

SUPREME COURT OF KENTUCKY

MARCH 24, 2022 RULINGS

RELEASED: 10:00 A.M.

33. KINDRED HEALTHCARE V.  
CARLYE HARPER, ET AL.

[2020-SC-0200-WC](#)  
**TO BE PUBLISHED**

COURT OF  
APPEALS

**OPINION OF THE COURT BY JUSTICE  
NICKELL - AFFIRMING**

ALL SITTING. ALL CONCUR.

**Questions Presented:**

Workers' Compensation. Vocational Rehabilitation. Issues include whether an employee may reopen workers' compensation proceedings over a year following the original award to seek vocational rehabilitation benefits.

34. SEILLER WATERMAN, LLC, ET AL. V.  
BARDSTOWN CAPITAL CORPORATION, ET  
AL.

[2020-SC-0312-DG](#)  
**TO BE PUBLISHED**

JEFFERSON

**OPINION OF THE COURT BY JUSTICE  
HUGHES - REVERSING AND REMANDING**

MINTON, C.J.; CONLEY, LAMBERT, AND  
VANMETER, CONCUR. KELLER, J.,  
CONCURS IN RESULT ONLY. NICKELL, J.,  
NOT SITTING.

**Questions Presented:**

Torts. Wrongful Use of Civil Proceeding. Issues involve application of the *Noerr Pennington* doctrine (and the sham exception to that doctrine) to circumstances concerning counsel and their client's challenge to a zoning change premised upon lack of fresh notice of a rescheduled Planning Commission evidentiary hearing.

35. CHARMIN WATSON, ET AL. V.  
LANDMARK UROLOGY, P.S.C., ET AL.

[2020-SC-0587-DG](#)  
**TO BE PUBLISHED**

SCOTT

**OPINION OF THE COURT BY JUSTICE  
VANMETER - AFFIRMING**

ALL SITTING. ALL CONCUR.

**Questions Presented:**

Medical Negligence. Informed Consent. KRS 304.40-320(2). Issues include whether plaintiff's expert testimony constituted evidence that informed consent was obtained within the accepted standard of medical practice.

36. DONALD M. LYNCH V.  
COMMONWEALTH OF KENTUCKY

[2021-SC-0022-MR](#)  
**TO BE PUBLISHED**

OHIO

**OPINION OF THE COURT BY JUSTICE  
LAMBERT - AFFIRMING**

ALL SITTING. ALL CONCUR.

**Questions Presented:**

Criminal Law. Voluntary Waiver of Right to Testify. Directed Verdict. In this matter of right appeal, the Court considers whether the trial court is obligated to assess the voluntariness of a waiver of the right to testify when the defendant alleges being threatened by a witness.

37. CABINET FOR HEALTH AND FAMILY  
SERVICES, DEPARTMENT FOR MEDICAID  
SERVICES, ET AL. V.  
APPALACHIAN HOSPICE CARE, INC.

[2021-SC-0082-DG](#)  
**TO BE PUBLISHED**

FRANKLIN

**OPINION OF THE COURT BY JUSTICE  
NICKELL - AFFIRMING**

ALL SITTING. ALL CONCUR.

**Questions Presented:**

Administrative Law. Request for Hearing. Unauthorized Practice of Law. Issues include whether a written request by a non-lawyer employee of a provider for a hearing to contest the Cabinet's assessment of a Medicaid overpayment constitutes the unauthorized practice of law.

38. GREGORY CRANDELL V.  
COMMONWEALTH OF KENTUCKY,  
CABINET FOR HEALTH AND FAMILY  
SERVICES EX REL. MARY J. DILKE

[2021-SC-0103-DG](#)  
**TO BE PUBLISHED**

BULLITT

**OPINION OF THE COURT BY JUSTICE  
KELLER - AFFIRMING IN PART,  
VACATING IN PART, AND REMANDING**

ALL SITTING. ALL CONCUR.

**Questions Presented:**

Contempt of Court. Issues involve the propriety of a child support contempt order requiring a sanction of monthly incarceration pending future contempt.

