

SUPREME COURT OF KENTUCKY

MINUTES
APRIL 22, 2010

RELEASED: 10:00 A.M.

72. UNIVERSITY OF THE CUMBERLANDS V. REV. ALBERT M. PENNYBACKER, ET AL.

[2008-SC-000253-TG](#)
TO BE PUBLISHED

FRANKLIN

AND

VERNIE MCGAHA, (SENATOR, IN HIS OFFICIAL CAPACITY AS A MEMBER OF THE KENTUCKY GENERAL ASSEMBLY, ET AL. V. UNIVERSITY OF THE CUMBERLANDS, ET AL.

[2008-SC-000285-TG](#)
TO BE PUBLISHED

FRANKLIN

OPINION OF THE COURT BY JUSTICE ABRAMSON – AFFIRMING
CUNNINGHAM, J., CONCURS BY SEPARATE OPINION IN WHICH SCOTT, J., JOINS. SCOTT, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION IN WHICH VENTERS, J., JOINS.

Questions Presented:
Affirm trial court's holding that the appropriation to the Pharmacy School violates Section 189 of the Kentucky Constitution, which prohibits public funding of "any church, sectarian or denominational school," and that the Pharmacy Scholarship Program violates Section 59 of the Kentucky Constitution, which prohibits special legislation.

73. WILLIAM BUCK V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE SCHRODER – AFFIRMING
ALL SITTING. ALL CONCUR.

[2008-SC-000896-DG](#)
TO BE PUBLISHED

CAMPBELL

Questions Presented:
Criminal Law. Ex Post Facto. The issue is whether the 2006 Amendments to the Sex Offender Registration Act violate Ex Post Facto provisions of the United States and Kentucky Constitution.

74. LEVODIS ARTRIP V. JAMES STEPHEN NOE
OPINION OF THE COURT BY JUSTICE CUNNINGHAM – AFFIRMING
NOBLE, J., CONCURS IN RESULT ONLY BY SEPARATE OPINION, IN WHICH SCOTT AND VENTERS, JJ., JOIN.

[2009-SC-000260-DGE](#)
TO BE PUBLISHED

FAYETTE

Questions Presented:
Child Support. Social Security Benefits. The question presented, involving the interplay between KRS 403.211(3)(d) and (14) (now (15)), is whether a parent is entitled to reduction in a child support obligation relating to a disability entitlement received by the children as a result of the other parent's disability.

SUPREME COURT OF KENTUCKY

MINUTES
APRIL 22, 2010

RELEASED: 10:00 A.M.

75. BLUE MOVIES, INC., D/B/A LOVE BOUTIQUE, ET AL. V. LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT
OPINION OF THE COURT BY JUSTICE SCHRODER – AFFIRMING IN PART, REVERSING IN PART AND REMANDING
VENTERS, J., CONCURS BY SEPARATE OPINION IN WHICH ABRAMSON AND CUNNINGHAM, JJ., JOIN.

[2007-SC-000812-DG](#)
TO BE PUBLISHED

JEFFERSON

Questions Presented:
First Amendment. Adult Entertainment. Twenty-First Amendment. Issues include the constitutionality of certain provisions regulating adult entertainment establishments, particularly a provision prohibiting alcohol sales, a provision requiring disclosure of principal owners and a "no touching" provision.

76. LARRY THOMAS JONES AND GERALD HENLEY V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE SCHRODER – REVERSING
VENTERS, J., DISSENTS BY SEPARATE OPINION IN WHICH SCOTT, J., JOINS.

[2007-SC-000922-DG](#)
TO BE PUBLISHED

HICKMAN
CALLOWAY

Questions Presented:
KRS 532.043(5) violates Section 27 and Section 28 of the Kentucky Constitution by impermissibly conferring an executive power to revoke a post-incarceration or post-parole conditional release upon the judiciary.

