

SUPREME COURT OF KENTUCKY

MINUTES

MARCH 19, 2009

RELEASED: 10:00 A.M.

55. KENTUCKY EMPLOYERS' MUTUAL INSURANCE V. J & R MINING, INC.; EARL REED, JR., DECEASED; BARBARA SUE REED; STEPHANIE HAMMONS, ADMINISTRATRIX OF THE ESTATE OF EARL REED, JR.; UNINSURED EMPLOYERS' FUND; HONORABLE HOWARD E. FRASIER, JR., ADMINSTRATIVE LAW JUDGE; AND WORKERS' COMPENSATION BOARD **OPINION OF THE COURT - AFFIRMING** VENTERS, J., CONCURS IN RESULT ONLY. [2008-SC-000257-WC](#) **TO BE PUBLISHED** FROM COURT OF APPEALS
- Questions Presented:**
KRS 342.375, KRS 342.640, KRS 342.012, and KRS 342.395(1). Whether an endorsement that excludes a business owner from workers' compensation insurance coverage also applies to the owner's capacity as a corporate officer absent the filing of a notice of rejection.
56. COMMONWEALTH OF KENTUCKY V. DAVID NICHOLS **OPINION OF THE COURT BY JUSTICE CUNNINGHAM - AFFIRMING IN PART AND VACATING AND REMANDING IN PART** [2007-SC-000493-DG](#) **TO BE PUBLISHED** MCCracken
- Questions Presented:**
Criminal Law. Expert Testimony. Reciprocal Discovery Rule (RCr 7.24). Issue is whether prosecution is entitled to information about defense expert, including identity and summary of proposed testimony, when expert has generated no written report.
57. LARRY CAIN V. LODESTAR ENERGY, INC.; HONORABLE J. LANDON OVERFIELD, ADMINISTRATIVE LAW JUDGE; WORKERS' COMPENSATION BOARD **OPINION OF THE COURT - AFFIRMING IN PART, REVERSING IN PART, AND REMANDING** SCOTT, J., CONCURS IN RESULT ONLY. [2008-SC-000178-WC](#) **TO BE PUBLISHED** FROM COURT OF APPEALS
- Questions Presented:**
Whether KRS 342.316(3) denies equal protection to a worker seeking a RIB award where the employer's evidence shows entitlement to the benefit but the parties' x-ray reports are not in consensus.

SUPREME COURT OF KENTUCKY

MINUTES

MARCH 19, 2009

RELEASED: 10:00 A.M.

58. GREG BEAVER
(D/B/A BEAVER CONSTRUCTION COMPANY) V.
KEVIN OAKLEY AND
CRAWFORD ELECTRIC, INC.
**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON -
REVERSING**
- [2006-SC-000813-DG](#) MCCRACKEN
TO BE PUBLISHED
- Questions Presented:**
Workers' Compensation Act. Statutory Liability as Exclusive. "Up the Ladder" Defense. Issues include whether construction contractor is entitled to exclusive-liability defense under the Workers' Compensation Act, in negligence action brought by injured employee of another company.
59. TOYOTA MOTOR MANUFACTURING, KENTUCKY, INC. V.
HONORABLE ROBERT G. JOHNSON, JUDGE, SCOTT CIRCUIT COURT, AND
JEFF SERGENT,
REAL PARTY IN INTEREST
**OPINION OF THE COURT BY
JUSTICE NOBLE - REVERSING**
CUNNINGHAM, J., DISSENTS BY SEPARATE OPINION IN WHICH
VENTERS, J., JOINS.
- [2007-SC-000647-MR](#) SCOTT
TO BE PUBLISHED
- Questions Presented:**
Writ of prohibition to prohibit reopening of previously dismissed case.
60. ALLEN DAVID JONES V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON -
REVERSING AND REMANDING**
CUNNINGHAM, J., DISSENTS BY SEPARATE OPINION.
SCHRODER, J., NOT SITTING.
- [2006-SC-000802-DG](#) FAYETTE
TO BE PUBLISHED
- Questions Presented: Criminal Law. DUI. Amendment of Charges. PFO. Issues include the application and operation of KRS 189A.010(5) that fourth or subsequent offenses are to be charged as felonies and KRS 189A.120 restricting amending charges down where an individual refused to submit to testing.