39. AARON JONES V.  
RAY PINTER D/B/A RAY PINTER  
CONSTRUCTION

[2021-SC-0138-DG](#)  
**TO BE PUBLISHED**

JEFFERSON

**OPINION OF THE COURT BY CHIEF  
JUSTICE MINTON - REVERSING AND  
REMANDING**

ALL SITTING. ALL CONCUR.

**Questions Presented:**  
CR 41.02. Dismissal of Claims. The issue in this matter is whether the trial court abused its discretion by dismissing the plaintiff's claims pursuant to CR 41.02 for failing to cooperate with the defendant's efforts to prepare a defense to those claims under the circumstances of this case.

40. SCOTT KENNEDY V.  
COMMONWEALTH OF KENTUCKY

[2020-SC-0438-MR](#)  
**NOT TO BE PUBLISHED**

JEFFERSON

**MEMORANDUM OPINION OF THE  
COURT - AFFIRMING**

ALL SITTING. ALL CONCUR.

41. JAMES GARRIGUS V.  
COMMONWEALTH OF KENTUCKY

[2021-SC-0152-MR](#)  
**NOT TO BE PUBLISHED**

GRAYSON

**MEMORANDUM OPINION OF THE  
COURT - AFFIRMING**

ALL SITTING. ALL CONCUR.

42. GEOFFREY M. YOUNG V.  
HONORABLE JEREMY MATTOX, ET AL.

[2021-SC-0269-MR](#)  
**NOT TO BE PUBLISHED**

SCOTT

**AND**

GEOFFREY M. YOUNG V.  
HONORABLE JEREMY MATTOX, ET AL.

[2021-SC-0258-MR](#)  
**NOT TO BE PUBLISHED**

SCOTT

**MEMORANDUM OPINION OF THE  
COURT - AFFIRMING**

ALL SITTING. ALL CONCUR.

43. BELL HELICOPTER TEXTRON, INC. V. HONORABLE OSCAR G. HOUSE, ET AL. [2021-SC-0385-MR](#) CLAY  
**NOT TO BE PUBLISHED**

**MEMORANDUM OPINION OF THE COURT - AFFIRMING**

ALL SITTING. ALL CONCUR.

44. CARL WAYNE WEDDLE V. COMMONWEALTH OF KENTUCKY [2021-SC-0112-MR](#) KNOX  
**NOT TO BE PUBLISHED**

**MEMORANDUM OPINION OF THE COURT - AFFIRMING**

ALL SITTING. ALL CONCUR.

**OPINION AND ORDERS - March 24, 2022**

D. STEVEN PARKS V. KENTUCKY BAR ASSOCIATION

[2021-SC-0475-KB](#)  
**TO BE PUBLISHED**

IN SUPREME COURT

**OPINION AND ORDER - REMANDING**

ALL SITTING. MINTON, C.J.; CONLEY, HUGHES, LAMBERT, NICKELL, AND VANMETER, JJ., CONCUR. KELLER, J., CONCURS IN RESULT ONLY.

INQUIRY COMMISSION V. JOE STEWART WHEELER

[2021-SC-0488-KB](#)  
**TO BE PUBLISHED**

IN SUPREME COURT

**OPINION AND ORDER - TEMPORARILY SUSPENDING**

ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V. MATTHEW PAUL SCHULTZ

[2021-SC-0515-KB](#)  
**TO BE PUBLISHED**

IN SUPREME COURT

**OPINION AND ORDER - TEMPORARILY SUSPENDING**

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

**OPINION AND ORDERS - March 24, 2022**

KENTUCKY BAR ASSOCIATION V.  
THOMAS DUANE JUANSO

[2021-SC-0517-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**ORDER SUSPENDING FOR 180 DAYS**

ALL SITTING. MINTON, C.J.; CONLEY,  
HUGHES, NICKELL, AND VANMETER, JJ.,  
CONCUR. KELLER AND LAMBERT, JJ.,  
DISSENT AND WOULD HAVE ACCEPTED  
THE RECOMMENDATION OF THE BOARD  
OF GOVERNORS.

SHEILA SEADLER V.  
INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, LOCAL 369

[2021-SC-0544-OA](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**OPINION AND ORDER DENYING WRIT**

ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V.  
MICHAEL LEE MEYER

[2022-SC-0035-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**ORDER – SUSPENDING FOR 5 YEARS**

ALL SITTING. ALL CONCUR.