77. ERIN HANEY V. BILJANA MONSKEY (AS NEXT FRIEND OF MAX ZAGER, A MINOR CHILD)
OPINION OF THE COURT BY JUSTICE SCOTT – REVERSING
MINTON, C.J., CONCURS IN THE RESULT REACHED BY THE MAJORITY CONSISTENT WITH HIS SEPARATE CONCURRING OPINION IN CANEYVILLE VOLUNTEER FIRE DEPARTMENT V. GREEN'S MOTORCYCLE SALVAGE, 286 S.W.3D 790 (KY. 2009), AND SCHRODER, J., JOINS.

[2008-SC-000337-DG](#)
TO BE PUBLISHED

JEFFERSON

Questions Presented:
Qualified Official Immunity. Issue is whether a counselor for the Louisville Zoo's children's camp was performing ministerial or discretionary function when carrying out the "night hike" activity with a group of children.

SUPREME COURT OF KENTUCKY

MINUTES
APRIL 22, 2010

RELEASED: 10:00 A.M.

78. BEN SPURLOCK V. TATE BEGLEY
OPINION OF THE COURT BY JUSTICE CUNNINGHAM – REVERSING
ALL SITTING. ALL CONCUR. [2009-SC-000050-DG](#) LESLIE
TO BE PUBLISHED
- Questions Presented:**
Contracts. Limited Liability Corporations. The issue is whether the defendant had a sufficient ownership interest in a limited liability corporation that he could sell to the plaintiff.
79. MICHAEL DALE ST. CLAIR V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY CHIEF JUSTICE MINTON – REVERSING AND REMANDING
SCOTT, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION IN WHICH CUNNINGHAM, J., JOINS. CUNNINGHAM, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION IN WHICH SCOTT, J., JOINS. [2005-SC-000828-MR](#) BULLITT
TO BE PUBLISHED
- Questions Presented:**
Death sentence reversed because the trial court's erroneous jury instruction failed to comply with this Court's directive to follow the statutory language in instructing the jury on the applicable aggravator required to support a death sentence and deprived the defendant of his right to a unanimous verdict.
80. KIMBERLY G. HILL, ET AL. V. KENTUCKY LOTTERY CORPORATION
OPINION OF THE COURT BY JUSTICE VENTERS – REVERSING AND REMANDING
NOBLE, J., CONCURS IN RESULT ONLY BY SEPARATE OPINION. MINTON, C.J., AND CUNNINGHAM, J., NOT SITTING. [2006-SC-000748-DG](#) JEFFERSON
[2008-SC-000380-DG](#)
TO BE PUBLISHED
- Questions Presented:**
Defamation. Privilege. Post-Judgment Interest. Civil Procedure. Issues involve the privilege defense to a defamation claim, assessment of a reduced rate of postjudgment interest, and whether the appeal was timely.

SUPREME COURT OF KENTUCKY

MINUTES
APRIL 22, 2010

RELEASED: 10:00 A.M.

81. JOHN TIM JENKINS V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE SCHRODER –
REVERSING AND REMANDING**
ABRAMSON, J., NOT SITTING.
- [2007-SC-000248-DG](#) WOODFORD
TO BE PUBLISHED
- Questions Presented:**
Criminal Law. Child Sexual Abuse. KRE 702. Issues include application of KRE 702 to the admissibility of proffered expert testimony from a forensic psychologist concerning interview techniques and their impact upon reliability of allegations of child sexual abuse.
82. RAYMOND MCCLANAHAN V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE VENTERS –
REVERSING AND REMANDING**
ALL SITTING. ALL CONCUR.
- [2008-SC-000033-MR](#) JEFFERSON
TO BE PUBLISHED
- Questions Presented:**
Plea agreement with “hammer clause” resulted in the imposition of an unlawful sentence that failed to comply with the requirements of KRS 533.010(1), 533.010(2), KRS 532.050(1), KRS 532.110(1), and RCr 11.02.
83. MARY LASSITER (IN HER OFFICIAL CAPACITY AS STATE BUDGET DIRECTOR) V.
AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY, INC., ET AL.
**OPINION OF THE COURT BY
JUSTICE VENTERS –
REVERSING AND REMANDING**
SCOTT, J., CONCURS
IN RESULT ONLY.
- [2008-SC-000904-DG](#) FRANKLIN
TO BE PUBLISHED
- Questions Presented:**
Appellate Procedure. Is listing a party in the Notice of Appeal's caption but including language in the Notice of Appeal's body specifically excluding the party "as one against whom the appeal is taken" substantial compliance under CR 73.03. Is naming an official's department in the Notice of Appeal's caption sufficient to confer jurisdiction over the official in his official capacity?

