

SUPREME COURT OF KENTUCKY

FEBRUARY 18, 2016 MINUTES

RELEASED: 10:00 A.M.

1. IN RE: ROBERT A. WINTER, JR.,
PLAINTIFF AND CAMERON BLAU
AND HONORABLE ALLISON JONES,
INTERVENING PLAINTIFFS V.
HON. STEPHEN D. WOLNITZEK, IN
HIS OFFICIAL CAPACITY AS CHAIR,
JUDICIAL CONDUCT COMMISSION,
ET AL.
**OPINION OF THE COURT BY
JUSTICE VENTERS –
CERTIFYING THE LAW**
ALL SITTING. MINTON, C.J.;
CUNNINGHAM, HUGHES, KELLER,
AND VENTERS, JJ., CONCUR.
NOBLE, J., CONCURS IN PART AND
DISSENTS IN PART BY SEPARATE
OPINION IN WHICH WRIGHT, J.,
JOINS.

[2015-SC-000086-CL](#)
TO BE PUBLISHED

FEDERAL

Questions Presented:
Certification of the Law. Kentucky Code of
Judicial Conduct. Campaign Conduct.
Canon 5A(1)(a), Canon 5A(1)(b), and Canon
5B(1)(c).

2. ALLEN LLOYD LEHMANN V.
HON. SUSAN SCHULTZ GIBSON,
JUDGE, JEFFERSON CIRCUIT
COURT, ET AL.
**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
AFFIRMING AND DENYING WRIT
OF MANDAMUS**
ALL SITTING. ALL CONCUR.

[2015-SC-000239-MR](#)
TO BE PUBLISHED

FROM COURT
OF APPEALS

Questions Presented:
Writ of Mandamus. Mootness. Trial court did
not act erroneously in staying discovery in a
civil action against a pastor pending
conclusion of a related criminal prosecution
for sex offenses.

SUPREME COURT OF KENTUCKY

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RELEASED: 10:00 A.M.

3. DARRYL PARKER V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE HUGHES -
AFFIRMING**
ALL SITTING. ALL CONCUR.

[2014-SC-000228-MR](#)
TO BE PUBLISHED

JEFFERSON

Questions Presented:

Two counts of first-degree robbery, tampering with physical evidence, being a convicted felon in possession of a handgun, PFO II-25 years. Trial court did not, on the eve of trial, abuse its discretion by denying a motion for continuance to access the reliability of the Commonwealth's DNA testing where such request was both untimely and speculative. Prosecutor's alleged *Moss* violation did not constitute palpable error. Improper prior offense evidence contained in unredacted certified records was not error requiring remand for a new penalty phase.

4. ALFRED IVEY, JR. V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE NOBLE -
AFFIRMING**
ALL SITTING. MINTON, C.J.;
CUNNINGHAM, HUGHES, KELLER,
AND WRIGHT, JJ., CONCUR.
VENTERS, J., CONCURS IN RESULT
ONLY BY SEPARATE OPINION.

[2014-SC-000345-MR](#)
TO BE PUBLISHED

HARDIN

Questions Presented:

Two counts of first-degree rape-Life sentence. Questions raised regarding the expert testimony about the DNA evidence of defendant's paternity. Statistical DNA evidence was properly admitted; discussion of the expert's use of the 50% "prior probability" of paternity in calculating the final probability of paternity. DNA expert's testimony did not invade the province of the jury.

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5. **DARRELL JACKSON V. COMMONWEALTH OF KENTUCKY**
OPINION OF THE COURT BY JUSTICE VENTERS - AFFIRMING
ALL SITTING. ALL CONCUR.
- [2014-SC-000612-MR](#) JEFFERSON
TO BE PUBLISHED

Questions Presented:
First-degree manslaughter-20 years. Defendant engaging in unlawful activity, the collection of money for the illegal sale of drugs, was not entitled to a “no duty to retreat” jury instruction. Evidence of defendant’s prior juvenile adjudication was properly admitted in the penalty phase of the trial. KRS 532.055(2)(a)(6).

6. **JAMES ANTHONY GRAY V. COMMONWEALTH OF KENTUCKY**
OPINION OF THE COURT BY CHIEF JUSTICE MINTON – REVERSING
ALL SITTING. ALL CONCUR.
- [2013-SC-000374-MR](#) SCOTT
TO BE PUBLISHED

Questions Presented:
Two counts of murder and tampering with physical evidence-45 years. Voluntariness of defendant’s confession. Trial court erred in failing to suppress the confession which was involuntarily extracted through trickery during a protracted interrogation by sheriff’s detectives that included the use of false statements and falsified documents.