**EXPEDITED ORDER GRANTING DISCRETIONARY REVIEW (NO ORAL ARGUMENT) -  
March 16, 2022**

COMMONWEALTH OF KENTUCKY,  
CABINET FOR HEALTH AND FAMILY  
SERVICES V.  
L.G., ET AL.

[2021-SC-0530-DGE](#)

JEFFERSON

J.M. V.  
L.G., ET AL.

[2021-SC-0533-DGE](#)

JEFFERSON

**ORDER GRANTING DISCRETIONARY REVIEW (ORAL ARGUMENT) - March 16, 2022**

MAURICE GASAWAY V.  
COMMONWEALTH OF KENTUCKY

[2021-SC-0457-DG](#)

HARDIN

**ORDER GRANTING DISCRETIONARY REVIEW (NO ORAL ARGUMENT) - March 16, 2022**

DWIGHT TAYLOR V.  
COMMONWEALTH OF KENTUCKY

[2021-SC-0483-DG](#)

JEFFERSON

COMMONWEALTH OF KENTUCKY V.  
KENNETH LAMONT BOONE, JR.

[2021-SC-0494-DG](#)

FAYETTE

**ORDER DENYING DISCRETIONARY REVIEW - March 16, 2022**

SOUTHPOINTE PARTNERS, LLC V.  
LOUISVILLE METRO GOVERNMENT, ET  
AL.

[2021-SC-0309-D](#)

JEFFERSON

TYKESHA STOKES V.  
COMMONWEALTH OF KENTUCKY

[2021-SC-0323-D](#)

JEFFERSON

CITY OF LAWRENCEBURG, KENTUCKY V.  
MICHAEL SCHELL

[2021-SC-0343-D](#)

ANDERSON

GREGORY WOOSLEY, AS  
ADMINISTRATOR OF THE ESTATE OF  
DAVID H. WOOSLEY, ET AL. V.  
STATE AUTO PROPERTY AND CASUALTY  
INSURANCE COMPANY

[2021-SC-0378-D](#)

JEFFERSON

**ORDER DENYING DISCRETIONARY REVIEW - March 16, 2022**

KENTUCKY RETIREMENT SYSTEMS, BY AND THROUGH THE BOARD OF TRUSTEES OF KENTUCKY RETIREMENT SYSTEMS, AND ON BEHALF OF KENTUCKY EMPLOYEES RETIREMENT SYSTEM V. WESTERN KENTUCKY UNIVERSITY	<a href="#">2021-SC-0413-D</a>	FRANKLIN
MARY S. MOSELEY, ET AL. V. AL J. SCHNEIDER COMPANY, ET AL.	<a href="#">2021-SC-0423-D</a>	JEFFERSON
VALERIE DAY V. CENTERSTONE OF KENTUCKY, INC. (FOMERLY SEVEN COUNTIES SERVICES, INC.)	<a href="#">2021-SC-0428-D</a>	JEFFERSON
DONALD MORGAN, ET AL. V. ALLEN COUNTY, KENTUCKY, ET AL.	<a href="#">2021-SC-0432-D</a>	ALLEN
RICHARD COLLINS, IN HIS OFFICIAL CAPACITY AS MEMBER OF THE CITY OF NICHOLASVILLE PLANNING COMMISSION, ET AL. V. BOONE DEVELOPMENT, LLC, ET AL.	<a href="#">2021-SC-0439-D</a>	JESSAMINE
ANGELA TUCKER V. KENTUCKY RETIREMENT SYSTEMS	<a href="#">2021-SC-0440-D</a>	FRANKLIN
KYRON LIGON V. COMMONWEALTH OF KENTUCKY	<a href="#">2021-SC-0443-D</a>	JEFFERSON
CYNTHIA WILLIAMS V. BROWN-FORMAN CORPORATION	<a href="#">2021-SC-0445-D</a>	JEFFERSON
THOMAS BYRD LAWHON, JR. V. KENTUCKY TAX BILL SERVICING, INC., ET AL.	<a href="#">2021-SC-0447-D</a>	OWEN