SUPREME COURT OF KENTUCKY

MINUTES
APRIL 22, 2010

RELEASED: 10:00 A.M.

84. VIRGINIA G. FOX V. TREY GRAYSON (IN HIS OFFICIAL CAPACITY AS SECRETARY OF STATE OF THE COMMONWEALTH OF KENTUCKY), ET AL. [2009-SC-000066-TG](#) FRANKLIN
TO BE PUBLISHED
- Questions Presented:**
Section 93 of the Kentucky Constitution gives the Senate the sole role of confirmation.
- OPINION OF THE COURT BY CHIEF JUSTICE MINTON – REVERSING AND REMANDING**
ABRAMSON, J., CONCURS IN RESULT ONLY BY SEPARATE OPINION. CUNNINGHAM, J., DISSENTS BY SEPARATE OPINION IN WHICH SCHRODER, J., JOINS. SCHRODER, J., DISSENTS BY SEPARATE OPINION IN WHICH CUNNINGHAM, J., JOINS.

85. RUSSELL WINSTEAD V. COMMONWEALTH OF KENTUCKY [2007-SC-000829-MR](#) HOPKINS
[2008-SC-000446-TG](#)
TO BE PUBLISHED
- Questions Presented:**
Convictions and sentences for murder and robbery are affirmed. Issues discussed include: spousal privilege (KRE 504); sentence of LWOP/25 in violation of the terms of defendant's extradition from Costa Rica; failure to grant a directed verdict of acquittal; use of other inmates to elicit incriminating statements; prosecutorial misconduct; and denial of motion for mistrial due to juror's use of cell phones during deliberations. The judgment is reversed because the trial court erred by ordering defendant's sentences, life imprisonment without parole for twenty-five years for the murder conviction and twenty years for the robbery conviction, to be run consecutively rather than concurrently.
- OPINION OF THE COURT BY CHIEF JUSTICE MINTON – VACATING AND REMANDING**
SCOTT, J., CONCURS IN RESULT ONLY.

SUPREME COURT OF KENTUCKY

MINUTES
APRIL 22, 2010

RELEASED: 10:00 A.M.

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| 86. | DOMINIC RAIFSNIDER V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
NOBLE, J., DISSENTS IN PART
BY SEPARATE OPINION. | 2008-SC-000479-MR
NOT TO BE PUBLISHED | KENTON |
| 87. | ROBERT HUSTON V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2008-SC-000625-MR
NOT TO BE PUBLISHED | KENTON |
| 88. | JAMES KENT CONN V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2008-SC-000763-MR
NOT TO BE PUBLISHED | ROWAN |
| 89. | HERBERT EADES V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2008-SC-000920-MR
NOT TO BE PUBLISHED | OHIO |
| 90. | FRANCIS G. PAYNE V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING IN PART
AND REVERSING IN PART</u>
ALL SITTING. ALL CONCUR. | 2009-SC-000373-MR
NOT TO BE PUBLISHED | HANCOCK |
| 91. | KATHERINE D. BAILEY V.
HON. ALLAN RAY BERTRAM, JUDGE,
MARION CIRCUIT COURT, ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>REVERSING</u>
MINTON, C.J., DISSENTS FOR THE
REASONS EXPRESSED IN HIS
OPINION IN J.N.R. V. O'REILLY,
264 S.W.3D 587 (KY.2008). | 2009-SC-000210-MR
NOT TO BE PUBLISHED | MARION |

SUPREME COURT OF KENTUCKY

MINUTES
APRIL 22, 2010

RELEASED: 10:00 A.M.

