

**SUPREME COURT OF KENTUCKY**

**MARCH 22, 2018 MINUTES**

**RELEASED: 10:00 A.M.**

31. DEVERON SHIVELY V. [2016-SC-000256-MR](#) JEFFERSON  
COMMONWEALTH OF KENTUCKY  
**OPINION OF THE COURT BY**  
**JUSTICE WRIGHT –**  
**AFFIRMING**  
ALL SITTING. ALL CONCUR.

**TO BE PUBLISHED**

**Questions Presented:**

Criminal attempt to commit Murder, Possession of a handgun by a convicted felon, and Tampering with physical evidence-20 years. Trial court properly denied the motion to suppress defendant's statement to the police. Trial court did not err in refusing to allow certain cross-examination of the victim in order to show bias. Police officer's comments characterizing defendant's statements as "trying to hide something from me" did not merit a mistrial. Jury instructions on the possession of a handgun by a convicted felon charge did not deprive defendant of his right to a unanimous verdict.

32. COMMONWEALTH OF KENTUCKY V. [2016-SC-000558-DG](#) FRANKLIN  
JOHN E. SMITH, JR.  
**OPINION OF THE COURT BY**  
**JUSTICE VENTERS –**  
**AFFIRMING**  
ALL SITTING. ALL CONCUR.  
CUNNINGHAM, J., ALSO CONCURS  
BY SEPARATE OPINION IN WHICH  
KELLER AND VENTERS, JJ., JOIN.

**TO BE PUBLISHED**

**Questions Presented:**

Criminal Law. Traffic Stop. Drug Dog Sniff. Reasonable, Articulate Suspicion. Police officer did not have reasonable, articulable suspicion to justify extending a traffic stop for a drug dog sniff.

SUPREME COURT OF KENTUCKY

MARCH 22, 2018 MINUTES

RELEASED: 10:00 A.M.

33. CARLIS HALL V. [2016-SC-000660-MR](#) PERRY  
COMMONWEALTH OF KENTUCKY  
**OPINION OF THE COURT BY  
CHIEF JUSTICE MINTON –  
AFFIRMING IN PART, REVERSING  
IN PART AND REMANDING**  
ALL SITTING. MINTON, C.J.; HUGHES,  
VENTERS, AND VANMETER, JJ.,  
JOIN. WRIGHT, J., CONCURS IN  
PART AND DISSENTS IN PART BY  
SEPARATE OPINION IN WHICH  
CUNNINGHAM AND KELLER, JJ.,  
JOIN.
- Questions Presented:**  
Theft by unlawful taking, under \$500;  
Resisting arrest; and Third-degree terroristic  
threatening. Theft by unlawful taking, over  
\$500 but less than \$10,000; First-degree  
fleeing or evading and First-degree wanton  
endangerment-20 years. Fines. Court costs.  
Court Facility Fees. Imposition of the \$50 fine  
reversed but not court costs and court facility  
fees. Conviction for theft by unlawful taking,  
over \$500 but less than \$10,000, reversed  
where proof did not show intent to deprive the  
police department of its cruiser. Unanimity  
error in the resisting arrest conviction.
34. HARRY L. SEEGER V. [2016-SC-000677-DG](#) NELSON  
SHARON LANHAM  
**AND**  
SHARON LANHAM V.  
HARRY L. SEEGER  
**OPINION OF THE COURT BY  
JUSTICE KELLER –  
AFFIRMING IN PART, REVERSING  
IN PART AND REMANDING**  
ALL SITTING. MINTON, C.J.;  
CUNNINGHAM, HUGHES, KELLER,  
VANMETER AND VENTERS, JJ.,  
CONCUR. WRIGHT, J., CONCURS IN  
PART AND DISSENTS IN PART BY  
SEPARATE OPINION.
- Questions Presented:**  
Paternity. Attorneys Fees. Family Law. Child  
Support. Credit for Social Security Retirement  
Dependent Benefits. May a trial court credit  
excess Social Security retirement dependent  
benefits received on child’s behalf against the  
father’s pre-petition support liabilities.
35. JEFF MILLER V. [2016-SC-000449-WC](#) FROM COURT  
TEMA ISENMANN, INC., ET AL. **TO BE PUBLISHED** OF APPEALS  
**OPINION OF THE COURT BY  
JUSTICE WRIGHT –  
REVERSING**  
ALL SITTING. ALL CONCUR.
- Questions Presented:**  
Permanent Total Disability Benefits.  
Exposure to a workplace carcinogen.  
Occupational Disease. Lack of university  
evaluation per KRS 342.315.