SUPREME COURT OF KENTUCKY

MINUTES

MARCH 19, 2009

RELEASED: 10:00 A.M.

61. CHRYSALIS HOUSE, INC. V. KENNETH TACKETT; HONORABLE GRANT ROARK, ADMINISTRATIVE LAW JUDGE; AND WORKERS' COMPENSATION BOARD
OPINION OF THE COURT - REVERSING AND REMANDING
NOBLE, J., NOT SITTING. [2008-SC-000221-WC](#) FROM COURT OF APPEALS
TO BE PUBLISHED
- Questions Presented:**
Whether KRS 342.316(3) denies equal protection to a worker seeking a RIB award where the employer's evidence shows entitlement to the benefit but the parties' x-ray reports are not in consensus.
62. TOM DUFFY, SR, ET AL. V. HON. KAREN L. WILSON (JUDGE, HENDERSON CIRCUIT COURT) AND RANDY OWENS, ADMINISTRATOR AND NEXT FRIEND OF RYAN MORGAN OWENS ESTATE (REAL PARTY IN INTEREST) AND MARLA OWENS, ADMINISTRATRIX AND NEXT FRIEND OF RYAN MORGAN OWENS ESTATE (REAL PARTY IN INTEREST)
OPINION OF THE COURT BY JUSTICE VENTERS - REVERSING AND REMANDING
CUNNINGHAM, J., DISSENTS BY SEPARATE OPINION. [2008-SC-000507-MR](#) HENDERSON
TO BE PUBLISHED
- Questions Presented:**
Writ of prohibition to prohibit enforcement of lower court order to turn over in discovery witness statements.
63. COMMONWEALTH OF KENTUCKY V. KEVIN T. MCCOMBS
OPINION OF THE COURT BY JUSTICE CUNNINGHAM - REVERSING IN PART AND AFFIRMING IN PART [2007-SC-000127-DG](#) BULLITT
TO BE PUBLISHED
- Questions Presented:**
Criminal Law. Double Jeopardy. Issues include: (1) whether double jeopardy protection precludes conviction of both first-degree burglary and fourth-degree assault when the same injury is used to prove both offenses; and (2) whether the physical-injury element of first-degree burglary implies a culpable mental state.

SUPREME COURT OF KENTUCKY

MINUTES

MARCH 19, 2009

RELEASED: 10:00 A.M.

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| 64. | LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT V. NORMAN JOHNSON, ET AL.
OPINION OF THE COURT BY JUSTICE SCHRODER - <u>REVERSING IN PART, VACATING AND DISMISSING IN PART</u>
ABRAMSON, J., DISSENTS BY SEPARATE OPINION IN WHICH CUNNINGHAM, J., JOINS. NOBLE, J., NOT SITTING. | 2007-SC-000294-DG
TO BE PUBLISHED | FAYETTE |
| | | <p style="text-align: center;">Questions Presented:</p> <p>Ordinances. Constitution. Equal Protection. Issues include whether 1999 ordinance making certain retired government employees eligible for government's group health-insurance plan, with government contribution, excluded retirees who had opted out of continuing coverage without government contribution after retirement; and, if the 1999 ordinance did not exclude them, whether amended 2000 ordinance that did clearly exclude them was constitutional.</p> | |
| 65. | FRANK S. CAMPBELL V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u> | 2006-SC-000931-MR
NOT TO BE PUBLISHED | LETCHER |
| 66. | GEORGE MARION HARBIN V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u>
ABRAMSON, J., NOT SITTING. | 2007-SC-000446-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 67. | JOSEPH SIMPSON V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u> | 2007-SC-000623-MR
NOT TO BE PUBLISHED | NELSON |

