

SUPREME COURT OF KENTUCKY

FEBRUARY 23, 2012 MINUTES

RELEASED: 10:00 A.M.

1. INTER-TEL TECHNOLOGIES, INC. AND INTER-TEL, INC. V. LINN STATION PROPERTIES, LLC AND INTERGRATED TELECOM SERVICES CORP.
OPINION OF THE COURT BY JUSTICE ABRAMSON – AFFIRMING
ALL SITTING. ALL CONCUR.
- [2009-SC-000819-DG](#) JEFFERSON
TO BE PUBLISHED

Questions Presented:
Corporations. Issues include the permissibility of piercing the corporate veil of a grandparent corporation to collect on a default judgment against the subsidiary corporation.

2. K.R. (A/K/A J.W.), A CHILD V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE NOBLE – AFFIRMING
MINTON, C.J.; ABRAMSON, CUNNINGHAM, SCHRODER, AND SCOTT, JJ., CONCUR. VENTERS, J., CONCURS IN RESULT ONLY.
- [2010-SC-000076-DG](#) JEFFERSON
TO BE PUBLISHED

Questions Presented:
Juvenile. Criminal Law. Issues include the propriety of granting a writ of mandamus to compel transfer of a juvenile to circuit court based upon KRS 635.020(4).

3. MICHAEL DUNN V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE NOBLE – AFFIRMING
ALL SITTING. ALL CONCUR.
- [2010-SC-000234-MR](#) MONTGOMERY
TO BE PUBLISHED

Questions Presented:
Five counts of first-degree sodomy-50 years. Permissible warrantless search of an area that was an “open field,” not the curtilage of defendant’s home. Request for bill of particulars regarding specific dates for incidents of sexual abuse was waived where the request was not renewed. Trial judge did not err in denying motion to allow evidence of witness’ prior allegation of sexual abuse or in refusing to provide portions of witness’ psychotherapy records.

SUPREME COURT OF KENTUCKY

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RELEASED: 10:00 A.M.

4. JOSEPH THOMAS JAMES V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE NOBLE –
AFFIRMING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, AND SCOTT, JJ.,
CONCUR. SCHRODER, J., CONCURS
IN RESULT ONLY. VENTERS, J.,
CONCURS IN RESULT ONLY BY
SEPARATE OPINION.

[2010-SC-000275-MR](#)
TO BE PUBLISHED

JEFFERSON

Questions Presented:

First degree rape, first degree unlawful imprisonment, fourth degree assault, violating a protective order and PFO- 35 years. Trial court did not err in denying the motion for directed verdict, where the jury could conclude from the proof that the victim was compelled by force or threat of force to submit to sex with the defendant. Victim's statement which included her legal conclusions about her assailant's conduct was not exculpatory. Admission of hearsay statements in medical records was harmless error. Rule of completeness. Prior consistent statements.

5. BRITTON L. MCPHERSON V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE ABRAMSON –
AFFIRMING**
ALL SITTING. ALL CONCUR.

[2010-SC-000379-MR](#)
TO BE PUBLISHED

MUHLENBERG

Questions Presented:

Murder-Life imprisonment. Trial court did not err in excluding evidence concerning the nature of accomplice's prior crime or evidence of accomplice's unrelated statements to the police. Trial court did not err in refusing to give a missing evidence instruction or in empanelling a second jury to recommend a sentence.

SUPREME COURT OF KENTUCKY

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6. BRADLEY ALLEN DAY V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT
REVERSING AND REMANDING**
ALL SITTING. ALL CONCUR.

[2009-SC-000641-DG](#)
TO BE PUBLISHED

BRACKEN

Questions Presented:

Criminal Law. Jury Question. Evidence of Flight. Discovery. The issues are: 1. whether the trial court erred by answering a jury question requesting the penalty range for a lesser included offense during guilt phase deliberations; 2. whether the trial court erred by admitting evidence regarding the defendant's move to West Virginia as "flight" evidence; 3. whether the trial court erred by admitting forensic evidence where the Commonwealth could not demonstrate a chain of custody and the Commonwealth failed to timely turn over discovery regarding this evidence; and 4. whether the prosecutor's comments were an improper appeal to local sympathy.

7. THOMAS J. SCHULTZ V.
GENERAL ELECTRIC HEALTHCARE
FINANCIAL SERVICES, INC., ET
AL.
**OPINION OF THE COURT BY
JUSTICE SCOTT -
REVERSING AND REMANDING**
ALL SITTING. ALL CONCUR.

