

SUPREME COURT OF KENTUCKY

JANUARY 18, 2024 RULINGS

RELEASED: 10:00 A.M.

1. SAINT ELIZABETH MEDICAL CENTER, INC., D/B/A ST. ELIZABETH FLORENCE V. RONALD N. ARNSPERGER, JR. [2022-SC-0302-DG](#) BOONE
TO BE PUBLISHED

OPINION OF THE COURT BY JUSTICE CONLEY REVERSING

ALL SITTING. ALL CONCUR.

Questions Presented:
Summary Judgment. Causation. Expert Testimony. Res Ipsa Loquitur. Questions presented include whether summary judgment was appropriate where the plaintiff did not introduce expert testimony regarding causation for plaintiff's ankle injury.

2. COMMONWEALTH OF KENTUCKY V. STEVEN D. ROARK [2022-SC-0386-DG](#) KNOX
TO BE PUBLISHED

OPINION OF THE COURT BY JUSTICE BISIG REVERSING

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

Questions Presented:
Unanimous Verdict. Alternate Theories. Combination Instruction. Manufacture of Methamphetamine. Questions presented include whether the trial court violated defendant's right to a unanimous verdict by giving "combination" instruction allowing jury to believe one of two theories of the offense of manufacturing methamphetamine.

3. WILLIAM HARRIS V. COMMONWEALTH OF KENTUCKY [2022-SC-0195-MR](#) JEFFERSON
NOT TO BE PUBLISHED

MEMORANDUM OPINION OF THE COURT AFFIRMING

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

4. ISMAIL ALI V.
COMMONWEALTH OF KENTUCKY
- [2022-SC-0227-MR](#)
NOT TO BE PUBLISHED
- JEFFERSON
- MEMORANDUM OPINION OF THE COURT AFFIRMING**
- ALL SITTING. VANMETER, C.J.; BISIG, CONLEY, KELLER, LAMBERT, AND NICKELL, JJ., CONCUR. THOMPSON, J., CONCURS IN RESULT ONLY.
5. JORDAN G. ALFORD V.
COMMONWEALTH OF KENTUCKY
- [2022-SC-0278-MR](#)
NOT TO BE PUBLISHED
- SIMPSON
- MEMORANDUM OPINION OF THE COURT AFFIRMING**
- ALL SITTING. ALL CONCUR.
6. DURRELL DAVIS V.
COMMONWEALTH OF KENTUCKY
- [2022-SC-0301-MR](#)
NOT TO BE PUBLISHED
- KENTON
- MEMORANDUM OPINION OF THE COURT AFFIRMING**
- ALL SITTING. ALL CONCUR.
7. BRUCE WAYNE EMBRY V.
COMMONWEALTH OF KENTUCKY
- [2022-SC-0324-MR](#)
NOT TO BE PUBLISHED
- MUHLENBERG
- MEMORANDUM OPINION OF THE COURT AFFIRMING**
- ALL SITTING. VANMETER, C.J.; BISIG, CONLEY, KELLER, LAMBERT, AND NICKELL, JJ., CONCUR. THOMPSON, J., CONCURS IN RESULT ONLY.

8. ADRIAN DEAN HORD V. COMMONWEALTH OF KENTUCKY [2022-SC-0433-MR](#) LEWIS
NOT TO BE PUBLISHED
- MEMORANDUM OPINION OF THE COURT AFFIRMING**
- VANMETER, C.J.; BISIG, KELLER, LAMBERT, NICKELL, AND THOMPSON, JJ., SITTING. VANMETER, C.J.; BISIG, KELLER, LAMBERT, AND NICKELL, JJ., CONCUR. THOMPSON, J., CONCURS IN RESULT ONLY. CONLEY, J., NOT SITTING.
9. MICHAEL LEHMAN V. COMMONWEALTH OF KENTUCKY [2022-SC-0487-MR](#) HARDIN
NOT TO BE PUBLISHED
- MEMORANDUM OPINION OF THE COURT AFFIRMING**
- ALL SITTING. VANMETER, C.J.; BISIG, CONLEY, KELLER, LAMBERT, AND NICKELL, JJ., CONCUR. THOMPSON, J., CONCURS IN RESULT ONLY.
10. GARY R. WOOLBRIGHT V. HON. JOHN TIPTON ALEXANDER, ET AL. [2023-SC-0080-MR](#) BARREN
NOT TO BE PUBLISHED
- MEMORANDUM OPINION OF THE COURT AFFIRMING**
- ALL SITTING. ALL CONCUR.
11. JENNIFER WHISMAN V. TOYOTA MOTOR MANUFACTURING KENTUCKY, INC. ET. AL. [2023-SC-0164-WC](#) COURT OF APPEALS
NOT TO BE PUBLISHED
- MEMORANDUM OPINION OF THE COURT AFFIRMING**
- ALL SITTING. ALL CONCUR.