7. **NORTON HEALTHCARE, INC. V. LUAL A. DENG, ETC.**
OPINION OF THE COURT BY CHIEF JUSTICE MINTON – REVERSING
ALL SITTING. MINTON, C.J.; CUNNINGHAM, HUGHES, NOBLE, VENTERS, WRIGHT, JJ., CONCUR. KELLER, J., CONCURS IN RESULT ONLY.
- [2013-SC-000526-DG](#) JEFFERSON
TO BE PUBLISHED

Questions Presented:
Employment Law. Discrimination. Retaliation. Summary judgment was properly granted dismissing a post-termination retaliation claim. “Futile-gesture doctrine” was not raised in or decided by the trial court and cannot be raised for the first time on appeal. KRE 408 does not exclude statements verbalizing parties’ demands.

SUPREME COURT OF KENTUCKY

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RELEASED: 10:00 A.M.

8. COMMONWEALTH OF KENTUCKY V. [2014-SC-000511-DG](#) HART
PHILLIP DIXON
TO BE PUBLISHED
OPINION OF THE COURT BY JUSTICE KELLER – REVERSING
ALL SITTING. ALL CONCUR.
- Questions Presented:**
Criminal Law. Suppression of Evidence. Issues involve whether evidence was observed from outside the curtilage of mobile home.
9. TRANE COMMERCIAL SYSTEMS V. [2014-SC-000561-WC](#) FROM COURT OF APPEALS
DELENA TIPTON; HON. THOMAS G. POLITES, ADMINISTRATIVE LAW JUDGE; AND WORKERS' COMPENSATION BOARD
TO BE PUBLISHED
OPINION OF THE COURT BY JUSTICE KELLER – REVERSING
ALL SITTING. ALL CONCUR.
- Questions Presented:**
Workers' Compensation. Issues presented include whether claimant was entitled to Temporary Total Disability benefits for the period of time she returned to work in a light duty job which involved different tasks from her pre-injury employment.
10. PERSELS & ASSOCIATES, LLC, ET AL. V. [2014-SC-000131-DG](#) DAVIESS
CAPITAL ONE BANK (USA), N.A., ET AL.
TO BE PUBLISHED
OPINION OF THE COURT BY JUSTICE CUNNINGHAM – REVERSING AND REMANDING
ALL SITTING. HUGHES, KELLER, NOBLE, VENTERS AND WRIGHT, JJ., CONCUR. MINTON, C.J., CONCURS IN RESULT ONLY.
- Questions Presented:**
Limited-representation agreements. "Unbundling" of legal services. Such agreements are permissible so long as they are reasonable under the circumstances and otherwise comport with our rules of practice and procedure.

SUPREME COURT OF KENTUCKY

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11. LINDA DAVIS V.
KAREN DAVIS, ET AL.
**OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
REVERSING AND REMANDING**
ALL SITTING. ALL CONCUR.
- [2014-SC-000751-DG](#) GREENUP
TO BE PUBLISHED

Questions Presented:
Family Law. Marital Dissolution. Property Settlement Agreements. Whether a lack of reference to a filed property settlement agreement in a dissolution decree voids such an agreement.

12. GLENN HAMPTON V.
FLAV-O-RICH DAIRIES; HON.
WILLIAM J. RUDLOFF,
ADMINISTRATIVE LAW JUDGE; AND
WORKERS' COMPENSATION
BOARD
**OPINION OF THE COURT BY
JUSTICE KELLER –
REVERSING AND REMANDING**
ALL SITTING. ALL CONCUR.
- [2015-SC-000095-WC](#) FROM COURT
TO BE PUBLISHED OF APPEALS

Questions Presented:
Workers' Compensation. Whether an opinion of the Workers' Compensation Board is final and appealable when it vacates and remands an opinion of the Administrative Law Judge but does not mandate a different result.

13. A. H. V.
W.R.L. AND M.L.
**OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
REVERSING AND REMANDING**
ALL SITTING. ALL CONCUR.
- [2015-SC-000247-DGE](#) KENTON
TO BE PUBLISHED

Questions Presented:
Family Law. Custody. Same-Sex Relationship. Step-Parent Adoption. Intervention of Right. Trial court properly allowed the child's biological mother's ex-partner, who allegedly coparented the child for seven years and has a pending custody petition, to intervene in the step-parent adoption case that would have declared mother's husband to be the child's second legal parent.