[2010-SC-000183-DG](#)
TO BE PUBLISHED

JEFFERSON

Questions Presented:

"Summary Judgment. Piercing the Corporate Veil."

8. KATHLEEN WOODWARD
MITCHELL AND MILLER, GRIFFIN &
MARKS, P.S.C. V.
RICHARD M. MITCHELL, JR.
**OPINION OF THE COURT BY
JUSTICE CUNNINGHAM -
REVERSING AND REMANDING**
MINTON, C.J.; NOBLE, SCHRODER,
SCOTT, AND VENTERS, JJ.,
CONCUR. ABRAMSON, J., CONCURS
IN RESULT ONLY.

[2010-SC-000722-DG](#)
TO BE PUBLISHED

FAYETTE

Questions Presented:

Domestic Relations. Attorney's Fees. The issue is the jurisdiction of the circuit court to award attorney's fees in relation to defense of post-decree motions, to wit: defense of a motion to modify maintenance, where the trial court admits it mistakenly failed to rule on the defendant's motion for fees in the final judgment addressing the plaintiff's motion for modification.

SUPREME COURT OF KENTUCKY

FEBRUARY 23, 2012 MINUTES

RELEASED: 10:00 A.M.

9. LEWIS A BALLARD V. [2010-SC-000094-MR](#) BOURBON AND
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED** WOODFORD
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
MINTON, C.J.; ABRAMSON, SCHRODER,
AND VENTERS, JJ., CONCUR.
CUNNINGHAM, J., CONCURS BY
SEPARATE OPINION. NOBLE, J.,
DISSENTS IN PART BY SEPARATE
OPINION, IN WHICH SCOTT, J., JOINS.
10. GARY D. WARICK V. [2010-SC-000432-MR](#) FLOYD
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, NOBLE, SCOTT, AND
VENTERS, JJ., CONCUR. SCHRODER,
J., CONCURS IN PART AND DISSENTS
IN PART BY SEPARATE OPINION.
11. HENRY J. CRAWFORD V. [2010-SC-000645-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, SCHRODER, SCOTT AND
VENTERS, JJ., CONCUR. NOBLE,
J., CONCURS IN RESULT ONLY.
12. PAUL BASS, III V. [2010-SC-000728-MR](#) BOURBON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
13. THOMAS BAILER V. [2010-SC-000755-MR](#) KENTON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

FEBRUARY 23, 2012 MINUTES

RELEASED: 10:00 A.M.

14. MCDONALD'S V. [2011-SC-000188-WC](#) FROM COURT
DEBRA PETTY; HONORABLE **NOT TO BE PUBLISHED** OF APPEALS
LAWRENCE F. SMITH,
ADMINISTRATIVE LAW JUDGE;
AND WORKERS' COMPENSATION
BOARD
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
15. COURTNEY TROWELL V. [2011-SC-000345-MR](#) JEFFERSON
HONORABLE BRIAN C. EDWARDS, **NOT TO BE PUBLISHED**
JUDGE, JEFFERSON CIRCUIT COURT
AND COMMONWEALTH OF KENTUCKY
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
16. MALCOLM CHERRY V. [2011-SC-000464-MR](#) FROM COURT
HONORABLE THOMAS D. WINGATE, **NOT TO BE PUBLISHED** OF APPEALS
JUDGE, FRANKLIN CIRCUIT COURT,
ET AL.
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
17. WILLIAM RYAN DIXON V. [2011-SC-000472-MR](#) FROM COURT
HONORABLE ROBERT CONLEY, **NOT TO BE PUBLISHED** OF APPEALS
JUDGE, GREENUP CIRCUIT COURT,
AND COMMONWEALTH OF KENTUCKY
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

FEBRUARY 23, 2012 MINUTES

RELEASED: 10:00 A.M.