**ORDER GRANTING CROSS MOTION FOR DISCRETIONARY REVIEW (ORAL ARGUMENT) -
January 10, 2024**

JASON EARLYWINE V.
BOARD OF EDUCATION OF PARIS,
KENTUCKY

[2023-SC-0383-DG](#)

FRANKLIN

ORDER GRANTING DISCRETIONARY REVIEW (ORAL ARGUMENT) - January 10, 2024

FRATERNAL ORDER OF POLICE, LODGE
#4, ET AL. V.
LEXINGTON-FAYETTE URBAN COUNTY
GOVERNMENT

[2023-SC-0322-DG](#)

FAYETTE

KIMBERLY DERAMOS V.
ANDERSON COMMUNITIES, INC.

[2023-SC-0378-DG](#)

JEFFERSON

LEXINGTON-FAYETTE URBAN COUNTY
GOVERNMENT V.
FRATERNAL ORDER OF POLICE,
BLUEGRASS LODGE #4

[2023-SC-0445-DG](#)

FAYETTE

ORDER GRANTING DISCRETIONARY REVIEW (NO ORAL ARGUMENT) - January 10, 2024

JOHN EDWARD ANDERSON V.
COMMONWEALTH OF KENTUCKY

[2023-SC-0337-DG](#)

HICKMAN

CONNIE CORNER, INDIVIDUALLY AND AS
EXECUTRIX OF THE ESTATE OF THOMAS
DUNBAR A/K/A "SAM" DUNBAR V.
TYLER POPPLEWELL, ET AL.

[2023-SC-0403-DG](#)

RUSSELL

ORDER GRANTING DISCRETIONARY REVIEW (NO ORAL ARGUMENT) - January 11, 2024

JONATHAN HARDIN V. [2022-SC-0197-DG](#) JEFFERSON
LOUISVILLE/JEFFERSON COUNTY
METROPOLITAN GOVERNMENT, ET AL.

BISIG, J., NOT SITTING.

ORDER DENYING DISCRETIONARY REVIEW - January 10, 2024

RE/MAX PROPERTIES EAST, INC. V. [2022-SC-0471-D](#) JEFFERSON
GREATER LOUISVILLE PROPERTY
MANAGEMENT LLC, TRUSTEE OF
NORFOLK LAND TRUST, DATED MAY 1,
2011

VANMETER, C.J.; CONLEY, KELLER,
LAMBERT, AND NICKELL, JJ.; AND
SPECIAL JUSTICE MICHAEL A. WRIGHT
AND SPECIAL JUSTICE CHARLES EVERETT
ENGLISH SITTING. BISIG AND THOMPSON,
JJ., NOT SITTING.

WRIGHT, S.J., WOULD GRANT
DISCRETIONARY REVIEW.

DOUGLAS WAIN, ET AL. V. [2022-SC-0529-D](#) FAYETTE
CENTRAL BANK AND TRUST COMPANY,
ET AL.

HAZEL ENTERPRISES, LLC V. [2023-SC-0293-D](#) WHITLEY
DENNIS R. FAULKNER, ET AL.

DAVID RANDOLPH BEDELL V. [2023-SC-0294-D](#) JEFFERSON
COMMONWEALTH OF KENTUCKY

DENIS A. YALKUT, M.D. V. [2023-SC-0301-D](#) JEFFERSON
KENTUCKY BOARD OF MEDICAL
LICENSURE

LAMBERT, J., NOT SITTING.

ORDER DENYING DISCRETIONARY REVIEW - January 10, 2024

SHM, 2601, LLC, ET AL. V. DENISE BENTLEY, ET AL.	2023-SC-0302-D	JEFFERSON
COMMONWEALTH OF KENTUCKY V. PRISMA CAPITAL PARTNERS LP, ET AL.	2023-SC-0306-D	FRANKLIN,
BENJAMIN G. DUSING V. JILL BAKKER	2023-SC-0325-D	KENTON,
KEVIN STICH V. DALE MATTINGLY, ET AL.	2023-SC-0341-D	JEFFERSON
ANTHONY BRADLEY, INDIVIDUALLY, ET AL. V. LOUISVILLE MEGA CAVERN, LLC KELLER AND LAMBERT, JJ., WOULD GRANT DISCRETIONARY REVIEW.	2023-SC-0343-D	JEFFERSON
BRADLEY WADE MCDANIELS V. COMMONWEALTH OF KENTUCKY	2023-SC-0363-D	JEFFERSON
FRANK L. ALEXANDER, II, ET AL. V. KIRBY W. HOLLADAY, JR., ET AL.	2023-SC-0400-D	JEFFERSON
RAY HACKER, JR. V. COMMONWEALTH OF KENTUCKY	2023-SC-0404-D	JACKSON