SUPREME COURT OF KENTUCKY

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14. JOHN FUERTES V. [2015-SC-000268-WC](#) FROM COURT
FORD MOTOR CO.; HON. JAMES TO BE PUBLISHED OF APPEALS
KERR, ADMINISTRATIVE LAW
JUDGE; AND WORKERS'
COMPENSATION BOARD
OPINION OF THE COURT
REVERSING AND REMANDING
ALL SITTING. ALL CONCUR.
- Questions Presented:**

Workers' Compensation. Issues presented include whether the claimant or the employer has the burden of proof to show if the reason for the claimant's termination of employment was due to misconduct which would bar application of the two multiplier to a workers' compensation award.
15. ROBERT CURRY V. [2014-SC-000310-MR](#) HARLAN
COMMONWEALTH OF KENTUCKY NOT TO BE PUBLISHED
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
MINTON, C.J.; CUNNINGHAM, KELLER,
VENTERS AND WRIGHT, JJ., CONCUR.
HUGHES AND NOBLE, JJ., CONCUR
IN RESULT ONLY.
16. JAMES FRANKLIN WOODS V. [2014-SC-000746-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY NOT TO BE PUBLISHED
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. MINTON, C.J.;
CUNNINGHAM, HUGHES, VENTERS,
AND WRIGHT, JJ., CONCUR. KELLER
AND NOBLE, JJ., CONCUR IN RESULT
ONLY.
17. MARY WEDDING V. [2015-SC-000028-WC](#) FROM COURT
COLLECTIVE BRAND, INC.; STRIDE- NOT TO BE PUBLISHED OF APPEALS
RITE CORP.; HON. EDWARD D. HAYS,
ADMINISTRATIVE LAW JUDGE; AND
WORKERS' COMPENSATION BOARD
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

FEBRUARY 18, 2016 MINUTES

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18. ROBERT CORBETT V. [2015-SC-000168-WC](#) FROM COURT
MAKER'S MARK DISTILLERY; **NOT TO BE PUBLISHED** OF APPEALS
HON. WILLIAM RUDLOFF,
ADMINISTRATIVE LAW JUDGE; AND
WORKERS' COMPENSATION BOARD
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
19. PERRY COUNTY COAL [2015-SC-000184-WC](#) FROM COURT
CORPORATION V. **NOT TO BE PUBLISHED** OF APPEALS
JERRY TAYLOR; HON. EDWARD,
D. HAYS, ADMINISTRATIVE LAW
JUDGE; AND WORKERS'
COMPENSATION BOARD
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
20. CITY OF INDEPENDENCE V. [2015-SC-000202-WC](#) FROM COURT
PHILLIP DUNFORD; HON. WILLIAM J. **NOT TO BE PUBLISHED** OF APPEALS
RUDLOFF, ADMINISTRATIVE LAW
JUDGE; AND WORKERS'
COMPENSATION BOARD
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. MINTON, C.J.;
CUNNINGHAM, KELLER, AND VENTERS,
JJ., CONCUR. HUGHES, NOBLE , AND
WRIGHT, JJ., CONCUR IN RESULT
ONLY.
21. WENDELL K. DIXON V. [2015-SC-000226-MR](#) FAYETTE
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

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RELEASED: 10:00 A.M.

22. KRAIG HANKINS, ET AL. V. [2015-SC-000410-MR](#) GREENUP
HON. THOMAS M. SMITH, SPECIAL JUDGE, GREENUP CIRCUIT COURT, ET AL. **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.
23. THE ESTATE OF BESSIE ANDREW ET AL. V. [2015-SC-000412-MR](#) FROM COURT
HON. VERNON MINIARD, JR., JUDGE, RUSSELL CIRCUIT COURT, ET AL. **NOT TO BE PUBLISHED** OF APPEALS
MEMORANDUM OPINION OF THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.
24. KEVIN HIGGINS V. [2014-SC-000466-MR](#) LINCOLN
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF THE COURT – AFFIRMING AND REMANDING
ALL SITTING. ALL CONCUR.
25. EDWIN RUSSELL III V. [2013-SC-000811-MR](#) GRAVES
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF THE COURT – AFFIRMING IN PART, REVERSING IN PART, AND REMANDING
ALL SITTING. MINTON, C.J.; HUGHES, KELLER, NOBLE, WRIGHT, AND VENTERS JJ., CONCUR.
CUNNINGHAM, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION.

SUPREME COURT OF KENTUCKY

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RELEASED: 10:00 A.M.

26. DAVID GURLEY V. [2014-SC-000378-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART,
REVERSING IN PART AND
REMANDING**
ALL SITTING. MINTON, C.J.;
HUGHES, NOBLE, AND VENTERS JJ.,
CONCUR. CUNNINGHAM, J., CONCURS
IN RESULT ONLY BY SEPARATE
OPINION IN WHICH KELLER AND
WRIGHT, JJ., JOIN.
27. DANNY JOE KEITH V. [2014-SC-000568-MR](#) MUHLENBERG
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART,
AND REVERSING IN PART, AND
REMANDING**
ALL SITTING. MINTON, C.J.;
HUGHES, NOBLE, AND VENTERS JJ.,
CONCUR. CUNNINGHAM, KELLER AND
WRIGHT, JJ., CONCUR IN PART AND
DISSENT IN PART, BY SEPARATE
OPINION.

