

# COURT OF APPEALS OF KENTUCKY

05/12/2006 AT 10:00 A.M.

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503	RENN (LESLIE T.), ET AL. VS. ROSS (KENNETH), ET AL. OPINION AND ORDER DISMISSING TACKETT (PRESIDING JUDGE) BARBER (CONCURS) AND MINTON (CONCURS)	2002-CA-1049-MR 2003-CA-0520-MR 2004-CA-0844-MR NOT TO BE PUBLISHED	WOODFORD
504	MILLER (DAVID MORGAN) VS. MILLER (MARY MURPHY) OPINION AFFIRMING EMBERTON (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND TAYLOR (CONCURS)	2003-CA-2251-MR NOT TO BE PUBLISHED	MORGAN
505	PARTIN (RILEY) VS. PARTIN (BYRD), ET AL. OPINION REVERSING AND REMANDING TAYLOR (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND EMBERTON (CONCURS)	2004-CA-1879-MR NOT TO BE PUBLISHED	WHITLEY
506	PHILLIPS (ANDREW) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING EMBERTON (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND TAYLOR (CONCURS)	2004-CA-2374-MR NOT TO BE PUBLISHED	JEFFERSON
507	PARKER, II (THEODORE) VS. MAYNARD (BONNIE), ET AL. OPINION AFFIRMING EMBERTON (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND TAYLOR (CONCURS)	2005-CA-0408-MR NOT TO BE PUBLISHED	PIKE
508	ESTATE OF ETHA E. POWER VS. COOPER (JARROD NATHAN) OPINION AFFIRMING BARBER (PRESIDING JUDGE) MCANULTY (CONCURS) AND POTTER (CONCURS)	2005-CA-0691-MR NOT TO BE PUBLISHED	BRACKEN

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509	TAYLOR (ANTHONY B.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING EMBERTON (PRESIDING JUDGE) HENRY (CONCURS) AND SCHRODER (CONCURS)	2005-CA-0802-MR NOT TO BE PUBLISHED	FAYETTE
510	CAGLE (CRAIG ALLEN) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING IN PART, VACATING IN PART, AND REMANDING TAYLOR (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND EMBERTON (DISSENTS)	2005-CA-0835-MR NOT TO BE PUBLISHED	CARLISLE
511	SAVAGE (JAMES) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING SCHRODER (PRESIDING JUDGE) HENRY (CONCURS) AND JOHNSON (CONCURS)	2005-CA-0839-MR NOT TO BE PUBLISHED	LYON
512	HERTRICH, III (FRED W.), ET AL. VS. WALNUT HALL LIMITED OPINION AFFIRMING BARBER (PRESIDING JUDGE) MCANULTY (CONCURS) AND POTTER (CONCURS)	2005-CA-1022-MR NOT TO BE PUBLISHED	FAYETTE
513	BELCHER (KENNETH) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING EMBERTON (PRESIDING JUDGE) HENRY (CONCURS) AND SCHRODER (CONCURS)	2005-CA-1055-MR NOT TO BE PUBLISHED	BELL
514	GRIMES (MICHAEL DEWAYNE) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING EMBERTON (PRESIDING JUDGE) HENRY (CONCURS) AND SCHRODER (CONCURS)	2005-CA-1185-MR NOT TO BE PUBLISHED	FAYETTE

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515	CHILDERS (MITCHELL) VS. ADELPHIA COMMUNICATIONS, ET AL. OPINION VACATING AND REMANDING TAYLOR (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND EMBERTON (CONCURS)	2005-CA-1959-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD
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CORRECTION MADE TO MINUTES OF MARCH 24, 2006: OPINION NUMBER 308, JAMES VS. COMMONWEALTH OF KENTUCKY, CASE NUMBER 2005-CA-0661-MR, WAS INCORRECTLY ENTERED AS "OPINION VACATING AND REMANDING." THE OPINION WAS ACTUALLY RENDERED "AFFIRMING."