SUPREME COURT OF KENTUCKY

MINUTES

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| 68. | JOSEPH D. HARRIS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION
OF THE COURT - <u>AFFIRMING</u> | 2007-SC-000671-MR
NOT TO BE PUBLISHED | MUHLENBERG |
| 69. | DERWIN IVAN NICKELBERRY V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION
OF THE COURT - <u>AFFIRMING</u> | 2007-SC-000711-MR
NOT TO BE PUBLISHED | DAVISS |
| 70. | KIMBERLY DALTON V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION
OF THE COURT - <u>AFFIRMING</u> | 2007-SC-000739-MR
NOT TO BE PUBLISHED | MCCREARY |
| 71. | DON REED V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION
OF THE COURT - <u>AFFIRMING</u>
ABRAMSON, J., CONCURS IN RESULT
ONLY. SCOTT, J., NOT SITTING | 2008-SC-000117-MR
NOT TO BE PUBLISHED | MAGOFFIN |
| 72. | CHARLES RAY BOLEY V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION
OF THE COURT - <u>AFFIRMING</u> | 2008-SC-000185-MR
NOT TO BE PUBLISHED | MCCRACKEN |
| 73. | PEDIATRIC DENTISTRY, P.S.C. V.
ESTUS KENDALL ROY;
HONORABLE GRANT S. ROARK,
ADMINISTRATIVE LAW JUDGE; AND
WORKERS' COMPENSATION BOARD
AND
ESTUS KENDALL ROY V.
PEDIATRIC DENTISTRY, P.S.C.;
HONORABLE GRANT S. ROARK,
ADMINISTRATIVE LAW JUDGE; AND
WORKERS' COMPENSATION BOARD
MEMORANDUM OPINION
OF THE COURT - <u>AFFIRMING</u> | 2008-SC-000190-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| | | 2008-SC-000198-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |

SUPREME COURT OF KENTUCKY

MINUTES

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RELEASED: 10:00 A.M.

74. CRYSTAL SPRINGS, INC. V. HAROLD DEMPSEY; DR. AHMED MALIK; HONORABLE ANDREW F. MANNO, ADMINISTRATIVE LAW JUDGE; AND WORKERS' COMPENSATION BOARD
MEMORANDUM OPINION OF THE COURT - AFFIRMING [2008-SC-000405-WC](#)
NOT TO BE PUBLISHED FROM COURT OF APPEALS
75. MEADOWVIEW REGIONAL MEDICAL CENTER, LLC, DAVID LOVING AND LIFEPOINT HOSPITALS, INC. V. HON. STOCKTON B. WOOD, JUDGE, MASON CIRCUIT COURT, ET AL.
MEMORANDUM OPINION OF THE COURT - AFFIRMING [2008-SC-000506-MR](#)
NOT TO BE PUBLISHED MASON
76. BOWLES, RICE, MCDAVID & LOVE, PLLC V. HONORABLE EDDY COLEMAN, JUDGE, PIKE CIRCUIT COURT AND GETTY LAW GROUP, PLLC, F/K/A GETTY, KEYSER & MAYO, LLP, REAL PARTY IN INTEREST
MEMORANDUM OPINION OF THE COURT - AFFIRMING [2008-SC-000678-MR](#)
NOT TO BE PUBLISHED PIKE
SCOTT, J., NOT SITTING
77. LATHON FLOYD V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT - AFFIRMING IN PART, REVERSING AND REMANDING IN PART [2007-SC-000291-MR](#)
NOT TO BE PUBLISHED FAYETTE

SUPREME COURT OF KENTUCKY

MINUTES

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RELEASED: 10:00 A.M.

78. MARK A. COLYER, JR. V. [2007-SC-000195-MR](#) PULASKI
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION
OF THE COURT -
REVERSING AND REMANDING
SCOTT, J., CONCURS IN PART
AND DISSENTS IN PART BY
SEPARATE OPINION.

OPINIONS AND ORDERS – MARCH 19, 2009

KENTUCKY BAR ASSOCIATION V. [2008-SC-000500-KB](#) IN SUPREME
BRYAN KENT BURLEW **TO BE PUBLISHED** COURT
ORDER SUSPENDED RESPONDENT
FROM THE PRACTICE OF LAW FOR
3 YEARS.
ENTERED: MARCH 19, 2009

KENTUCKY BAR ASSOCIATION V. [2008-SC-000768-KB](#) IN SUPREME
STEVEN O. THORNTON **TO BE PUBLISHED** COURT
ORDER PUBLICLY REPRIMANDED
RESPONDENT.
MINTON, C.J., NOT SITTING.
ENTERED: MARCH 19, 2009

KENTUCKY BAR ASSOCIATION V. [2008-SC-000792-KB](#) IN SUPREME
KIRK S. BIERBAUER **TO BE PUBLISHED** COURT
ORDER PERMANENTLY DISBARRED
RESPONDENT.
ENTERED: MARCH 19, 2009