OPINION AND ORDER – FEBRUARY 10, 2016

WILBERT E. HORSLEY V. 2015-SC-000232-DG JEFFERSON
KENNETH R. SMITH, JR., M.D., ET AL.
**ORDER GRANTED DISCRETIONARY REVIEW,
VACATED THE COURT OF APPEALS DECISION
AND REMANDED TO THE COURT OF APPEALS
FOR FURTHER CONSIDERATION IN LIGHT OF
THIS COURT’S RECENT DECISION IN SARGENT
V. SHAFFER, 467 S.W.3D 198 (KY. 2015).**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

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RELEASED: 10:00 A.M.

OPINION AND ORDERS – FEBRUARY 18, 2016

GARRARD COUNTY, KENTUCKY, ET AL. V. 2014-SC-0000738-DG GARRARD
CITY OF LANCASTER, KENTUCKY, ET AL.
**ORDER GRANTED DISCRETIONARY REVIEW,
VACATED THE COURT OF APPEALS DECISION
AND REMANDED TO THE COURT OF APPEALS
FOR FURTHER CONSIDERATION IN LIGHT OF
GREATER CINCINNATI/NORTHERN KENTUCKY
APARTMENT ASSOCIATION, INC. V. CAMPBELL
COUNTY FISCAL COURT, ____ S.W.3D ____
(KY. 2016) (FINAL FEBRUARY 18, 2016).**
ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V. [2015-SC-000383-KB](#) IN SUPREME
RODGER WILLIAM MOORE **TO BE PUBLISHED** COURT
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 2 YEARS WITH
CONDITIONS.**
ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V. [2015-SC-000425-KB](#) IN SUPREME
DAVID THOMAS SPARKS **TO BE PUBLISHED** COURT
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 181 DAYS WITH
61 DAYS TO SERVE AND THE BALANCE
PROBATED FOR 2 YEARS WITH CONDITIONS.**
ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V. [2015-SC-000694-KB](#) IN SUPREME
JEANETTE MARI CONRAD **TO BE PUBLISHED** COURT
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 6 MONTHS.**
ALL SITTING. ALL CONCUR.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 10, 2016**

WANDA JEAN THIELE, ET AL. V. 2015-SC-000158-DG ROCKCASTLE
KENTUCKY GROWERS INSURANCE
COMPANY

SUPREME COURT OF KENTUCKY

FEBRUARY 18, 2016 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 10, 2016**

JUDE WEBER V. THOMAS FRANCIS LAMBE	2015-SC-000173-DG	JEFFERSON
KENTUCKY CATV ASSOCIATION, INC., ETC. V. CITY OF FLORENCE, KENTUCKY, ET AL. AND LORI HUDSON FLANERY, ETC., ET AL. V. CITY OF FLORENCE, KENTUCKY, ET AL.	2015-SC-000178-DG	FRANKLIN
KENTUCKY RIVER FOOTHILLS DEVELOPMENT COUNCIL, INC. V. CATHY PHIRMAN, ADMINSTRATRIX OF THE ESTATE OF MELISSA STEFFEN, ET AL.	2015-SC-000244-DG	MADISON
RALPH M. GOODWIN V. AL J. SCHNEIDER COMPANY, ETC.	2015-SC-000380-DG	JEFFERSON
JOSEPH PACE V. COMMONWEALTH OF KENTUCKY AND BRANDON COLLINS V. COMMONWEALTH OF KENTUCKY	2015-SC-000399-DG	FAYETTE
LOUISVILLE GAS AND ELECTRIC COMPANY V. KENTUCKY WATERWAYS ALLIANCE, ET AL. AND COMMONWEALTH OF KENTUCKY, ENERGY AND ENVIRONMENT CABINET V. KENTUCKY WATERWAYS ALLIANCE, ET AL.	2015-SC-000461-DG	FRANKLIN
ALEX ARGOTTE, M.D. V. JACQULYN G. HARRINGTON	2015-SC-000462-DG	FRANKLIN
	2015-SC-000465-DG	MCCRACKEN

SUPREME COURT OF KENTUCKY

FEBRUARY 18, 2016 MINUTES

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**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 10, 2016**

CHARLES HARDIN, M.D. V. JOHN MONTGOMERY, ET AL. AND MAGOFFIN COUNTY BOARD OF ELECTIONS, ET AL. V. JOHN MONTGOMERY, ET AL.	2015-SC-000572-DG 2015-SC-000575-DG	MAGOFFIN MAGOFFIN
ELMER RIEHLE V. CAROLYN RIEHLE	2015-SC-000679-DG	BOONE