JAMES (LARRY) 2005-CA-0661-MR OLDHAM  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED: 03/24/06

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ORDERS AFFIRMING:

THURMAN (TONY RANDALL) 2006-CA-0144-MR FAYETTE  
VS.  
HANEY (STEVE), WARDEN  
ENTERED: 05/08/06

HAMILTON (ERIC) 2006-CA-0596-MR MUHLENBERG  
VS.  
WEBB (PATTI), WARDEN  
ENTERED: 05/08/06

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ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW:

CANADA (WILLIAM H.) 2006-CA-0556-DR CALDWELL  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED: 05/08/06

ARNETT (MYERS) 2006-CA-0595-DR POWELL  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED: 05/08/06

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ORDERS DENYING PETITION FOR WRIT OF MANDAMUS:

SCHLAGEL (RAYMOND), ET AL. 2005-CA-2561-OA IN COURT OF APPEALS
VS.
HON. ANTHONY W. FROHLICH, JUDGE
BOONE CIRCUIT COURT, ET AL.
ENTERED: 05/09/06

THOMAS (FLAMINTO KENYARDNA) 2006-CA-0394-OA IN COURT OF APPEALS
VS.
HON. LISABETH HUGHES ABRAMSON, JUDGE
JEFFERSON CIRCUIT COURT, ET AL.
ENTERED: 05/08/06

MILES (TERRANCE E.) 2006-CA-0557-OA IN COURT OF APPEALS
VS.
HON. JUDITH MCDONALD-BURKMAN, JUDGE
JEFFERSON CIRCUIT COURT, ET AL.
ENTERED: 05/09/06

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ORDER GRANTING PETITION FOR REHEARING AND MODIFYING OPINION RENDERED FEBRUARY 24, 2006. THE ATTACHED IS SUBSTITUTED IN ITS ENTIRETY:

ESTATE OF WILLIAM CLINTON BRYANT, 2004-CA-2145-MR MONTGOMERY
ET AL.
VS.
MID-STATES PLASTICS, INC.
ENTERED: 05/12/06

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ORDERS DENYING PETITION FOR REHEARING:

BELLFIELD (JOHN), ET AL. 2004-CA-1106-MR MADISON
VS. 2004-CA-1133-MR
COMMONWEALTH OF KENTUCKY 2004-CA-1141-MR
ENTERED: 05/10/06

ACTON (JEAN) 2005-CA-0402-MR JEFFERSON
VS.
GEARY (WILLIAM)
ENTERED: 05/09/06

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ORDER DENYING PETITION FOR WRIT OF PROHIBITION:

BOWERSMITH (GLEN LEE)	2006-CA-0668-OA	IN COURT OF
VS.		APPEALS
COMMONWEALTH OF KENTUCKY		
ENTERED: 05/09/06		

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ORDER DENYING CR 65.07 RELIEF:

ETECH, M.D. (STEVEN)	2006-CA-0358-I	JEFFERSON
VS.		
UNIVERSITY CARDIOTHORACIC SURGICAL		
ASSOCIATES, P.S.C.		
ENTERED: 05/10/06		

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ORDERS DISMISSING:

EMBRY (MATTHEW)	2005-CA-0223-ME	BUTLER
VS.		
COMMONWEALTH OF KENTUCKY		
ENTERED: 05/10/06		

SLIDER (THOMAS J.)	2005-CA-0998-MR	GARRARD
VS.		
COMMONWEALTH OF KENTUCKY		
ENTERED: 05/09/06		

HATTER (DAGAN)	2005-CA-0999-MR	RUSSELL
VS.		
COMMONWEALTH OF KENTUCKY		
ENTERED: 05/09/06		

HALLUM (MICHAEL ALLEN)	2005-CA-1232-MR	LOGAN
VS.		
COMMONWEALTH OF KENTUCKY		
ENTERED: 05/10/06		

BRUMLEY (FRANKIE JOE)	2005-CA-1263-MR	CLAY
VS.		
COMMONWEALTH OF KENTUCKY		
ENTERED: 05/08/06		

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ORDERS DISMISSING (CONTINUED):

RAY (CURTIS LEE) VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/09/06	2005-CA-1267-MR	JEFFERSON
NICHOLS (LARRY) VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/09/06	2005-CA-1308-MR	KENTON
MATTHEWS (KEVIN WILLIS) VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/09/06	2005-CA-1417-MR	JEFFERSON
MILLER (GORDON A.) VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/08/06	2005-CA-1495-MR	JEFFERSON
MYERS (RAYMOND F.) VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/09/06	2005-CA-1597-MR	JEFFERSON
RUSSELL (DEVERY) VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/09/06	2005-CA-1768-MR	JEFFERSON
WHECKER (RONNIE) VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/08/06	2005-CA-1797-MR	LAUREL
JONES (FRANKIE) VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/09/06	2005-CA-1917-MR	BATH
SMITH (GLENN AUSTIN) VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/09/06	2005-CA-1929-MR	HARDIN

