

SUPREME COURT OF KENTUCKY

JANUARY 20, 2022 RULINGS

RELEASED: 10:00 A.M.

1. PAUL KEARNEY, M.D. V.
UNIVERSITY OF KENTUCKY

[2020-SC-0010-DG](#)
TO BE PUBLISHED

FAYETTE

**OPINION OF THE COURT BY JUSTICE
HUGHES - AFFIRMING**

MINTON, C.J.; CONLEY, KELLER, NICKELL,
AND VANMETER, JJ., SITTING. ALL
CONCUR. LAMBERT, J., NOT SITTING.

Questions Presented:

Whistleblower Protection Act. KRS 61.102.
Protected Disclosure. Issues include whether a
University-employed doctor made a protected
disclosure under the Whistleblower Protection Act
by reporting violations of an internal
administrative regulation and whether there was
sufficient evidence for a reasonable person to
conclude the reports were a contributing factor in
the employee's salary reduction.

2. KEVEON ROBINSON V.
COMMONWEALTH OF KENTUCKY

[2020-SC-0447-MR](#)
[2020-SC-0443-T](#)
TO BE PUBLISHED

JEFFERSON

**OPINION OF THE COURT BY JUSTICE
CONLEY - AFFIRMING**

ALL SITTING. ALL CONCUR.

Questions Presented:

Matter of Right. Criminal Law. Juries. Closing
Argument. Consideration of whether trial court
abused its discretion in denying motion to strike
two "doubtful jurors" for cause; also, the impact
of the Commonwealth's use of the term
"pedophile" when referring to the defendant
during closing argument.

3. MICHAEL LEWIS V.
COMMONWEALTH OF KENTUCKY

[2020-SC-0550-MR](#)
TO BE PUBLISHED

KENTON

**OPINION OF THE COURT BY CHIEF
JUSTICE MINTON - AFFIRMING**

ALL SITTING. ALL CONCUR.

Questions Presented:

Matter of Right. Criminal Law. Reading
Indictment. Post-Arrest Photos. Consideration of
whether it was reversible error to deny defendant's
motion for mistrial where the trial court read aloud
to the venire the text of the indictment but failed to
omit language referring to defendant's prior
offense; also, whether it was error to show the jury
images taken of the defendant while in custody for
purposes of identification.

4. M.S.S. V.
J.E.B., ET AL.

[2021-SC-0100-DGE](#)
TO BE PUBLISHED

WARREN

**OPINION OF THE COURT BY CHIEF
JUSTICE MINTON - AFFIRMING**

ALL SITTING. HUGHES, KELLER, NICKELL,
AND VANMETER, JJ., CONCUR. LAMBERT,
J., DISSENTS BY SEPARATE OPINION, IN
WHICH CONLEY, J., JOINS.

Questions Presented:

Termination of Parental Rights. Adoption.
Indispensable Parties. Among the issues are
whether the Cabinet for Health and Family
Services was required to initiate an action to
involuntarily terminate the biological living
parents' parental rights under Kentucky Revised
Statutes (KRS) Chapter 625 before the prospective
adoptive parents filed their petition for adoption
without consent of the biological living parents
under KRS 199.502.

5. THE CINCINNATI ENQUIRER, A DIVISION
OF GANNETT GP MEDIA, INC. V.
HONORABLE DONNA L. DIXON, ET AL.

[2021-SC-0379-OA](#)
TO BE PUBLISHED

IN SUPREME
COURT

**OPINION OF THE COURT BY JUSTICE
NICKELL - REVERSING AND
REMANDING**

ALL SITTING. ALL CONCUR.

Questions Presented:

Writ of Mandamus. KRS 222.430. Confidentiality
of Court Records. Consideration of a writ of
mandamus filed on behalf of newspaper seeking
access to appellate court briefs in confidential
cases involving constitutional challenges to a
statute.

6. WILLIAM DECKER V. CONTROL SYSTEMS,
ET AL.

[2020-SC-0237-WC](#)
NOT TO BE PUBLISHED

COURT OF
APPEALS

**MEMORANDUM OPINION OF THE
COURT - AFFIRMING**

ALL SITTING. ALL CONCUR.

7. JEFFERY MULLINS V.
LONE MOUNTAIN PROCESSING, ET AL.

[2020-SC-0295-WC](#)
NOT TO BE PUBLISHED

COURT OF
APPEALS

**MEMORANDUM OPINION OF THE
COURT- AFFIRMING**

MINTON, C.J.; CONLEY, HUGHES, KELLER,
NICKELL, AND VANMETER, JJ., SITTING.
ALL CONCUR. LAMBERT, J., NOT SITTING.