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 11, 2016**

NELLIE FLEMING, ET AL. V. EQT GATHERING, LLC WRIGHT, J., NOT SITTING.	2015-SC-000161-D	PIKE
DENNIS CHAMPION V. COMMONWEALTH OF KENTUCKY	2015-SC-000570-DG	FAYETTE

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 10, 2016**

DAVID COPE V. GATEWAY AREA DEVELOPMENT DISTRICT, INC. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2015-SC-000127-D	ROWAN
LAW FIRM OF FLORA TEMPLETON STUART V. CROCKER LAW OFFICE, PLLC	2015-SC-000162-D	WARREN
BILLY KEITH MELTON V. COMMONWEALTH OF KENTUCKY	2015-SC-000172-D	MONROE

SUPREME COURT OF KENTUCKY

FEBRUARY 18, 2016 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 10, 2016**

PROGRESS METAL RECLAMATION COMPANY V. DEPARTMENT OF REVENUE FINANCE & ADMINISTRATION CABINET, ETC. WRIGHT, J., WOULD GRANT.	2015-SC-000175-D	FRANKLIN
BATES CONTRACTING & CONSTRUCTION, INC. V. JAMES RIVER INSURANCE COMPANY WRIGHT, J., NOT SITTING.	2015-SC-000179-D	LETCHER
KEVIN L. SIMMS V. COMMONWEALTH OF KENTUCKY	2015-SC-000192-D	JEFFERSON
SHAWNTELE CORTEZ JACKSON V. COMMONWEALTH OF KENTUCKY	2015-SC-000195-D	JEFFERSON
TAFFY L. DOWNEY V. KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION, ET AL. KELLER, J., WOULD GRANT.	2015-SC-000196-D	WARREN
PATRICIA HOSICK, ET AL. V. KERRIE HOSICK HERRON THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. KELLER AND VENTERS, JJ., WOULD GRANT.	2015-SC-000200-D	LIVINGSTON
OWEN RAY GADD V. COMMONWEALTH OF KENTUCKY	2015-SC-000221-D	GARRARD
CASSANDRA STEVENSON V. CLAY MOHON MOWING, LLC, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2015-SC-000230-D	HOPKINS
SHELLEY NETHERWOOD V. ELAINE KENNEDY, ET AL.	2015-SC-000282-D	JEFFERSON

SUPREME COURT OF KENTUCKY

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RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
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PATRICK BACK V. ADAIR COUNTY BOARD OF EDUCATION, ET AL.	2015-SC-000287-D	ADAIR
STEVEN HUTCHENS V. COMMONWEALTH OF KENTUCKY	2015-SC-000314-D	JEFFERSON
ROBERT EDMONDS V. COMMONWEALTH OF KENTUCKY	2015-SC-000315-D	JEFFERSON
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT V. DAVID WHITLOCK, ET AL. CUNNINGHAM, J., WOULD GRANT.	2015-SC-000323-D	JEFFERSON
BLUEGRASS PIPELINE COMPANY, LLC V. KENTUCKIANS UNITED TO RESTRAIN EMINENT DOMAIN, INC.	2015-SC-000330-D	FRANKLIN
WILLIAM E. MARCH V. KENTUCKY HORSE RACING COMMISSION	2015-SC-000332-D	FRANKLIN
DEBBIE HOWARD, ADMINSTRATRIX, ETC. V. MARY BRECKINRIDGE HEALTHCARE	2015-SC-000338-D	LESLIE
JOY FURMAN, ET AL. V. LOUISE SLATTERY, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2015-SC-000343-D	JEFFERSON
COMMONWEALTH OF KENTUCKY V. TERRION TERRELL BANKS	2015-SC-000360-D	FAYETTE
WALTER RHODES V. COMMONWEALTH OF KENTUCKY	2015-SC-000373-D	JEFFERSON
LESTER LEE BOBBITT V. COMMONWEALTH OF KENTUCKY	2015-SC-000379-D	JEFFERSON