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ORDERS DISMISSING (CONTINUED):

DIXON (JERRY) 2005-CA-2025-MR ESTILL  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED: 05/08/06

SMITHHART (CHRISTOPHER) 2006-CA-0286-MR HENDERSON  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED: 05/08/06

SUMPTER (DEE ANN) 2006-CA-0455-MR PULASKI  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED: 05/08/06

DUNCAN (WAYNE MICHAEL) 2006-CA-0594-MR HARDIN  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED: 05/08/06

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ORDERS FROM PREVIOUS WEEK ENDING MAY 5, 2006:

ORDERS AFFIRMING:

CARDINE (STANLEY) 2005-CA-2232-MR MUHLENBERG  
VS.  
WEBB (PATTY R.), WARDEN  
ENTERED: 05/04/06

HARPER (MARK ALLEN) 2006-CA-0043-MR MCCrackEN  
VS.  
COINER (ANDREW T.)  
ENTERED: 05/04/06

HAYSE (RICKY) 2006-CA-0460-MR FRANKLIN  
VS.  
CREWS (COOKIE), WARDEN  
ENTERED: 05/04/06

THOMAS (TRACEY) 2006-CA-0783-MR FRANKLIN  
VS.  
REES (JOHN), COMMISSIONER,  
DEPARTMENT OF CORRECTIONS  
ENTERED: 05/04/06

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ORDERS FROM PREVIOUS WEEK ENDING MAY 5, 2006, (CONTINUED):  
ORDER DENYING PETITION FOR WRIT OF PROHIBITION/MANDAMUS:

PAGE (MONICA DAWN), NOW PRICE                                      2006-CA-0624-OA                      IN COURT OF APPEALS  
VS.  
HON. EDDIE C. LOVELACE, JUDGE  
MONROE CIRCUIT COURT, ET AL.  
ENTERED: 05/04/06

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ORDERS DENYING PETITION FOR WRIT OF PROHIBITION:

HAMILTON (ANDY)    2006-CA-0541-OA                      IN COURT OF APPEALS  
VS.  
HON. WILLIAM LARRY MILLER, JUDGE  
BREATHITT CIRCUIT COURT, ET AL.  
ENTERED: 05/04/06

ROBERTS, JR. (W.A. "BILL")    2006-CA-0591-OA                      IN COURT OF APPEALS  
VS.  
HON. GARY D. PAYNE, JUDGE  
FAYETTE CIRCUIT COURT, ET AL.  
ENTERED: 05/04/06

RIDLEY (JOHN W.)     2006-CA-0672-OA                      IN COURT OF APPEALS  
VS.  
HON. MARGARET RYAN HUDDLESTON,  
JUDGE  
WARREN FAMILY COURT, ET AL.  
ENTERED: 05/04/06

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ORDER DENYING MOTION FOR INTERLOCUTORY RELIEF:

LEE COUNTY FISCAL COURT    2006-CA-0666-I                      LEE  
VS.  
ARVIN (EVA CAROL)  
ENTERED: 05/04/06





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ORDERS FROM PREVIOUS WEEK ENDING MAY 5, 2006, (CONTINUED):

ORDERS DISMISSING (CONTINUED):

DERBY CITY RECYCLING, INC. VS. G.K. PROPERTIES, LTD.; ET AL. ENTERED: 05/04/06	2005-CA-0747-MR	JEFFERSON
HILL (TAMI G.) VS. BRESSOUD (PHILLIP F.) ENTERED: 05/04/06	2005-CA-0756-MR	JEFFERSON
LYKINS (JAMES) VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/04/06	2005-CA-0891-MR	GRANT
BLACKFORD (BOBBY LEE) VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/04/06	2005-CA-0962-MR	FAYETTE
DAPPER (ANDRE) VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/04/06	2005-CA-1073-MR	JEFFERSON
BENFORD (BONNAY M.) VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/04/06	2005-CA-1091-MR	WARREN
MURRELL (NICKLAUS) VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/04/06	2005-CA-1160-MR	WARREN
PERRY (DARRELL) VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/04/06	2005-CA-1161-MR	WARREN
SAMUELS (ELSWORTH) VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/04/06	2005-CA-1207-MR	JEFFERSON