KENTUCKY BAR ASSOCIATION V. [2008-SC-000928-KB](#) IN SUPREME
CHRIS MINIARD **TO BE PUBLISHED** COURT
ORDER SUSPENDED RESPONDENT
FROM THE PRACTICE OF LAW FOR
5 YEARS.
ENTERED: MARCH 19, 2009

SUPREME COURT OF KENTUCKY

MINUTES

MARCH 19, 2009

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – MARCH 19, 2009

KENTUCKY BAR ASSOCIATION V.
CHARLES C. LEADINGHAM
**ORDER SUSPENDED RESPONDENT
FROM THE PRACTICE OF LAW FOR
61 DAYS.**
ENTERED: MARCH 19, 2009

[2008-SC-000934-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
VICKIE LYNN HOWARD
**ORDER SUSPENDED RESPONDENT
FROM THE PRACTICE OF LAW FOR
181 DAYS.**
ENTERED: MARCH 19, 2009

[2008-SC-000935-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
JENNIFER SUE WHITLOCK
**ORDER SUSPENDED RESPONDENT
FROM THE PRACTICE OF LAW FOR
181 DAYS.**
ENTERED: MARCH 19, 2009

[2008-SC-000936-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION,
CLE COMMISSION V.
CRYSTAL DAWN LOVE
**RESPONDENT ORDERED TO PAY
\$100.00 TO THE KBA IN LIEU OF
SUSPENSION FOR NON COMPLIANCE
WITH CLE REQUIREMENTS.**
ENTERED: MARCH 19, 2009

2008-SC-000938-KB
NOT TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION
CLE COMMISSION V.
MICHAEL RAY MCDONNER
**RESPONDENT ORDERED TO PAY
\$750.00 TO THE KBA IN LIEU OF
SUSPENSION FOR NON COMPLIANCE
WITH CLE REQUIREMENTS.**
ENTERED: MARCH 19, 2009

2008-SC-000963-KB
NOT TO BE PUBLISHED

IN SUPREME
COURT

SUPREME COURT OF KENTUCKY

MINUTES

MARCH 19, 2009

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – MARCH 19, 2009

KENTUCKY BAR ASSOCIATION
CLE COMMISSION V.
VALERIE JEAN HAMM
**RESPONDENT ORDERED TO PAY
\$100.00 TO THE KBA IN LIEU OF
SUSPENSION FOR NON COMPLIANCE
WITH CLE REQUIREMENTS.**
ENTERED: MARCH 19, 2009.

2008-SC-000966-KB
NOT TO BE PUBLISHED

IN SUPREME
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
MARCH 11, 2009**

CODY HEER V.
CORA FRASER, ET AL.

2008-SC-000280-DG

METCALFE

THOMAS WEIRD V.
ERIC EMBERTON

2008-SC-000372-DG

JEFFERSON

DAVID TOWERY V.
COMMONWEALTH OF KENTUCKY

2008-SC-000397-DG

GRAVES

LUTHER WILBERT SEXTON V.
COMMONWEALTH OF KENTUCKY

2008-SC-000731-DG

PULASKI

HARRY FINN, JR. V.
COMMONWEALTH OF KENTUCKY

2008-SC-000749-DG

LOGAN

SUPREME COURT OF KENTUCKY

MINUTES

MARCH 19, 2009

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
MARCH 11, 2009**

COMMONWEALTH OF KENTUCKY, EX REL. JACK CONWAY, ATTORNEY GENERAL V. E. JOHN REINHOLD, D/B/A AMERICAN EVANGELISTIC ASSOCIATION, ET AL.	2008-SC-000839-DG	FRANKLIN
KENTUCKY RETIREMENT SYSTEMS V. TAMMY SIZEMORE	2008-SC-000898-DG	FRANKLIN
REBECCA OUTLAND V. COMMONWEALTH OF KENTUCKY	2008-SC-000902-DG	MCCRACKEN
JOHN HICKS, IN HIS OFFICIAL CAPACITY AS ACTING STATE BUDGET DIRECTOR V. AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY, INC.; COMMONWEALTH OF KENTUCKY DEPARTMENT OF TREASURY; AND TODD HOLLENBACK, TREASURER	2008-SC-000904-DG	FRANKLIN
KIMBERLY LIKINS V. MARY ELLEN KINSER, ET AL.	2008-SC-000907-DG	OLDHAM