SUPREME COURT OF KENTUCKY

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 10, 2016**

WILLIAM GODSEY V. COMMONWEALTH OF KENTUCKY AND RANDY L. BYRD V. COMMONWEALTH OF KENTUCKY AND JANINA BYRD V. COMMONWEALTH OF KENTUCKY	2015-SC-000389-D 2015-SC-000397-D 2015-SC-000398-D	KENTON KENTON KENTON
TIFFANY HENDRICK V. BRENT HENDRICK	2015-SC-000394-D	WARREN
HBR BROWNSVILLE, LLC, ETC., ET AL. V. JOHNNY CHILDRESS, CO-ADMINISTRATOR, ETC., ET AL.	2015-SC-000396-D	EDMONSON
GLEN GOFF V. COMMONWEALTH OF KENTUCKY	2015-SC-000409-D	HARDIN
PEPPY MARTIN V. FARM CREDIT SERVICES OF MID-AMERICA ET AL.	2015-SC-000411-D	HART
L. ANNE H. DISHMAN, ET AL. V. SUSAN DISHMAN DOUGHTERY, EXECUTRIX, ETC., ET AL THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2015-SC-000413-D	JEFFERSON
CHRISTOPHER M. GRANDE, M.D., M.P.H. V. UNIVERSITY OF LOUISVILLE	2015-SC-000422-D	JEFFERSON
ROBERT EUGENE DENNIS V. COMMONWEALTH OF KENTUCKY KELLER AND VENTERS, JJ., WOULD GRANT.	2015-SC-000433-D	DAVISS

SUPREME COURT OF KENTUCKY

FEBRUARY 18, 2016 MINUTES

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 10, 2016**

CHARLES COBERLY V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2015-SC-000442-D	GREENUP
CHRISTIAN CAUDILL, ET AL. V. WILLIAM R. JOHNSON, ET AL.	2015-SC-000450-D	PIKE
STANLEY FRYAR V. COMMONWEALTH OF KENTUCKY	2015-SC-000471-D	BOONE
WILLIAM R. PETREY V. COMMONWEALTH OF KENTUCKY	2015-SC-000472-D	KENTON
STEPHEN R. NUNN V. DIANA M. ROSS, AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF AMANDA ROSS	2015-SC-000473-D	FAYETTE
ROBERT TIMOTHY CHILDERS V. EDUCAP, INC.	2015-SC-000482-D	HARRISON
SHAWN ERNST V. COMMONWEALTH OF KENTUCKY	2015-SC-000486-D	LYON
CONNIE MARSHALL V. COMMONWEALTH OF KENTUCKY	2015-SC-000488-D	JEFFERSON
SPIRIT OF PEACE MISSIONARY BAPTIST CHURCH, INC. V. ACQUIRED CAPITAL II, L.P.	2015-SC-000502-D	JEFFERSON
JAMES DAVID ADKINS V. COMMONWEALTH OF KENTUCKY	2015-SC-000512-D	OHIO
KIM JEWELL V. MICHAEL ZAHER WRIGHT, J., WOULD GRANT.	2015-SC-000519-D	JEFFERSON

SUPREME COURT OF KENTUCKY

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 10, 2016**

J.M. V. C.R., ET AL. CUNNINGHAM, J., WOULD GRANT.	2015-SC-000650-DE	WARREN
JOSHUA ADKINS V. COMMONWEALTH OF KENTUCKY	2015-SC-000656-D	FAYETTE
SHAWNA BRADFORD V. JAMES "JAMIE" JOHNSON	2015-SC-000666-DE	HARLAN
THOMAS LANHAM V. DAVID HAZLETT	2015-SC-000681-DE	JEFFERSON

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE
MOTION FOR DISCRETIONARY REVIEW – FEBRUARY 12, 2016**

ROBERT LEROY FRANCIS II V. COMMONWEALTH OF KENTUCKY NOBLE, VENTERS, WRIGHT AND CUNNINGHAM, JJ., SITTING. ALL CONCUR.	2015-SC-000673-D	CLARK
JONATHAN BROWN V. KIMBERLY D. BROWN NOBLE, VENTERS, WRIGHT AND CUNNINGHAM, JJ., SITTING. ALL CONCUR.	2015-SC-000709-D	HOPKINS

COURT ORDER GRANTING MOTION TO TRANSFER – FEBRUARY 18, 2016

BOARD OF TRUSTEES OF THE KENTUCKY SCHOOL BOARDS INSURANCE TRUST V. JOSEPH N. POPE, JR., ETC, ET AL. ALL SITTING. ALL CONCUR.	2015-SC-000664-TG	FRANKLIN
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COURT ORDER DENYING MOTION TO TRANSFER

BUSTER CHANDLER V. LARRY CHANDLER, KENTUCKY PAROLE BOARD CHAIRMAN ENTERED: JANUARY 5, 2016	2015-SC-000640-T	FRANKLIN
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SUPREME COURT OF KENTUCKY

FEBRUARY 18, 2016 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – FEBRUARY 18, 2016