SUPREME COURT OF KENTUCKY

MARCH 22, 2018 MINUTES

RELEASED: 10:00 A.M.

36. COMMONWEALTH OF KENTUCKY, FINANCE AND ADMINISTRATION CABINET, ET AL. **V.** [2016-SC-000281-DG](#) FRANKLIN  
**TO BE PUBLISHED**

INTERSTATE GAS SUPPLY, INC., FOR THE USE AND BENEFIT OF TRI-STATE HEALTHCARE LAUNDRY, INC.  
**OPINION OF THE COURT BY JUSTICE HUGHES – REVERSING AND REINSTATING**  
ALL SITTING. ALL CONCUR.

**Questions Presented:**  
Kentucky Constitution § 170. Tax Exemption. “Institutions of Purely Public Charity”. Kentucky Constitution § 170 does not exempt a “public charity” institution from the use tax imposed by KRS 139.310.

37. COMMONWEALTH OF KENTUCKY **V.** WILLIAM ROY HELM, JR. [2016-SC-000370-DG](#) HARDIN  
**TO BE PUBLISHED**

**AND**  
WILLIAM ROY HELM, JR. **V.** COMMONWEALTH OF KENTUCKY  
**OPINION OF THE COURT BY CHIEF JUSTICE MINTON – REVERSING AND REINSTATING**  
ALL SITTING. MINTON, C.J.; CUNNINGHAM, HUGHES, VANMETER, VENTERS, AND WRIGHT, JJ., CONCUR. KELLER, J., CONCURS IN RESULT ONLY.

- [2017-SC-000084-DG](#) HARDIN  
**TO BE PUBLISHED**

**Questions Presented:**  
Criminal Law. Ineffective assistance of trial counsel. Ineffective assistance of appellate counsel RCr 11.42.

38. COMMONWEALTH OF KENTUCKY **V.** BRIAN MUCHRISON [2016-SC-000378-DG](#) MASON  
**TO BE PUBLISHED**

**OPINION OF THE COURT BY JUSTICE CUNNINGHAM– REVERSING AND REINSTATING**  
MINTON, C.J.; CUNNINGHAM, HUGHES, KELLER, VENTERS, AND WRIGHT, JJ., SITTING. CUNNINGHAM, KELLER, VENTERS, AND WRIGHT, JJ., CONCUR. MINTON, C.J.; AND HUGHES, J., CONCUR IN RESULT ONLY. VANMETER, J., NOT SITTING.

**Questions Presented:**  
Criminal Law. Conflict of Interest of Counsel. 6<sup>th</sup> Amendment.

SUPREME COURT OF KENTUCKY

MARCH 22, 2018 MINUTES

RELEASED: 10:00 A.M.

39. MICHAEL DONNELL MAUPIN V. [2016-SC-000448-DG](#) FAYETTE  
COMMONWEALTH OF KENTUCKY  
**OPINION OF THE COURT BY**  
**CHIEF JUSTICE MINTON –**  
**REVERSING AND REINSTATING**  
ALL SITTING. MINTON, C.J.; KELLER,  
VENTERS AND WRIGHT, JJ.,  
CONCUR. CUNNINGHAM, J.,  
CONCURS BY SEPARATE OPINION  
IN WHICH HUGHES AND VANMETER,  
JJ., JOIN.

**Questions Presented:**  
Criminal Law. Ky Constitution § 115.  
Judgment of Acquittal. Sex Offender Registry.  
Commonwealth may not appeal from a  
judgment of acquittal entered by a trial judge  
after the jury returned a guilty verdict.