92. COMMONWEALTH OF KENTUCKY V. [2008-SC-000129-DG](#) KNOX
DAVID LAKE [2008-SC-000876-DG](#)
MEMORANDUM OPINION OF NOT TO BE PUBLISHED
THE COURT –
REVERSING AND REMANDING
ALL SITTING. ALL CONCUR.

OPINIONS AND ORDERS – APRIL 22, 2010

GREGORY A. GABBARD V. [2007-SC-000459-KB](#) IN SUPREME
KENTUCKY BAR ASSOCIATION **TO BE PUBLISHED** COURT
ORDER REVOKED MOVANT’S PRIOR
REINSTATEMENT TO PRACTICE AND
HE IS SUSPENDED WITH CONDITIONS.
ALL SITTING. ALL CONCUR.

JEFFREY M. WALSON (JUDGE, [2009-SC-000623-OA](#) IN SUPREME
25TH JUDICIAL CIRCUIT OF KENTUCKY) V. **TO BE PUBLISHED** COURT
THE ETHICS COMMITTEE OF THE
KENTUCKY JUDICIARY
ORDER AGREED WITH THE COMMITTEE
THAT NO JUDICIAL OFFICER, FAMILY
COURT OR OTHERWISE, MAY SERVE AS
AN ADVISOR, DIRECTOR, OR THE LIKE
FOR FINANCIAL INSTITUTIONS AND
REJECTED THE COMMITTEE’S
CONCLUSION THAT A JUDICIAL
OFFICER MAY SERVE AS A DIRECTOR
OR ADVISOR OF A FINANCIAL
INSTITUTION IF THE JUDICIAL OFFICER
HAS A FINANCIAL STAKE IN THAT
FINANCIAL INSTITUTION.
SCHRODER, J., DISSENTS BY SEPARATE
OPINION.

SUPREME COURT OF KENTUCKY

MINUTES
APRIL 22, 2010

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – APRIL 22, 2010

KENTUCKY BAR ASSOCIATION V.
JANE K. KISSLING
**ORDER PERMANENTLY DISBARRED
RESPONDENT FROM THE PRACTICE
OF LAW.**
ALL SITTING. ALL CONCUR.

[2009-SC-000628-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
JAMAL A. KOURY
**ORDER SUSPENDED RESPONDENT
FROM THE PRACTICE OF LAW FOR
ONE HUNDRED EIGHTY ONE (181)
DAYS.**
ALL SITTING. ALL CONCUR.

[2010-SC-000023-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
JAMES KEVIN MATHEWS
**ORDER PERMANENTLY DISBARRED
RESPONDENT FROM THE PRACTICE
OF LAW.**
ALL SITTING. ALL CONCUR.

[2010-SC-000024-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION,
CLE COMMISSION V.
KATHERINE AUDREY CLEMONS
**RESPONDENT ORDERED TO PAY
\$250.00 TO THE KBA IN LIEU OF
SUSPENSION FOR NON COMPLIANCE
WITH CLE REQUIREMENTS.**
ALL SITTING. ALL CONCUR.

2010-SC-000044-KB

IN SUPREME
COURT

BRUCE DWAIN ATHERTON V.
KENTUCKY BAR ASSOCIATION
**ORDER PERMANENTLY DISBARRED
MOVANT FROM THE PRACTICE
OF LAW.**
ALL SITTING. ALL CONCUR.