18. MICHAEL LADD V. [2010-SC-000198-MR](#) CHRISTIAN
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART
AND REVERSING AND REMANDING
IN PART
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, NOBLE, AND SCOTT,
JJ., CONCUR. VENTERS, J., CONCURS
IN RESULT ONLY BY SEPARATE
OPINION IN WHICH SCHRODER,
J., JOINS.
19. GARY CLACK V. [2010-SC-000793-MR](#) TODD
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART
AND REVERSING AND REMANDING
IN PART
ALL SITTING. ALL CONCUR.
20. WALTER LIONEL BUCKNER V. [2010-SC-000067-MR](#) DAVIESS
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART
AND VACATING IN PART
ALL SITTING. ALL CONCUR.
21. ANTHONY MCMAHAN V. [2010-SC-000162-MR](#) TAYLOR
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART
AND VACATING IN PART
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

FEBRUARY 23, 2012 MINUTES

RELEASED: 10:00 A.M.

22. DOUGLAS BRANDON BARNHILL V. [2010-SC-000184-MR](#) GRANT
COMMONWEALTH OF KENTUCKY NOT TO BE PUBLISHED
**MEMORANDUM OPINION OF
THE COURT – REVERSING AND
REMANDING**
ALL SITTING. MINTON, C.J.; ABRAMSON,
CUNNINGHAM, NOBLE, AND VENTERS,
JJ., CONCUR. SCOTT, J., CONCURS
IN PART, AND DISSENTS IN PART AND
STATES: ALTHOUGH I AGREE WITH THE
MAJORITY ON ALL OTHER ISSUES, I
WOULD UPHOLD THE TRIAL COURT'S
REFUSAL TO GIVE A SECOND-DEGREE
MANSLAUGHTER INSTRUCTION UNDER
THESE FACTS. SCHRODER, J.,
JOINS.

OPINIONS AND ORDERS – FEBRUARY 15, 2012

- MARK BLANKENSHIP AND OTHER 2010-SC-000622-D FAYETTE
INDIVIDUAL APPELLANTS AS DESIGNATED
IN THE NOTICE OF APPEAL V.
LEXINGTON-FAYETTE URBAN COUNTY
GOVERNMENT
**ORDER GRANTED DISCRETIONARY
REVIEW, VACATED THE COURT OF
APPEALS' OPINION AND REMANDED
TO THE COURT OF APPEALS FOR
FURTHER CONSIDERATION.**

OPINIONS AND ORDERS – FEBRUARY 23, 2012

- KENTUCKY BAR ASSOCIATION V. [2011-SC-000608-KB](#) IN SUPREME
DONALD H. MOREHEAD TO BE PUBLISHED COURT
**ORDER SUSPENDED RESPONDENT FROM
THE PRACTICE OF LAW FOR 61 DAYS.**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

FEBRUARY 23, 2012 MINUTES

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – FEBRUARY 23, 2012

KENTUCKY BAR ASSOCIATION V. ERIC DETERS ORDER SUSPENDED RESPONDENT FROM THE PRACTICE OF LAW FOR 61 DAYS WITH CONDITIONS. ALL SITTING. ALL CONCUR.	<u>2011-SC-000641-KB</u> TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. DONALD LYNN RICHARDSON ORDER PERMANENTLY DISBARRED RESPONDENT FROM THE PRACTICE OF LAW IN THE COMMONWEALTH OF KENTUCKY. MINTON, C.J.; ABRAMSON, CUNNINGHAM, NOBLE, SCOTT AND VENTERS, JJ., CONCUR. SCHRODER, J., NOT SITTING.	<u>2011-SC-000654-KB</u> TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. J. BAXTER SCHILLING ORDER PUBLICLY REPRIMANDED RESPONDENT. ALL SITTING. ALL CONCUR.	<u>2011-SC-000657-KB</u> TO BE PUBLISHED	IN SUPREME COURT
JONATHAN KEMPER JAMES V. KENTUCKY BAR ASSOCIATION ORDER DENIED MOVANT RESTORATION OF LICENSE TO PRACTICE LAW IN COMMONWEALTH OF KENTUCKY. ALL SITTING. ALL CONCUR.	2011-SC-000704-KB NOT TO BE PUBLISHED	IN SUPREME COURT
DANIEL LOUIS THOMPSON V. KENTUCKY BAR ASSOCIATION ORDER SUSPENDED MOVANT FROM THE PRACTICE OF LAW FOR 61 DAYS, 31 DAYS OF WHICH ARE PROBATED FOR 2 YEARS, WITH CONDITIONS. ALL SITTING. ALL CONCUR.	<u>2011-SC-000734-KB</u> TO BE PUBLISHED	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

FEBRUARY 23, 2012 MINUTES

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – FEBRUARY 23, 2012

KENTUCKY BAR ASSOCIATION V.
JAMES A. EARHART
**ORDER SUSPENDED RESPONDENT FROM
THE PRACTICE OF LAW FOR 30 DAYS.**
ALL SITTING. ALL CONCUR.