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MARCH 11, 2009**

TED W. SCHWEIKERT V. SHERRY T. SCHWEIKERT	2008-SC-000111-D	KENTON
WILLIAM HICKS V. RICHARD ARCHIE	2008-SC-000334-D	GREENUP
LEON ROY V. READY MIX CONCRETE OF SOMERSET, INC.	2008-SC-000360-D	RUSSELL

SUPREME COURT OF KENTUCKY

MINUTES

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RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MARCH 11, 2009**

BRIAN DEAN LOWDER V. JASPER D. LOWDER, III, ET AL.	2008-SC-000364-D	GALLATIN
CONNIE R. WITHROW V. CALGON CARBON CORPORATION	2008-SC-000371-D	BOYD
PHILLIP GRAHAM V. ANGEL ROGERS, ET AL.	2008-SC-000374	JEFFERSON
EARL LEE JONES V. KATHY WITT, INDIVIDUALLY AND IN HER OFFICIAL CAPACITY AS FAYETTE COUNTY SHERIFF, ET AL.	2008-SC-000388-D	FAYETTE
MOUJAHED ACHTAR V. TOYOTA MOTOR CORPORATION	2008-SC-000401-D	PERRY
COMMONWEALTH OF KENTUCKY V. BOBBY JOE NATION	2008-SC-000453-D	LAUREL
PAUL RODNEY ROGERS; AND BARBARA ROGERS V. SCARLETT RAE COUNTS; AND GEICO INSURANCE COMPANY	2008-SC-000476-D	PIKE
E. L. BURNS CO., INC. V. DAVID ENGINEERING & CONSTRUCTION, INC.	2008-SC-000503-D	JEFFERSON
LINDA ANGEL, ADMINISTRATRIX OF THE ESTATE OF MIKEL D. ANGEL V. METROPOLITAN PROPERTY AND CASUALTY INSURANCE COMPANY	2008-SC-000514-D	CLARK
QUENTIN JACOB WHITE V. COMMONWEALTH OF KENTUCKY	2008-SC-000569-D	FAYETTE

SUPREME COURT OF KENTUCKY

MINUTES

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MARCH 11, 2009**

GARY WAYNE WILDER V. COMMONWEALTH OF KENTUCKY	2008-SC-000638-D	BELL
KEVIN PAUL CRUM V. COMMONWEALTH OF KENTUCKY	2008-SC-000640-D	MERCER
MARK DURBIN, COLLEEN MCKINLEY AND DON MULHALL V. LOUISVILLE METRO PLANNING COMMISSION, PRIMROSE MEADOWS, LLC, AND THE PADDOCKS, LLC	2008-SC-000677-D	JEFFERSON
WILLIAM CABBIL, JR. V. COMMONWEALTH OF KENTUCKY	2008-SC-000683-D	JEFFERSON
CHEROKEE PARK NEIGHBORHOOD ASSOCIATION, INC. V. 1713 NICHOLASVILLE ROAD, LLC, ET AL.	2008-SC-000690-D	FAYETTE
DENNIS E. HOLLAND V. COMMONWEALTH OF KENTUCKY	2008-SC-000691-D	KNOTT
4 ZANE MANAGEMENT, LLC. V. SOUTHEASTERN REAL ESTATE, INC.	2008-SC-000723-D	JEFFERSON
CROWE CHIZEK AND COMPANY, LLC AND WILLIAM B. BRIZENDINE V. PEOPLES BANK OF NORTHERN KENTUCKY, INC. AND PBNK, INC., F/K/A BANCORPORATION OF NORTHERN KENTUCKY, INC.	2008-SC-000741-D	BOONE
JAKE EMBRY, JR. V. COMMONWEALTH OF KENTUCKY	2008-SC-000748-D	GRAYSON
TERRY FOSTER, D/B/A/ DADDIO'S PIZZA V. FIRST FEDERAL LEASING AND MIDWEST LEASING GROUP	2008-SC-000782-D	BULLITT

