*\*

ORDER DENYING MOTION TO RECONSIDER FROM PREVIOUS WEEK ENDING 11/24/2010:

JAMES ALLEN LEMASTER  
VS.  
KIMBERLY LYNN LEMASTER,  
NOW ROBERTS  
ENTERED: 11/23/2010

2009-CA-001980-MR      KENTON