[2011-SC-000743-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

STEPHEN R. CHAPPELL V.
KENTUCKY BAR ASSOCIATION
ORDER PUBLICLY REPRIMANDED MOVANT.
MINTON, C.J.; ABRAMSON, CUNNINGHAM,
SCHRODER, AND VENTERS, JJ., CONCUR.
SCOTT, J., DISSENTS. NOBLE, J., NOT
SITTING.

[2011-SC-000746-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

JOHN LAWTON MCBRAYER V.
KENTUCKY BAR ASSOCIATION
**ORDER RESTORED MOVANT TO
THE PRACTICE OF LAW WITH
CONDITIONS.**
ALL SITTING. ALL CONCUR.

2011-SC-000749-KB
NOT TO BE PUBLISHED

IN SUPREME
COURT

STEVEN JOSEPH MEGERLE V.
KENTUCKY BAR ASSOCIATION
ORDER PUBLICLY REPRIMANDED MOVANT.
ALL SITTING. ALL CONCUR.

[2012-SC-000011-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

MARK GRAHAM GAMBILL V.
KENTUCKY BAR ASSOCIATION
**ORDER REINSTATED MOVANT TO
THE PRACTICE OF LAW WITH
CONDITIONS.**
ALL SITTING. ALL CONCUR.

2012-SC-000018-KB

IN SUPREME
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 15, 2012**

MICHAEL JOSEPH FLICK V.
THE ESTATE OF CHRISTINA WITTICH

2010-SC-000664-DG

FAYETTE

SUPREME COURT OF KENTUCKY

FEBRUARY 23, 2012 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 15, 2012**

KATHERINE COMBS JARVIS AND HUGH J. CAPERTON V. NATIONAL CITY AND PNC BANK NATIONAL ASSOCIATION	2011-SC-000135-DG	JEFFERSON
HENRY WEBB, IN HIS OFFICIAL CAPACITY AS SUPERINTENDENT OF THE FLOYD COUNTY SCHOOLS, ET AL. V. PAMELA MEYER	2011-SC-000145-DG	FLOYD
COMMONWEALTH OF KENTUCKY V. SHAWN A. MORSEMAN	2011-SC-000167-DG	WEBSTER
N.C., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY	2011-SC-000271-DG	NELSON
DARBY ASHLEY BARNES V. COMMONWEALTH OF KENTUCKY	2011-SC-000325-DG	FAYETTE
RACHEL FORD V. KEITH PERKINS	2011-SC-000330-DG	JEFFERSON
BEN BROWNING V. JEFFERSON PREECE	2011-SC-000459-DG	LAWRENCE

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 15, 2012**

KEVIN HINKLE V. COMMONWEALTH OF KENTUCKY	2010-SC-000767-D	JEFFERSON
JOHN DOE I AND JACK DOE V. JACK CONWAY (ATTORNEY GENERAL, COMMONWEALTH OF KENTUCKY)	2010-SC-000804-D	FRANKLIN
KNOX COUNTY, KENTUCKY V. JOE WHITE VENTERS, J., NOT SITTING	2011-SC-000012-D	KNOX

SUPREME COURT OF KENTUCKY

FEBRUARY 23, 2012 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 15, 2012**

THOMAS PUGH, INDIVIDUALLY, ETC. V. LATONYA RANDOLPH, ADMINISTRATRIX OF THE ESTATE OF DEMETRA BOYD, DECEASED, ET AL.	2011-SC-000015-D	JEFFERSON
STATE AUTOMOBILE MUTUAL INSURANCE COMPANY V. RALPH ROYER, ET AL.	2011-SC-000016-D	BULLITT
MARIO RESHAWN JOHNSON V. COMMONWEALTH OF KENTUCKY	2011-SC-000029-D	FAYETTE
MELINDA LEMASTER, PERSONAL REPRESENTATIVE OF CHRISTA DAWN BURCHETT, DECEASED, ET AL. V. JAMES D. PRESTON, ET AL.	2011-SC-000031-D	JOHNSON
MICHAEL A. ROSSI V. CSX TRANSPORTATION, INC.	2011-SC-000045-D	PERRY
HARLON BARNETT, INDIVIDUALLY, AND AS ADMINISTRATOR OF THE ESTATE OF STEVEN RAY BARNETT V. HAMILTON MUTUAL INSURANCE COMPANY OF CINCINNATI, OHIO	2011-SC-000082-D	TAYLOR
MISSOURI GRAVES, GUARDIAN OF LAKESHA S. BREY V. ROBERT E. BREY	2011-SC-000089-D	HARDIN
GROVER C. GABBARD V. COMMONWEALTH OF KENTUCKY CUNNINGHAM AND SCOTT, JJ. WOULD GRANT DISCRETIONARY REVIEW.	2011-SC-000096-D	MCLEAN
KENNETH H. BAKER V. PATRICK WAYNE BACK	2011-SC-000124-D	JEFFERSON