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| 8. | DAVID CORBIN V.
COMMONWEALTH OF KENTUCKY

MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u>

ALL SITTING. ALL CONCUR. | 2020-SC-0496-MR
NOT TO BE PUBLISHED | ADAIR |
| 9. | CORDERO M. WILBANKS V.
COMMONWEALTH OF KENTUCKY

MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u>

ALL SITTING. ALL CONCUR. | 2021-SC-0041-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 10. | TINA SPURGEON V.
MASTERSONS CATERING, ET AL.

MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u>

ALL SITTING. ALL CONCUR. | 2021-SC-0090-WC
NOT TO BE PUBLISHED | COURT OF APPEALS |
| 11. | RICKEY JACKSON V.
PHOENIX TRANSPORTATION, ET AL.

MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u>

ALL SITTING. ALL CONCUR. | 2021-SC-0154-WC
NOT TO BE PUBLISHED | COURT OF APPEALS |

OPINION AND ORDERS - January 20, 2022

KENTUCKY BAR ASSOCIATION V.
 CHRISTY SMITH GRAYSON

[2017-SC-0659-KB](#)
[2021-SC-0322-KB](#)
TO BE PUBLISHED

IN SUPREME COURT

OPINION AND ORDER DISBARRING

ALL SITTING. ALL CONCUR.

OPINION AND ORDERS - January 20, 2022

KENTUCKY BAR ASSOCIATION V.
KURT RICHARD DENTON

[2021-SC-0320-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**OPINION AND ORDER INDEFINITELY
SUSPENDING**

ALL SITTING. ALL CONCUR.

ROBERT BRIAN OUSLEY V.
KENTUCKY BAR ASSOCIATION

[2021-SC-0369-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**OPINION AND ORDER SUSPENDING FOR
30 DAYS**

ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V.
GRACE INGRID GARDINER

[2021-SC-0468-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**OPINION AND ORDER SUSPENDING FOR
3 YEARS (WITH PROBATION)**

ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V.
ARTHUR JOSEPH MORBURGER

[2021-SC-0511-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**OPINION AND ORDER TEMPORARILY
SUSPENDING**

ALL SITTING. ALL CONCUR.

ALLISON COFFEEN MOHON V.
KENTUCKY BAR ASSOCIATION

[2021-SC-0525-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**OPINION AND ORDER SUSPENDING FOR
181 DAYS (WITH PROBATION)**

ALL SITTING. ALL CONCUR.

OPINION AND ORDERS - January 20, 2022

JOHN COLEMAN KIRK V.
KENTUCKY BAR ASSOCIATION

[2021-SC-0549-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

PUBLIC REPRIMAND

ALL SITTING. ALL CONCUR.

ORDER GRANTING DISCRETIONARY REVIEW (ORAL ARGUMENT) - January 11, 2022

THE CITY OF BARBOURVILLE, KENTUCKY
ET AL. V.
EVELYN HOSKINS, ET AL.

[2021-SC-0435-DG](#)

KNOX

ORDER DENYING DISCRETIONARY REVIEW - January 11, 2022

LAURA LEWIS MAZE V.
WILLIAM LANE, ET AL.

[2021-SC-0169-D](#)

BATH

MINTON, C.J.; CONLEY, HUGHES, NICKELL,
AND VANMETER, JJ., AND JENNIFER LEE
LAWRENCE AND CHERYL ULENE LEWIS,
SPECIAL JUSTICES, SITTING. KELLER AND
LAMBERT, JJ., NOT SITTING.

CRAIG & LANDRETH CARS, INC., ET AL. V.
PROTECTIVE LIFE CORPORATION D/B/A
PROTECTIVE ADMINISTRATIVE SERVICES,
INC., ET AL.

[2021-SC-0176-D](#)

JEFFERSON

ETHICARE ADVISORS, INC. V.
NANCY G. ATKINS, IN HER CAPACITY AS
COMMISSIONER OF THE KENTUCKY
DEPARTMENT OF INSURANCE AND
LIQUIDATOR OF KENTUCKY HEALTH
COOPERATIVE, INC.