SUPREME COURT OF KENTUCKY

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MARCH 11, 2009**

RUSSELL B. ALLEN V. COMMONWEALTH OF KENTUCKY	2008-SC-000796-D	JEFFERSON
WILLIAM DALE CLARKE V. COMMONWEALTH OF KENTUCKY	2008-SC-000799-D	HOPKINS
JOSEPH LILE V. COMMONWEALTH OF KENTUCKY, JUSTICE AND PUBLIC SAFETY CABINET, ET AL.	2008-SC-000805-D	FRANKLIN
DAVID W. BOWEN V. PEOPLES EXCHANGE BANK	2008-SC-000807-D	POWELL
J.O.B. V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL.	2008-SC-000889-DE	FAYETTE
GARY L. JOHNSON V. COMMONWEALTH OF KENTUCKY	2008-SC-000897-D	GRAYSON
AARON D. MILLER V. LARRY D. CHANDLER, WARDEN, KENTUCKY STATE REFORMATORY	2008-SC-000908-D	OLDHAM
STEVE PINSON V. BOBBY THACKER; AND THACKER AUTO PARTS, INC.	2008-SC-000931-D	PIKE
JERINA BEAUCHAMP V. DARRELL BEAUCHAMP	2008-SC-000958-DE	HARDIN
SIERRA CLUB, ET AL. V. THOROUGHbred GENERATING COMPANY, INC. AND ENVIRONMENTAL AND PUBLIC PROTECTION CABINET	2009-SC-000008-D	FRANKLIN

SUPREME COURT OF KENTUCKY

MINUTES

MARCH 19, 2009

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MARCH 11, 2009**

BALLINSWOOD FARM, INC.; WILLIAM J. MURPHY; AND ALISON MURPHY V. CECIL O. SEAMAN	2009-SC-000010-D	BOURBON
LORETTA JONES V. DREWEY LEE JONES	2009-SC-000052-D	BREATHITT

COURT ORDERS GRANTING MOTION TO TRANSFER – FEBRUARY 20, 2009

VIRGIL LEE KELLY V. COMMONWEALTH OF KENTUCKY	2009-SC-000090-TG	CLARK
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COURT ORDERS DENYING PETITION FOR REHEARING – MARCH 19, 2009

WORKFORCE DEVELOPMENT CABINET, DEPARTMENT FOR EMPLOYMENT SERVICES, DIVISION OF UNEMPLOYMENT INSURANCE V. MARY C. GAINES	2005-SC-000965-DG	FRANKLIN
ERIC QUINTANA V. COMMONWEALTH OF KENTUCKY	2006-SC-000629-DG	NELSON
TIMOTHY TAYLOR V. COMMONWEALTH OF KENTUCKY ORDER MODIFIED OPINION RENDERED DECEMBER 18, 2008 BY SUBSTITUTION OF PAGES 1, 7 AND 15.	2006-SC-000863-MR	JEFFERSON
BENJI MANNS V. COMMONWEALTH OF KENTUCKY	2006-SC-000929-TG	MAGOFFIN

SUPREME COURT OF KENTUCKY

MINUTES

MARCH 19, 2009

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – MARCH 19, 2009

ALLENE HALL V. HOSPITALITY RESOURCES, INC., ET AL.	2007-SC-000153-WC	FROM COURT OF APPEALS
RALPH S. BAZE V. COMMONWEALTH OF KENTUCKY	2007-SC-000601-MR	ROWAN
JOSEPH WAYNE ALLEN V. COMMONWEALTH OF KENTUCKY	2007-SC-000642-MR	JEFFERSON

COURT ORDERS DISMISSING

TOYOTA MOTOR MANUFACTURING, KENTUCKY, INC. V. PATRICK KELLEY (INDIVIDUALLY AND ON BEHALF OF A CLASS OF PERSONS SIMILARLY SITUATED), ET AL. ENTERED: MARCH 19, 2009	2008-SC-000091-T	SCOTT
WAL-MART STORES, INC. V. ROBERTA SMITH, ET AL. ENTERED: MARCH 12, 2009	2008-SC-000505-WC	FROM COURT OF APPEALS
LADONNA H. THOMPSON, IN HER OFFICIAL CAPACITY AS COMMISSIONER, KENTUCKY DEPARTMENT OF CORRECTIONS V. EDDY F. MONTGOMERY, INDIVIDUALLY, ET AL ENTERED: FEBRUARY 26, 2009	2009-SC-000049-I	PULASKI

**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE
KENTUCKY BAR ASSOCIATION – FEBRUARY 27, 2009**

LINDA JANE EVANSWOOD V. KENTUCKY BAR ASSOCIATION	2009-SC-000112-KB	IN SUPREME COURT
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