JULIUS WALLACE V. COMMONWEALTH OF KENTUCKY ALL SITTING. ALL CONCUR.	2013-SC-000332-MR	JEFFERSON
GREGORY WILSON V. COMMONWEALTH OF KENTUCKY ORDER MODIFIED THE OPINION OF THE COURT RENDERED OCTOBER 29, 2015, BY SUBSTITUTION OF THIS OPINION IN LIEU OF THE ORIGINAL OPINION. ALL SITTING. ALL CONCUR.	2013-SC-000423-MR 2013-SC-000483-MR NOT TO BE PUBLISHED	KENTON
EXTENDICARE HOMES, INC., ETC., ET AL. V. BELINDA WHISMAN AND TONY ADAMS, ETC. ALL SITTING. ALL CONCUR.	2013-SC-000426-I	TRIGG
KINDRED NURSING CENTERS LIMITED PARTNERSHIP, ETC., ET AL. V. JANIS E. CLARK, ETC.	2013-SC-000430-I	CLARK
KINDRED NURSING CENTERS LIMITED PARTNERSHIP, ETC., ET AL. V. BEVERLY WELLNER, ETC.	2013-SC-000431-I	CLARK
JEREMY BREWER V. COMMONWEALTH OF KENTUCKY ALL SITTING. ALL CONCUR.	2013-SC-000467-DG	FAYETTE
JAMES OVERSTREET, ETC. V. KINDRED NURSING CENTERS LIMITED PARTNERSHIP, ETC., ET AL. ALL SITTING. ALL CONCUR.	2013-SC-000620-DG	MERCER

SUPREME COURT OF KENTUCKY

FEBRUARY 18, 2016 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – FEBRUARY 18, 2016

ROBERT THORNTON V.
COMMONWEALTH OF KENTUCKY
**ORDER MODIFIED THE OPINION OF THE
COURT RENDERED OCTOBER 29, 2015,
BY SUBSTITUTION OF THIS OPINION IN LIEU
OF THE ORIGINAL OPINION.**
ALL SITTING. ALL CONCUR.

2014-SC-000224-MR
NOT TO BE PUBLISHED

JEFFERSON

RONNIE LEE BOWLING V.
RANDY WHITE, WARDEN, KENTUCKY STATE
PENITENTIARY
**ORDER MODIFIED THE OPINION OF THE
COURT BY JUSTICE NOBLE RENDERED ON
SEPTEMBER 24, 2015, BY SUBSTITUTION OF
PAGES 4, 8, 14 AND 15 IN LIEU OF THE
ORIGINAL PAGES 4, 8, 14 AND 15.**
MINTON, C.J.; CUNNINGHAM, HUGHES,
KELLER, AND NOBLE, JJ., AND SPECIAL
JUSTICES JOHN D. SEAY AND WILLIAM G.
FRANCIS, SITTING. ALL CONCUR EXCEPT
SPECIAL JUSTICE JOHN D. SEAY WHO
DISSENTS. VENTERS AND WRIGHT, JJ.,
NOT SITTING.

[2014-SC-000235-CL](#)
TO BE PUBLISHED

FEDERAL

CONSOL OF KENTUCKY, INC. V.
OSIE DANIEL GOODGAME, JR.,
HONORABLE JEANIE OWEN MILLER,
ADMINISTRATIVE LAW JUDGE; AND
WORKERS' COMPENSATION BOARD
AND

2014-SC-000305-WC

FROM COURT
OF APPEALS

OSIE DANIEL GOODGAME, JR., V.
CONSOL OF KENTUCKY, INC.,
HONORABLE JEANIE OWEN MILLER,
ADMINISTRATIVE LAW JUDGE; AND
WORKERS' COMPENSATION BOARD
ALL SITTING. ALL CONCUR.

2014-SC-000333-WC

FROM COURT
OF APPEALS

SUPREME COURT OF KENTUCKY

FEBRUARY 18, 2016 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – FEBRUARY 18, 2016

GREATER CINCINNATI/NORTHERN KENTUCKY APARTMENT ASSOCIATION, INC. ET AL. V. CAMPBELL
2014-SC-000383-TG
CAMPBELL COUNTY FISCAL COURT, ET AL.
ALL SITTING. ALL CONCUR.

JEFFREY PETTINGILL V. JEFFERSON
2014-SC-000456-DGE
SARA YOUNT PETTINGILL
MINTON, C.J.; CUNNINGHAM, HUGHES, KELLER, NOBLE, AND WRIGHT, JJ., CONCUR. VENTERS, J., NOT SITTING.