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ORDERS FROM PREVIOUS WEEK ENDING MAY 5, 2006, (CONTINUED):

ORDERS DISMISSING (CONTINUED):

CLARK (WILLIAM) VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/04/06	2005-CA-1221-MR	OWEN
VANOVER (ANGELA) VS. CLEMENTS (RICHARD), ET AL. ENTERED: 05/04/06	2005-CA-1249-MR	LOGAN
CANSLER (ROBERT JEFFREY) VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/04/06	2005-CA-1270-MR	CHRISTIAN
JACKSON (EDWARD LEE) VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/04/06	2005-CA-1352-MR	HARLAN
WILLIS (ADAM) VS. LINDSEY (MICHAEL AARON), ET AL. ENTERED: 05/04/06	2005-CA-1386-ME	OHIO
GRAND COMMUNITIES, LTD, ET AL. VS. PLANNING COMMISSION OF THE CITY OF FT. THOMAS, KY, ET AL. ENTERED: 05/04/06	2005-CA-1390-MR	CAMPBELL
HERRINGTON (JAMES CHAD) VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/04/06	2005-CA-1464-MR	FAYETTE
POWERS (RANDALL G.) VS. COMMONWEALTH OF KENTUCKY ENTERED: 5/04/06	2005-CA-1521-MR	JOHNSON
COLE (ROBERT LEE) VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/04/06	2005-CA-1563-MR	LAUREL

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ORDERS FROM PREVIOUS WEEK ENDING MAY 5, 2006, (CONTINUED):

ORDERS DISMISSING (CONTINUED):

SWITZER (JAMES FRANKLIN) VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/04/06	2005-CA-1585-MR	OWEN
MARTINEZ (FORTINO GARCIA) VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/04/06	2005-CA-1724-MR	FAYETTE
L.J. VS. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. ENTERED: 05/04/06	2005-CA-1954-ME	BOYLE
SEARCY (LEE) VS. SEARCY (VERONICA ANN) ENTERED: 05/04/06	2005-CA-2118-MR	JESSAMINE
HAQ (ABDUL), ET AL. VS. SCHILDKNECHT & OLDHAM, ET AL. ENTERED: 05/04/06	2005-CA-2276-MR 2005-CA-2323-MR	JEFFERSON
WOODS (CHRISTOPHER MATTHEW) VS. SERBER (NOLA), FORMERLY WOODS ENTERED: 05/04/06	2005-CA-2296-MR	LAUREL
BENJEY (GEORGIA) VS. SCHWAB (RHONDA), ET AL. ENTERED: 05/04/06	2005-CA-2319-MR	BOONE
HARRINGTON (ALISON BRADFORD), NOW CHIPMAN VS. HARRINGTON (HERMAN BLATZ) ENTERED: 05/04/06	2005-CA-2469-MR	MCCRACKEN

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ORDERS DISMISSING (CONTINUED):

PLANK (MICHAEL L.) VS. PLANK (JO ASHLEY) ENTERED: 05/04/06	2005-CA-2496-MR	CHRISTIAN
KLEET (VICKI), NOW COOPER VS. KLEET (ALAN B.) ENTERED: 05/04/06	2006-CA-0036-MR	MCCRACKEN
RENFRO (HAROLD D.), ET AL. VS. WARREN RURAL ELECTRIC COOPERATIVE CORPORATION ENTERED: 05/04/06	2006-CA-0058-MR	WARREN
TRIAD FINANCIAL CORPORATION VS. STRATTON (SCOTTIE DALE), ET AL. ENTERED: 05/04/06	2006-CA-0269-MR	LOGAN
WHITTEN (HEATH ERIC), NOW ERIC VS. WHITTEN (JILL PARKER), NOW WARD ENTERED: 05/04/06	2006-CA-0354-MR	DAVIESS
FIELDS (ROBERT C.) VS. TILFORD CONTRACTORS, INC. ENTERED: 05/04/06	2006-CA-0437-MR	JEFFERSON
FREY (GREGORY) VS. COMMONWEALTH OF KENTUCKY ENTERED: 05/04/06	2006-CA-0560-MR	DAVIESS