SUPREME COURT OF KENTUCKY

FEBRUARY 23, 2012 MINUTES

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 15, 2012**

ROSE JOHNSON V. COMMONWEALTH OF KENTUCKY	2011-SC-000130-D	LAWRENCE
ANN SPARKS V. JOHN DOWNING, M.D., ET AL.	2011-SC-000142-D	WARREN
GLEN HARTLEY V. MOTORISTS MUTUAL INSURANCE COMPANY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2011-SC-000146-D	WOODFORD
JAMES MCCORD AND EDITH MCCORD V. COUNTRYWIDE HOME LOANS SERVICING, LP	2011-SC-000149-D	JEFFERSON
TORI LYNN VAN BERG V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2011-SC-000150-D	DAVISS
ODIS ARNOLD V. CHRISTOPHER RAKES AND ARVIL CHAPMAN	2011-SC-000155-D	MARION
EDGEL GILLIAM AND KATHARINA GILLIAM V. NEW RIDGE MINING COMPANY	2011-SC-000169-D	PIKE
JIMMY HARSTON, ET AL. V. COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2011-SC-000178-D	LARUE, HART WARREN
MITCHELL JACKSON V. COMMONWEALTH OF KENTUCKY	2011-SC-000207-D	JEFFERSON
JOHN FRANCIS THOMPSON V. COMMONWEALTH OF KENTUCKY	2011-SC-000209-D	GRAVES

SUPREME COURT OF KENTUCKY

FEBRUARY 23, 2012 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 15, 2012**

JOE ALLEN EVANS V. COMMONWEALTH OF KENTUCKY	2011-SC-000210-D	MARTIN
PETER MBUGUA V. COMMONWEALTH OF KENTUCKY	2011-SC-000217-D	BOONE
ROBERT JONES V. GEICO INDEMNITY COMPANY	2011-SC-000235-D	JEFFERSON
LARRY THOMPSON, ET AL. V. BRANCH BANKING & TRUST COMPANY, SUCCESSOR IN INTEREST TO BANK OF LOUISVILLE SCOTT, J., WOULD GRANT DISCRETIONARY REVIEW.	2011-SC-000236-D	JEFFERSON
RACHEL LEATHERMAN V. COMMONWEALTH OF KENTUCKY	2011-SC-000272-D	MCCRACKEN
CITY OF BOWLING GREEN, KENTUCKY V. HOTELS.COM L.P., ET AL.	2011-SC-000304-D	WARREN
WILLIAM EDWARD EASLEY V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2011-SC-000305-D	GRAVES
FRANK ELDRED V. COMMONWEALTH OF KENTUCKY VENTERS, J., NOT SITTING.	2011-SC-000308-D	RUSSELL
VICKIE PRATHER AND ERNIE PRATHER V. THE JAMES B. HAGGIN MEMORIAL HOSPITAL AND CENTRAL KENTUCKY SURGEONS, P.S.C.	2011-SC-000316-D	MERCER
VANESSA CARTER V. COMMONWEALTH OF KENTUCKY	2011-SC-000320-D	GRAVES

SUPREME COURT OF KENTUCKY

FEBRUARY 23, 2012 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 15, 2012**