**ORDER DENYING DISCRETIONARY REVIEW - March 16, 2022**

COMMONWEALTH OF KENTUCKY V. TAMMY FEINAUER	<a href="#">2021-SC-0456-D</a>	CAMPBELL
COMMONWEALTH OF KENTUCKY V. CLINT COLLINS	<a href="#">2021-SC-0478-D</a>	LETCHER
CONLEY AND VANMETER, JJ., WOULD GRANT DISCRETIONARY REVIEW.		
MIKE MARTINDALE V. EXECUTIVE BRANCH ETHICS COMMISSION	<a href="#">2021-SC-0498-D</a>	WOODFORD
GEOFFREY M. YOUNG V. ADAM EDELEN, ET AL.	<a href="#">2021-SC-0505-D</a>	FAYETTE
TONYA FORD V. COMMONWEALTH OF KENTUCKY	<a href="#">2021-SC-0508-D</a>	TAYLOR
ANDREW GORDON V. COMMONWEALTH OF KENTUCKY	<a href="#">2021-SC-0540-D</a>	KENTON
COMMONWEALTH OF KENTUCKY V. EMOSHIA DUNCAN	<a href="#">2021-SC-0554-D</a>	FAYETTE
COMMONWEALTH OF KENTUCKY V. JEREMY BENTON, ET AL.	<a href="#">2021-SC-0586-D</a>	CAMPBELL
CONLEY AND VANMETER, JJ., WOULD GRANT DISCRETIONARY REVIEW.		
DARIAN R. CLAY V. MARICARMEN RIVERA	<a href="#">2022-SC-0005-D</a>	JEFFERSON
JENNIFER LANCE V. MONTY HONAKER	<a href="#">2022-SC-0019-DE</a>	MADISON



**ORDER DENYING DISCRETIONARY REVIEW - March 16, 2022**

MEREDITH L. LAWRENCE V. [2022-SC-0037-D](#) KENTON  
BINGHAM GREENEBAUM DOLL, LLP  
KELLER, J., NOT SITTING.

**ORDER GRANTING TRANSFER - March 11, 2022**

BRANDIS BRADLEY, INDIVIDUALLY, ET AL. V. [2022-SC-0076-TG](#) FRANKLIN  
COMMONWEALTH OF KENTUCKY, EX  
REL, DANIEL CAMERON, ATTORNEY  
GENERAL, ET AL.

**ORDER DISMISSING - March 09, 2022**

JOSEPH L. SILVERBURG V. [2020-SC-0469-OA](#) FAYETTE  
HONORABLE DENISE G. CLAYTON  
KELLER, LAMBERT, NICKELL,  
VANMETER, JJ., SITTING. ALL CONCUR.

CAMERON R. STONE BY AND THROUGH [2021-SC-0014-DG](#) JEFFERSON  
CO-CONSERVATORS DARRELL RAMAGE  
AND JAMIE STONE ET AL. V.  
KENTUCKY FARM BUREAU MUTUAL  
INSURANCE COMPANY  
KELLER, LAMBERT, NICKELL,  
VANMETER, JJ., SITTING. ALL CONCUR.

LONE MOUNTAIN PROCESSING, INC., ET AL. V. [2021-SC-0178-WC](#) COURT OF  
HAROLD BREWER, DECEASED ET AL. APPEALS  
KELLER, LAMBERT, NICKELL,  
VANMETER, JJ., SITTING. ALL CONCUR.

**ORDER DISMISSING - March 09, 2022**

COURTNEY LIGHTNER V.  
COMMONWEALTH OF KENTUCKY

[2021-SC-0536-D](#)

OLDHAM

KELLER, LAMBERT, NICKELL,  
VANMETER, JJ., SITTING. ALL CONCUR.

NICOLE LINDSAY ISAACS (NOW NORRIS)  
V.

[2021-SC-0551-OA](#)

FAYETTE

KENTUCKY COURT OF APPEALS

KELLER, LAMBERT, NICKELL,  
VANMETER, JJ., SITTING. ALL CONCUR.

**ORDER WITHDRAWING FROM KENTUCKY BAR ASSOCIATION - March 08, 2022**

SARAH POWERS CRAWFORD V.  
KENTUCKY BAR ASSOCIATION

[2022-SC-0092-KB](#)

IN SUPREME  
COURT