40. VANHOOK ENTERPRISES, INC. V. [2016-SC-000666-DG](#) PULASKI  
KAY & KAY CONTRACTING, LLC.  
**OPINION OF THE COURT BY**  
**JUSTICE CUNNINGHAM–**  
**REVERSING AND REINSTATING**  
ALL SITTING. HUGHES, KELLER,  
VENTERS, AND WRIGHT, JJ.,  
CONCUR. MINTON, C.J., CONCURS  
BY SEPARATE OPINION  
IN WHICH VANMETER, J., JOINS.

**Questions Presented:**  
Contract. Quantum Meruit. Unclean Hands.  
Federal HUBZone Program. Subcontractor  
who allegedly performed more work than  
allowed on a bridge construction project  
governed by the Federal HUBZone Program  
may not recover for the value of that work  
from the prime contractor under quantum  
meruit.

41. KAMRYN BAKER V. [2017-SC-000144-DG](#) LAUREL  
LYNN FIELDS AND BO RAINS  
**OPINION OF THE COURT BY**  
**CHIEF JUSTICE MINTON –**  
**REVERSING AND REMANDING**  
ALL SITTING. MINTON, C.J.; HUGHES,  
KELLER, VANMETER, VENTERS, AND  
WRIGHT, JJ., CONCUR.  
CUNNINGHAM, J., CONCURS IN  
PART AND DISSENTS IN PART BY  
SEPARATE OPINION.

**Questions Presented:**  
Qualified Immunity. Summary Judgment.  
Negligence. Slip and Fall. Court of Appeals'  
analysis usurped the role of the jury, in  
deciding the issue of negligence on this  
interlocutory appeal, when the trial court  
denied a motion for summary judgment and  
determined that qualified immunity did not  
apply to these circumstances, but had not yet  
addressed the issue of negligence of school  
employees.

SUPREME COURT OF KENTUCKY

MARCH 22, 2018 MINUTES

RELEASED: 10:00 A.M.

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| 42. | MICHALE FOWLER V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>ALL SITTING. ALL CONCUR.   | <a href="#">2016-SC-000333-MR</a><br><b>NOT TO BE PUBLISHED</b> | BUTLER                   |
| 43. | KIRBY B. RUANO V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>ALL SITTING. ALL CONCUR.   | <a href="#">2017-SC-000026-MR</a><br><b>NOT TO BE PUBLISHED</b> | FAYETTE                  |
| 44. | ROGER DALE EPPERSON V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>MINTON, C.J.; CUNNINGHAM,<br>HUGHES, KELLER, VANMETER AND<br>VENTERS, JJ., CONCUR. WRIGHT, J.,<br>NOT SITTING.  | <a href="#">2017-SC-000044-MR</a><br><b>NOT TO BE PUBLISHED</b> | WARREN                   |
| 45. | JENNINGS FIELDS V.<br>JAMES RIVER COAL SERVICE<br>COMPANY, ET AL.<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>MINTON, C.J.; CUNNINGHAM, HUGHES,<br>KELLER, VENTERS, AND WRIGHT, JJ.,<br>SITTING. MINTON, C.J.; CUNNINGHAM,<br>HUGHES, AND VENTERS, JJ., CONCUR.<br>KELLER, J., CONCURS IN RESULT<br>ONLY. WRIGHT, J., DISSENTS BY<br>SEPARATE OPINION. VANMETER,<br>J., NOT SITTING. | <a href="#">2017-SC-000053-WC</a><br><b>NOT TO BE PUBLISHED</b> | FROM COURT<br>OF APPEALS |
| 46. | ZACHARY ALLEN GROSS V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>ALL SITTING. ALL CONCUR.  | <a href="#">2017-SC-000152-MR</a><br><b>NOT TO BE PUBLISHED</b> | BOONE                    |

SUPREME COURT OF KENTUCKY

MARCH 22, 2018 MINUTES

RELEASED: 10:00 A.M.