SHAWN ERNST V. COMMONWEALTH OF KENTUCKY	2011-SC-000321-D	BOONE
VINCENT TODD HOWARD V. COMMONWEALTH OF KENTUCKY	2011-SC-000336-D	FAYETTE
AUBREY HALL; MARCUS COLLIER; AND HENRY COLLIER V. SWAN FORK LAND COMPANY, INC.	2011-SC-000366-D	LETCHER
TONYA LINDSEY V. KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION AND BOARD OF TRUSTEES OF THE UNIVERSITY OF KENTUCKY	2011-SC-000420-D	FAYETTE
SAMUEL CRABTREE V. COMMONWEALTH OF KENTUCKY	2011-SC-000470-D	MADISON
LINDA HAYWOOD V. BOARD OF TRUSTEES OF THE KENTUCKY RETIREMENT SYSTEMS THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2011-SC-000484-D	FRANKLIN
JASON RAY ISON V. COMMONWEALTH OF KENTUCKY	2011-SC-000512-D	LETCHER
ANDRA KILLEBREW V. COMMONWEALTH OF KENTUCKY	2011-SC-000529-D	CHRISTIAN
CITIZENS FOR ALTERNATIVE WATER SOLUTIONS V. KENTUCKY-AMERICAN WATER COMPANY, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED TO BE PUBLISHED.	2011-SC-000559-D	FRANKLIN

SUPREME COURT OF KENTUCKY

FEBRUARY 23, 2012 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 15, 2012**

MODERN RADIOLOGY, PLLC V. NEURODIAGNOSTICS, P.S.C., AND NEURODIAGNOSTICS, INC.	2011-SC-000566-D	FAYETTE
ALLEN GREY V. COMMONWEALTH OF KENTUCKY SCOTT, J., WOULD GRANT DISCRETIONARY REVIEW.	2011-SC-000592-D	FAYETTE
RANDY SPRINKLES V. KATHY MILLS	2011-SC-000611-D	KNOX
ORVILLE ROARK V. COMMONWEALTH OF KENTUCKY CUNNINGHAM, J., NOT SITTING.	2011-SC-000619-D	MENIFEE
MEDIACOM SOUTHEAST, LLC V. LONNIE CALHOUN, ET AL.	2011-SC-000620-D	MARSHALL
ADAIR COUNTY, KENTUCKY, AND WILLIAM KNIGHT V. JASON STEARMAN AND LARRY MEHAFFEY	2011-SC-000623-D	METCALFE
COURTNEY G. ROBERTS V. ERIK BEDARD	2011-SC-000626-DE	FAYETTE
FULLMER A. MENDEZ V. UNIVERSITY OF KENTUCKY BOARD OF TRUSTEES, ET AL.	2011-SC-000660-D	FAYETTE
BRAD MILLER V. MELIAH MILLER	2011-SC-000685-DE	MCCRACKEN
MELISSA ANN DRUEN V. PAULA JEAN MILLER	2011-SC-000713-DE	JEFFERSON

SUPREME COURT OF KENTUCKY

FEBRUARY 23, 2012 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 15, 2012**

MATT MINIARD V. KENTUCKY REAL ESTATE APPRAISERS BOARD, COMMONWEALTH OF KENTUCKY NOBLE, J., NOT SITTING.	2011-SC-000715-D	FRANKLIN
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**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE
MOTION FOR DISCRETIONARY REVIEW**

LAWRENCE FROMAN V. HON. KIM SHUMATE, JUDGE, HARDIN DISTRICT COURT, ET AL. ENTERED: DECEMBER 19, 2011	2011-SC-000539-MR	HARDIN
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M.C., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY ENTERED: DECEMBER 20, 2011	2011-SC-000695-D	MCCRACKEN
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E.Y., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY ENTERED: DECEMBER 20, 2011	2011-SC-000696-D	MCCRACKEN
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E.Y., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY ENTERED: DECEMBER 20, 2011	2011-SC-000697-D	MCCRACKEN
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COURT ORDERS GRANTING MOTION TO TRANSFER – FEBRUARY 23, 2012

STEVEN L. BESHEAR, IN HIS CAPACITY AS THE GOVERNOR OF THE COMMONWEALTH OF KENTUCKY, ET AL. V. HAYDON BRIDGE COMPANY, INC., ET AL.	2011-SC-000563-T	FRANKLIN
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GARR KEITH HARDIN AND JEFFREY DEWAYNE CLARK V. COMMONWEALTH OF KENTUCKY	2011-SC-000722-T	MEADE
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SUPREME COURT OF KENTUCKY

FEBRUARY 23, 2012 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING MOTION TO TRANSFER – FEBRUARY 23, 2012