ORDER DENYING DISCRETIONARY REVIEW - January 17, 2024

WESTERN ENERGY PRODUCTION, LP, ET AL. V. [2023-SC-0286-D](#) WOODFORD
DAVID ORCHARD, SUCCESSOR TRUSTEE OF THE ORCHARD FAMILY TRUST DATED NOVEMBER 19, 1979, TRUST A OF THE ORCHARD FAMILY TRUST, TRUST B OF THE ORCHARD FAMILY TRUST AND TRUST C OF THE ORCHARD FAMILY TRUST

SIOBHAN DIAMOND V. [2023-SC-0304-D](#) MCCracken
BAPTIST HEALTHCARE SYSTEM, INC.
KELLER, J., WOULD GRANT DISCRETIONARY REVIEW.

ORDER DENYING PETITION FOR REHEARING AND MODIFYING - January 18, 2024

RODERICK ANIBAL TEJEDA V. [2022-SC-0470-KB](#) IN SUPREME COURT
KENTUCKY BAR ASSOCIATION
ORDER DENYING PETITION FOR REHEARING AND SUA SPONTE MODIFYING

ALL SITTING. ALL CONCUR.

ORDER DENYING PETITION FOR REHEARING AND MODIFYING - January 12, 2024

KENTUCKY BAR ASSOCIATION V. [2023-SC-0084-KB](#) IN SUPREME COURT
DAVID CURLIN [2023-SC-0085-KB](#)
ORDER GRANTING MOTION TO SET ASIDE INDEFINITE SUSPENSION

ALL SITTING. ALL CONCUR.

ORDER DENYING - January 02, 2024

BUFFALO TRACE DISTILLERY, INC. V.
DE’CARRDIO PEARSON, IN HIS
INDIVIDUAL CAPACITY, ET AL.

[2023-SC-0473-I](#)

FRANKLIN

**ORDER DENYING MOTION FOR
INTERLOCUTORY RELIEF**

VANMETER, C.J.; BISIG, CONLEY, AND
KELLER, JJ., SITTING. ALL CONCUR.

TIMOTHY MADDEN V.
COMMONWEALTH OF KENTUCKY

[2023-SC-0476-D](#)

ALLEN

**ORDER DISMISSING DUE TO FAILURE
TO CORRECT DEFICIENCY**

VANMETER, C.J.; BISIG, CONLEY, AND
KELLER, JJ., SITTING. ALL CONCUR.

ORDER GRANTING MOTION TO DISMISS - January 17, 2024

ALIXANDRIA D. SHARPE V.
FELIX SHARPE

[2023-SC-0217-DG](#)

JEFFERSON

**ORDER GRANTING JOINT MOTION TO
DISMISS**

BISIG, CONLEY, KELLER, AND LAMBERT,
JJ., SITTING. ALL CONCUR.

ORDER DENYING - January 17, 2024

BARRY SATURDAY, PRO SE, ON HIS OWN
BEHALF AND ON BEHALF OF HIS MINOR
CHILDREN, AURORA SATURDAY AND
ATHENA SATURDAY V.
FAYETTE COUNTY BOARD OF
EDUCATION, ET AL.

[2023-SC-0460-D](#)

FAYETTE

**ORDER DENYING MOTION FOR
ENLARGEMENT OF TIME TO FILE
MOTION FOR DISCRETIONARY REVIEW**

BISIG, CONLEY, KELLER, AND LAMBERT,
JJ., SITTING. ALL CONCUR.

ORDER WITHDRAWING FROM KBA- December 18, 2023

JESSE D. FRIES V.
KENTUCKY BAR ASSOCIATION

[2023-SC-0552-KB](#)

IN SUPREME
COURT

ORDER WITHDRAWING FROM KBA- December 19, 2023

DONALD HANK ROBINSON V.
KENTUCKY BAR ASSOCIATION

[2023-SC-0556-KB](#)

IN SUPREME
COURT

MARY CLARE DALLAS V.
KENTUCKY BAR ASSOCIATION

[2023-SC-0557-KB](#)

IN SUPREME
COURT

ORDER WITHDRAWING FROM KBA- January 04, 2024

LEIGH VANDIVER GRAVES V.
KENTUCKY BAR ASSOCIATION

[2023-SC-0571-KB](#)

IN SUPREME
COURT