47. MELISSA PITTMAN V. [2017-SC-000196-MR](#) MARION  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF**  
**THE COURT – AFFIRMING**  
ALL SITTING. ALL CONCUR.
48. SHELBY JOE NIX V. [2017-SC-000217-MR](#) BULLITT  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF**  
**THE COURT – AFFIRMING**  
ALL SITTING. ALL CONCUR.
49. WILLIE COLEMAN SLAPPY V. [2017-SC-000268-MR](#) CHRISTIAN  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF**  
**THE COURT – AFFIRMING**  
ALL SITTING. ALL CONCUR.
50. JAMES MORRIS V. [2017-SC-000466-MR](#) FROM COURT  
HON. KAREN LYNN WILSON, JUDGE, **NOT TO BE PUBLISHED** OF APPEALS  
HENDERSON CIRCUIT COURT, ET AL.  
**MEMORANDUM OPINION OF**  
**THE COURT – AFFIRMING**  
ALL SITTING. ALL CONCUR.
51. FORD MOTOR COMPANY V. [2017-SC-000229-WC](#) FROM COURT  
REGINA TENO, ET AL. **NOT TO BE PUBLISHED** OF APPEALS  
**MEMORANDUM OPINION OF**  
**THE COURT – AFFIRMING AND**  
**REMANDING**  
ALL SITTING. CUNNINGHAM, KELLER,  
VENTERS, AND WRIGHT, JJ.,  
CONCUR. VANMETER, J., DISSENTS  
BY SEPARATE OPINION IN WHICH  
MINTON, C.J. AND HUGHES, J., JOIN.

**SUPREME COURT OF KENTUCKY**

**MARCH 22, 2018 MINUTES**

**RELEASED: 10:00 A.M.**

**OPINION AND ORDERS – MARCH 22, 2018**

KENTUCKY BAR ASSOCIATION V. PHILIP MARTIN KLEINSMITH <b>ORDER OF PERMANENT DISBARMENT.</b> ALL SITTING. ALL CONCUR.	<a href="#">2018-SC-000026-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT
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MELANIE A.F. HORTON V. KENTUCKY BAR ASSOCIATION <b>ORDER OF PERMANENT DISBARMENT.</b> ALL SITTING. ALL CONCUR.	<a href="#">2018-SC-000042-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT
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INQUIRY COMMISSION V. DAVID B. GRAY <b>ORDER OF TEMPORARY SUSPENSION.</b> ALL SITTING. ALL CONCUR.	<a href="#">2018-SC-000047-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT
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**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –  
MARCH 14, 2018**

LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT V. T+C CONTRACTING, INC.	2017-SC-000274-DG	JEFFERSON
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BARBARA SMITH V. BONNIE SMITH	2017-SC-000348-DG	KNOX
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LEE COMLEY V. AUTO-OWNERS INSURANCE COMPANY	2017-SC-000596-DG	FAYETTE
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COMMONWEALTH OF KENTUCKY V. ALGER FERGUSON	2017-SC-000651-DG	LAWRENCE
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STEVE GREGORY V. BRANDON HARDGROVE, ET AL.	2017-SC-000669-DG	PULASKI
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SUPREME COURT OF KENTUCKY

MARCH 22, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
MARCH 14, 2018**

JOHN T. MCGUFFIN V. COMMONWEALTH OF KENTUCKY <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2016-SC-000533-D	GRAYSON
ALPH C. KAUFMAN, INC., ET AL. V. CORNERSTONE INDUSTRIES, INC.	2017-SC-000321-D	JEFFERSON
JAVON HEARN V. COMMONWEALTH OF KENTUCKY	2017-SC-000322-D	JEFFERSON
PIONEER PLAZA OF GEORGETOWN, LLC. V. COMMONWEALTH OF KENTUCKY, FINANCE AND ADMINSTRATION CABINET, ET AL.	2017-SC-000323-D	FRANKLIN
BRETT D. WHITAKER V. COMMONWEALTH OF KENTUCKY	2017-SC-000331-D	LINCOLN
PERRY COUNTY AMBULANCE AUTHORITY, ET AL. V. WANDA NOBLE <b>CUNNINGHAM, J., WOULD GRANT WITHOUT ORAL ARGUMENT.</b>	2017-SC-000337-D	PERRY
BERNARD A. TURPIN V. LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT	2017-SC-000355-D	FAYETTE
GARY CLACK V. COMMONWEALTH OF KENTUCKY	2017-SC-000373-D	TODD
MELISSA MAY V. CONTINENTAL TOWERS CONDOMINIUM ASSOCAITION, ET AL.	2017-SC-000379-D	FAYETTE