[2021-SC-0234-D](#)

FRANKLIN

ORDER DENYING DISCRETIONARY REVIEW - January 11, 2022

ROBERT SCHROERING, DMD, ET AL. V. KENNETH D. PARRISH, DMD, PH.D., ET AL.	2021-SC-0237-D	JEFFERSON
KELLER AND LAMBERT, JJ., WOULD GRANT DISCRETIONARY REVIEW.		
NINAMARY BUBA F/K/A NINAMARY B. MAGINNIS V. THOMAS MAGINNIS	2021-SC-0267-D	JEFFERSON
DENNIS PROBUS, ET AL. V. ALLSTATE INSURANCE CO. D/B/A ALLSTATE INDEMNITY CO.	2021-SC-0289-D	JEFFERSON
KATELYN TRAPP JOHNSON V. THE ESTATE OF CHASE MATTHEW TRAPP KNAPP BY MATTHEW KNAPP, ET AL.	2021-SC-0302-D	BOONE
KENNETH ALVIN O'NEIL, ET AL. V. DALE RAE HUTCHENS, ET AL.	2021-SC-0303-D	JEFFERSON
A.H. V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL.	2021-SC-0335-DE	TRIMBLE
JOHN HANCOCK LIFE INSURANCE COMPANY (U.S.A.) V. DALE RAE HUTCHENS, ET AL.	2021-SC-0377-D	JEFFERSON
JEREMY CARAWAY V. DAVID GREEN	2021-SC-0400-DE	MORGAN
JORDAN GLENN V. COMMONWEALTH OF KENTUCKY	2021-SC-0414-D	JEFFERSON

ORDER DENYING DISCRETIONARY REVIEW - January 11, 2022

JOAQUIN FUENTES-ORDUNA V.
VIRGINIA LINDSEY CARMICAL

[2021-SC-0416-DE](#)

FAYETTE

THOMAS LEONARD V.
AMERICAN ALTERNATIVE INSURANCE
COMPANY

[2021-SC-0417-D](#)

MCCRACKEN

ANTONIO L. BRADLEY V.
COMMONWEALTH OF KENTUCKY

[2021-SC-0434-D](#)

JEFFERSON

A.C., A CHILD UNDER EIGHTEEN V.
COMMONWEALTH OF KENTUCKY

[2021-SC-0469-DE](#)

FRANKLIN

ORDER DENYING DISCRETIONARY REVIEW AND DEPUBLISHING - January 11, 2022

ANITA BOND V.
JIMMY BOND

[2021-SC-0496-D](#)

CARTER

PETITION FOR REHEARING DENIED - January 20, 2022

GAIL HARKINS, APRN, ET AL. V.
HONORABLE OSCAR GAYLE HOUSE,
JUDGE, CLAY CIRCUIT COURT, ET AL.

[2019-SC-0216-MR](#)

IN SUPREME
COURT

AND

LENORA CAMPBELL, APRN, ET AL. V.
HONORABLE OSCAR GAYLE HOUSE,
JUDGE, CLAY CIRCUIT COURT, ET AL.

[2019-SC-0217-MR](#)

IN SUPREME
COURT

AND

DAVID SCOTT WELLS AS PERSONAL
REPRESENTATIVE AND ADMINISTRATOR
OF THE ESTATE OF LORETTA WELLS, ET
AL. V.
GAIL HARKINS, APRN, ET AL.

[2019-SC-0244-MR](#)

IN SUPREME
COURT

ORDER GRANTING MOTION TO DISMISS - January 11, 2022

REYNOLDS CONSUMER PRODUCTS V. [2020-SC-0577-WC](#) COURT OF
WILLIAM BELL, III, ET AL. APPEALS

**CONLEY, HUGHES, KELLER, AND
LAMBERT, JJ., SITTING. ALL CONCUR.**

ANTOINE M. OFFUTT V. [2021-SC-0077-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY

**CONLEY, HUGHES, KELLER, AND
LAMBERT, JJ., SITTING. ALL CONCUR.**

ORDER DISMISSING - January 20, 2022

DANIEL J. CAMERON V. HONORABLE [2021-SC-0124-T](#) FRANKLIN
PHILLIP JAMES SHEPHERD, ET AL.

ALL SITTING. ALL CONCUR.

COMMONWEALTH OF KENTUCKY, ET AL. [2021-SC-0216-T](#) MCCREARY
V. HONORABLE DANIEL BALLOU, ET AL.

ALL SITTING. ALL CONCUR.

ORDER DENYING TRANSFER - January 20, 2022

DAVID FENLEY, ET AL. V. [2021-SC-0461-T](#) COURT OF
C.H., A MINOR APPEALS

ALL SITTING. ALL CONCUR.

ORDER EXTENDING SUSPENSION - January 20, 2022

ERIC SHANE GRINNELL V. [2019-SC-0677-KB](#) IN SUPREME
KENTUCKY BAR ASSOCIATION COURT

ALL SITTING. ALL CONCUR.