COURT ORDERS DISMISSING

PURDUE PHARMA L.P., INDIVIDUALLY, ET AL. V. PIKE
2014-SC-000168-MR
HON. STEVEN D. COMBS, JUDGE, PIKE CIRCUIT COURT, ET AL.
ENTERED: DECEMBER 30, 2015

COMMONWEALTH OF KENTUCKY, DEPARTMENT OF INSURANCE, ET AL. V. FRANKLIN
2014-SC-000549-DG
UNITED INSURANCE COMPANY OF AMERICA, ET AL.
ALL SITTING. ALL CONCUR.
ENTERED: FEBRUARY 9, 2016

PURDUE PHARMA L.P., ET AL. V. FRANKLIN
2015-SC-000342-D
COMMONWEALTH OF KENTUCKY, EX REL. JACK CONWAY, ATTORNEY GENERAL
ENTERED: DECEMBER 30, 2015

SAMMY DALE JOHNSON V. CHRISTIAN
2015-SC-000430-MR
COMMONWEALTH OF KENTUCKY
ENTERED: DECEMBER 18, 2015

SANDRA POPPLEWELL V. RUSSELL
2015-SC-000500-D
MEL HANKLA
ENTERED: FEBRUARY 11, 2016

SUPREME COURT OF KENTUCKY

FEBRUARY 18, 2016 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

GARRY BAKER, JR. V. COMMONWEALTH OF KENTUCKY NOBLE, VENTERS, WRIGHT AND CUNNINGHAM, JJ., SITTING. ALL CONCUR. ENTERED: FEBRUARY 12, 2016	2015-SC-000503-MR	BELL
HALL CONTRACTING OF KENTUCKY, INC. V. JAMES HUFF, ET AL. NOBLE, VENTERS, WRIGHT AND CUNNINGHAM, JJ., SITTING. ALL CONCUR. ENTERED: FEBRUARY 12, 2016	2015-SC-000603-WC	FROM COURT OF APPEALS
LLOYD SILL V. COMMONWEALTH OF KENTUCKY ENTERED: FEBRUARY 9, 2016	2015-SC-000642-D	CAMPBELL
WEST AMERICAN INSURANCE COMPANY V. HON. JOHNNY RAY HARRIS, SPECIAL JUDGE, PIKE CIRCUIT COURT, DIVISION II, ET AL. NOBLE, VENTERS, WRIGHT AND CUNNINGHAM, JJ., SITTING. ALL CONCUR. ENTERED: FEBRUARY 12, 2016	2015-SC-000654-MR	PIKE
ESTATE OF LUTHER ROYCE MILLS V. SHIRLEY MILLS NOBLE, VENTERS, WRIGHT AND CUNNINGHAM, JJ., SITTING. ALL CONCUR. ENTERED: FEBRUARY 12, 2016	2016-SC-000004-D	JEFFERSON

COURT ORDERS

ROGER P. ELLIOTT V. KENTUCKY BAR ASSOCIATION ORDER GRANTED REINSTATEMENT TO THE PRACTICE OF LAW. MINTON, C.J.; CUNNINGHAM, HUGHES, KELLER, NOBLE, AND WRIGHT, JJ., SITTING, ALL CONCUR. VENTERS, J., NOT SITTING.	2015-SC-000447-KB	IN SUPREME COURT
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SUPREME COURT OF KENTUCKY

FEBRUARY 18, 2016 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS

LEON M. GRIDER V. 2014-SC-000468-DG ADAIR
COMMONWEALTH OF KENTUCKY
**THE VOTE OF THE SIX MEMBERS OF THIS
COURT PARTICIPATING IN THE
DETERMINATION OF THIS APPEAL BEING
EQUALLY DIVIDED, PURSUANT TO SCR 1.020,
THE OPINION OF THE COURT OF APPEALS
HEREBY STANDS AFFIRMED.**
CUNNINGHAM, NOBLE AND WRIGHT, JJ.,
WOULD AFFIRM THE OPINION OF THE COURT
OF APPEALS. MINTON, C.J., HUGHES AND
KELLER, JJ., WOULD REVERSE THE OPINION
OF THE COURT OF APPEALS. VENTERS, J.,
NOT SITTING.
ENTERED: FEBRUARY 18, 2016

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

CHARLES ADDISON SWEET V. 2015-SC-000705-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT
ENTERED: DECEMBER 17, 2015

JAMES AARON BROWN V. 2015-SC-000706-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT
ENTERED: DECEMBER 17, 2015

PAUL LEE HICKS V. 2015-SC-000730-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT
ENTERED: JANUARY 5, 2016

MICHAEL PHILIP PAZZO V. 2015-SC-000731-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT
ENTERED: JANUARY 5, 2016

DALE LYNN PRINCE V. 2016-SC-000040-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT
ENTERED: JANUARY 29, 2016

SUPREME COURT OF KENTUCKY

FEBRUARY 18, 2016 MINUTES

RELEASED: 10:00 A.M.

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

**JOHN ROBERT ROSSON, JR. V.
KENTUCKY BAR ASSOCIATION
ENTERED: JANUARY 29, 2016**

2016-SC-000041-KB

**IN SUPREME
COURT**

**JAMES EARL MORREAU, JR. V.
KENTUCKY BAR ASSOCIATION
ENTERED: JANUARY 29, 2016**

2016-SC-000042-KB

**IN SUPREME
COURT**