SUPREME COURT OF KENTUCKY

MARCH 22, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
MARCH 14, 2018**

DENNIS M. PHILLIPS V. COMMONWEALTH OF KENTUCKY	2017-SC-000532-D	WAYNE
MARVIN GOODMAN V. COMMONWEALTH OF KENTUCKY	2017-SC-000544-D	JEFFERSON
S.G. V. CABINET FOR HEALTH AND FAMILY SERVICES, ET AL.	2017-SC-000551-DE	SIMPSON
<b>AND</b> B.S. V. CABINET FOR HEALTH AND FAMILY SERVICES, ET AL.	2017-SC-000553-DE	SIMPSON
JEREMY CARAWAY V. COMMONWEALTH OF KENTUCKY	2017-SC-000563-D	HARLAN
<b>AND</b> COMMONWEALTH OF KENTUCKY V. JEREMY D. CARAWAY	2017-SC-000603-D	HARLAN
GEORGE K. MAYES V. COMMONWEALTH OF KENTUCKY <b>CUNNINGHAM, J., NOT SITTING.</b>	2017-SC-000571-D	TRIGG
JERRY STAMPER, AS ADMINSTRATOR OF THE ESTATE OF JOSPEH STAMPER, DECEASED V. BEREA AREA DEVELOPMENT, LLC, D/B/A THE TERRACE NURSING AND REHABILITATION FACILITY	2017-SC-000605-D	MADISON
ALLISON HEMBREE, ET AL. V. NATHAN WAYNE BOWMAN, AS PARENT, NATURAL GUARDIAN AND NEXT FRIEND OF THE INFANT, COLTYN LEE BOWMAN, ET AL.	2017-SC-000618-D	BATH

SUPREME COURT OF KENTUCKY

MARCH 22, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
MARCH 14, 2018**

CASSIUS E. TOWNSEND V. COMMONWEALTH OF KENTUCKY	2017-SC-000623-D	ESTILL
PHILLIP JOHNSON V. AARON SMITH (WARDEN, KENTUCKY STATE REFORMATORY), ET AL.	2017-SC-000624-D	OLDHAM
OMAR WHITEMAN, ET AL. V. WERNER COMPANY, ET AL.	2017-SC-000625-D	MASON
MICHAEL HARGROVE V. TRACEY HARGROVE	2017-SC-000631-D	HARRISON
NATHAN COLE MEACHAM V. DEPARTMENT OF CORRECTIONS <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2017-SC-000632-D	FRANKLIN
HOWARD HILL ANDERSON V. COMMONWEALTH OF KENTUCKY <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2017-SC-000641-D	MCLEAN
BASIL POLLITT V. SECURITY NATIONAL BANK OF OMAHA A/K/A SECURITY NATIONAL BANK, ET AL.	2017-SC-000644-D	JEFFERSON
GEOFFREY M. YOUNG V. ANNE HOPKINS, ET AL.	2017-SC-000648-D	FAYETTE
BELINDA PRIEST V. KURT PRIEST <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2017-SC-000652-D	MEADE