DEWAYNE EARL BISHOP AND COMMONWEALTH OF KENTUCKY V. HONORABLE JOHN DAVID CAUDILL, IN HIS OFFICIAL CAPACITY AS JUDGE OF THE CIRCUIT COURT OF FLOYD COUNTY KENTUCKY	2011-SC-000775-T	FLOYD
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COURT ORDERS DENYING PETITION FOR REHEARING – FEBRUARY 23, 2012

BRADLEY DALE DAY V. COMMONWEALTH OF KENTUCKY	2009-SC-000786-MR	HOPKINS
BENNY LEE HODGE V. COMMONWEALTH OF KENTUCKY	2009-SC-000791-MR	LETCHER
INTERLOCK INDUSTRIES, INC., ET AL. V. CHARLES RAWLINGS, ET AL. AND ROSENMAN'S INC. V. CHARLES RAWLINGS, ET AL. AND KENTUCKY FLATBED COMPANY, LLC. V. CHARLES RAWLINGS, ET AL.	2010-SC-000264-DG 2010-SC-000352-DG 2010-SC-000368-DG	SHELBY SHELBY SHELBY
JAMES C. POTTER, II V. COMMONWEALTH OF KENTUCKY	2010-SC-000410-MR	MCCRACKEN
PETER BARD V. COMMONWEALTH OF KENTUCKY MINTON, C.J.; CUNNINGHAM, NOBLE, SCHRODER, SCOTT, AND VENTERS, JJ. CONCUR. ABRAMSON, J., NOT SITTING.	2010-SC-000283-DG	JEFFERSON
JESSIKA MOORE V. PIZZA HUT, INC., HONORABLE HOWARD E. FRASIER, JR., ADMINISTRATIVE LAW JUDGE; AND WORKERS' COMPENSATION BOARD	2010-SC-000829-WC	FROM COURT APPEALS

SUPREME COURT OF KENTUCKY

FEBRUARY 23, 2012 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

ELISA M. HARLOW, EXECUTRIX FOR THE ESTATE OF EUGENE SALESMAN V. BEVERLY HEALTH AND REHABILITATION SERVICES, INC., D/B/A CAMELOT HEALTHCARE SPECIALTY CENTER
2010-SC-000808-DG JEFFERSON
ORDER GRANTED THE PARTIES' MOTION TO DISMISS THE MOTION FOR DISCRETIONARY REVIEW.
ENTERED: JANUARY 13, 2012

ERIC LANZ V. HON. C. HUNTER DAUGHERTY, JUDGE, JESSAMINE CIRCUIT COURT, ET AL.
2011-SC-000673-MR JESSAMINE
ORDER GRANTED MOVANT'S MOTION TO WITHDRAW THE MOTION FOR DISCRETIONARY REVIEW.
ENTERED: DECMEBER 20, 2011

COURT ORDERS

KEITH MCKINNEY V. KENTUCKY BAR ASSOCIATION
[2011-SC-000606-KB](#) IN SUPREME COURT
ORDER MODIFIED OPINION AND ORDER ENTERED NOVEMBER 23, 2011, BY SUBSTITUTION OF PAGE 1.
ENTERED: JANUARY 4, 2012

KENTUCKY BAR ASSOCIATION V. KELLY H. FOWLER
2008-SC-000695- KB IN SUPREME COURT
ORDER MODIFIED OPINION AND ORDER ENTERED NOVEMBER 23, 2011, BY SUBSTITUTION OF PAGE 1.
ENTERED: DECEMBER 22, 2011

COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE KENTUCKY BAR ASSOCIATION

STEPHEN C. SANDERS V. KENTUCKY BAR ASSOCIATION
2012-SC-000009-KB IN SUPREME COURT
ENTERED: JANUARY 6, 2012

SUPREME COURT OF KENTUCKY

FEBRUARY 23, 2012 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE
KENTUCKY BAR ASSOCIATION**

**MARIA ANGELA LONGI V.
KENTUCKY BAR ASSOCIATION
ENTERED: JANUARY 11, 2012**

2012-SC-000017-KB

**IN SUPREME
COURT**

**ROBERT BERNARD MCQUEEN V.
KENTUCKY BAR ASSOCIATION
ENTERED: FEBRUARY 8, 2012**

2012-SC-000055-KB

**IN SUPREME
COURT**