SUPREME COURT OF KENTUCKY

MARCH 22, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
MARCH 14, 2018**

KEITH MOORE V. COMMONWEALTH OF KENTUCKY	2017-SC-000653-D	BOYLE
COMMONWEALTH OF KENTUCKY V. WILLIAM STEPHENSON <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. VANMETER, J., WOULD GRANT.</b>	2017-SC-000654-D	KENTON
BLOOMSZ, LLC. V. JOSEPH VAN BOURGONDIEN	2017-SC-000655-D	BOONE
ADRIAN ALLEN V. COMMONWEALTH OF KENTUCKY	2017-SC-000663-D	MADISON
MICHAEL CHAD WEBB V. COMMONWEALTH OF KENTUCKY	2017-SC-000667-D	WARREN
MARGARET H. BROWN V. KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY	2017-SC-000670-D	JEFFERSON
B.S. V. CABINET FOR HEALTH AND FAMILY SERVICES, ETC., ET AL.	2018-SC-000010-DE	SIMPSON

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
MARCH 19, 2018**

H. TRIGG MITCHELL, ADMINISTRATOR OF THE ESTATE OF ELIZABETH KESSLER MITCHELL, ET AL. V. BAPTIST PHYSICIANS LEXINGTON, INC. D/B/A BAPTIST PULMONARY AND CRITICAL CARE ASSOCIATES, ET AL. <b>VANMETER, J., NOT SITTING.</b>	2017-SC-000451-D	FAYETTE
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SUPREME COURT OF KENTUCKY

MARCH 22, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDER DENYING MOTION TO TRANSFER – MARCH 22, 2018**

FORD MOTOR COMPANY V. 2018-SC-000022-T FROM COURT  
CLARA SUSAN SHEETS, ETC. OF APPEALS  
ALL SITTING. ALL CONCUR.

**COURT ORDER GRANTING PETITION FOR REHEARING – MARCH 22, 2018**

LARRY LAMONT WHITE V. [2014-SC-000725-MR](#) JEFFERSON  
COMMONWEALTH OF KENTUCKY TO BE PUBLISHED  
ORDER GRANTED PETITION FOR  
MODIFICATION OF THE OPINION OF  
THIS COURT RENDERED AUGUST 24, 2017,  
ALL SITTING. ALL CONCUR.

**COURT ORDERS DENYING PETITION FOR REHEARING – MARCH 22, 2018**

SUPERIOR STEEL, INC., ET AL. V. [2015-SC-000204-DG](#) KENTON  
THE ASCENT AT ROEBLING'S BRIDGE, TO BE PUBLISHED  
LLC., ET AL.

**AND**  
THE ASCENT AT ROEBLING'S BRIDGE [2015-SC-000636-DG](#) KENTON  
LLC., ET AL. V. TO BE PUBLISHED  
SUPERIOR STEEL, INC., ET AL.

**AND**  
DUGAN & MEYERS CONSTRUCTION [2015-SC-000635-DG](#) KENTON  
COMPANY V. TO BE PUBLISHED  
THE ASCENT AT ROEBLING'S BRIDGE  
LLC., ET AL.

ORDER DENIED PETITION FOR REHEARING  
AND CORRECTED THE OPINION OF THIS  
COURT RENDERED DECEMBER 14, 2017, BY  
SUBSTITUTION OF THIS OPINION IN LIEU OF  
THE ORIGINAL OPINION.  
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

MARCH 22, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING PETITION FOR REHEARING – MARCH 22, 2018**

JANET CONOVER, WARDEN, ET AL. V. [2016-SC-000320-DG](#) SHELBY  
KRISTY LAWLESS TO BE PUBLISHED  
**ORDER DENIED PETITION FOR REHEARING  
AND MODIFICATION AND MODIFIED THE  
OPINION OF THIS COURT RENDERED  
NOVEMBER 2, 2017, BY SUBSTITUTION OF  
THIS OPINION IN LIEU OF THE ORIGINAL  
OPINION.**  
MINTON, C.J.; CUNNINGHAM, HUGHES,  
KELLER, VENTERS, AND WRIGHT, JJ., SITTING.  
VANMETER, J., NOT SITTING. ALL CONCUR.

RICHARD STORM V. 2016-SC-000457-DG JEFFERSON  
LOUIS MARTIN  
**ORDER DENIED APPELLEE'S PETITION FOR  
REHEARING OF THE OPINION OF THE COURT  
RENDERED DECEMBER 14, 2017.**  
ALL SITTING. ALL CONCUR.

**COURT ORDERS DISMISSING**

ROBERT W. MCKINNEY V. 2016-SC-000515-MR JEFFERSON  
COMMONWEALTH OF KENTUCKY  
**AND**  
ROBERT MCKINNEY V. 2017-SC-000359-TG JEFFERSON  
COMMONWEALTH OF KENTUCKY  
**ORDER DISMISSING MOTION FOR BELATED  
APPEAL.**  
ALL SITTING. ALL CONCUR, EXCEPT MINTON,  
C.J., WOULD DENY THE MOTION TO RECONSIDER,  
VACATE THE SENTENCE, AND REMAND TO THE  
TRIAL COURT FOR A SENTENCING HEARING.  
**ENTERED: MARCH 22, 2018**

SUPREME COURT OF KENTUCKY

MARCH 22, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DISMISSING**

PINE TREE VILLA, LLC. D/B/A REGIS WOODS CARE AND REHABILITATION CENTER, ETC., ET AL. V. JEFFERSON

JASMINE HARGUS, AS ADMINISTRATRIX OF THE ESTATE OF WALTER HERMAN YOUNG, SR. DECEASED

**VENTERS, WRIGHT, CUNNINGHAM, AND HUGHES, JJ., SITTING. ALL CONCUR.**

ENTERED: MARCH 15, 2018

GENESIS HEALTHCARE, LLC, ET AL. V. 2017-SC-000578-D MCCRACKEN

MABLE STEVENS, EXECUTRIX OF THE ESTATE OF REBA KATHRYN PRICE, DECEASED

**VENTERS, WRIGHT, CUNNINGHAM, AND HUGHES, JJ., SITTING. ALL CONCUR.**

ENTERED: MARCH 15, 2018

3M COMPANY V. 2018-SC-000028-MR KNOTT

HON. KIMBERLY CHILDERS, JUDGE, KNOTT CIRCUIT COURT, ET AL.

**ENTERED: MARCH 6, 2018**

JAMES R. SIMONS V. 2018-SC-000041-D FRANKLIN

COMMONWEALTH OF KENTUCKY

**ENTERED: FEBRUARY 15, 2018**

MARIO VRICIC V. 2018-SC-000045-D JEFFERSON

HON. SHEA NICKELL, JUDGE, COURT OF APPEALS, ET AL.

**VENTERS, WRIGHT, CUNNINGHAM, AND HUGHES, JJ., SITTING. ALL CONCUR.**

ENTERED: MARCH 15, 2018

BENJAMIN WARD V. 2018-SC-000058-MR BOONE

COMMONWEALTH OF KENTUCKY

**ENTERED: MARCH 8, 2018**

SUPREME COURT OF KENTUCKY

MARCH 22, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS**

COMMONWEALTH OF KENTUCKY,  
JUSTICE AND PUBLIC SAFETY  
CABINET, ET AL. V.  
VIRGINIA GAITHER, ETC.

[2016-SC-000345-DG](#)  
**TO BE PUBLISHED**

FRANKLIN

**ORDER CORRECTED THE OPINION  
RENDERED FEBRUARY 15, 2018, BY  
SUBSTITUTION OF THIS OPINION IN LIEU  
OF THE ORIGINAL OPINION.**

ENTERED: FEBRUARY 19, 2018

KENTUCKY BAR ASSOCIATION V.  
DANIEL ALAN NIEHAUS

[2017-SC-000579-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**ORDER CORRECTED THE OPINION AND  
ORDER RENDERED FEBRUARY 15, 2018, BY  
SUBSTITUTION OF THIS OPINION AND  
ORDER IN LIEU OF THE ORIGINAL OPINION  
AND ORDER.**

ENTERED: FEBRUARY 20, 2018

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

PATRICIA TODD BAUSCH V.  
KENTUCKY BAR ASSOCIATION  
**ENTERED: FEBRUARY 15, 2018**

2018-SC-000067-KB

IN SUPREME  
COURT