[2010-SC-000057-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

SUPREME COURT OF KENTUCKY

**MINUTES
APRIL 22, 2010**

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – APRIL 22, 2010

**CARL TURNER V.
KENTUCKY BAR ASSOCIATION
ORDER SUSPENDED MOVANT
FROM THE PRACTICE OF LAW FOR
2 YEARS.
ALL SITTING. ALL CONCUR.**

[2010-SC-000060-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**KENTUCKY BAR ASSOCIATION V.
LEO MARCUM
ORDER SUSPENDED RESPONDENT
FROM THE PRACTICE OF LAW FOR
1 YEAR.
ALL SITTING. ALL CONCUR.**

[2010-SC-000105-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**JOHN GRANT COOK V.
KENTUCKY BAR ASSOCIATION
ORDER SUSPENDED RESPONDENT
FROM THE PRACTICE OF LAW FOR
61 DAYS.
ALL SITTING. ALL CONCUR.**

[2010-SC-000170-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
APRIL 14, 2010**

**DENVER RAY WILLIAMS V.
COMMONWEALTH OF KENTUCKY**

2009-SC-000440-DG

HARDIN

**NELSON COUNTY BOARD OF
EDUCATION V.
GENE A. FORTE, INDIVIDUALLY;
GENE A. FORTE, AS ADMINISTRATOR
OF THE ESTATE OF CAROLE FORTE;
AND KENTUCKY BOARD OF CLAIMS**

2009-SC-000715-DG

NELSON

SUPREME COURT OF KENTUCKY

**MINUTES
APRIL 22, 2010**

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
APRIL 15, 2010**

MICHAEL ALLEN HALLUM V. COMMONWEALTH OF KENTUCKY AND JOE B. JONES V. COMMONWEALTH OF KENTUCKY	2009-SC-000762-D 2010-SC-000049-D	LOGAN MARION
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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 14, 2010**

PATRICIA BENTLEY, INDIVIDUALLY; AND PATRICIA BENTLEY AS PARENT OF MELISSA HARP, A MINOR V. TRINITY CHRISTIAN ACADEMY; AND JAMES ARMISTEAD, INDIVIDUALLY; AND JAMES ARMISTEAD AS HEADMASTER OF TRINITY CHRISTIAN ACADEMY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2009-SC-000392-D	FAYETTE
CARL COWHERD V. COMMONWEALTH OF KENTUCKY	2009-SC-000433-D	JEFFERSON
WHITLOW CONSTRUCTION & DEVELOPMENT, INC. V. KENTUCKY BANK	2009-SC-000447-D	BOURBON
STEPHEN P. ROBEY V. COMMONWEALTH OF KENTUCKY	2009-SC-000463-D	WEBSTER
CHARLES F. MAHL, M.D. V. LOUANNE MAHL	2009-SC-000487-D	JEFFERSON
GARY TAYLOR, ET AL. V. WILLIAM WARD, JR., ET AL.	2009-SC-000535-D	JESSAMINE

SUPREME COURT OF KENTUCKY

MINUTES
APRIL 22, 2010

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 14, 2010**

SAMUEL OWENS V. COMMONWEALTH OF KENTUCKY	2009-SC-000552-D	KNOX
COMMONWEALTH OF KENTUCKY V. LESLIE LEE LAWSON THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2009-SC-000564-D	LAUREL
CLINTON L. BREWER V. COMMONWEALTH OF KENTUCKY	2009-SC-000587-D	MCCRACKEN
COMMONWEALTH OF KENTUCKY V. RICHARD ALLEN GEARY	2009-SC-000713-D	UNION
CAROLYN SCOTT, GREEN COUNTY COURT CLERK V. BOARD OF EDUCATION, GREEN COUNTY, KENTUCKY	2009-SC-000717-D	GREEN
DR. PHILLIP SIMPSON V. JERRY FANNIN	2009-SC-000718-D	FLOYD
ERICA BRYANT V. JUSTIN HOPKINS AND GRANGE INSURANCE COMPANY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2009-SC-000719-D	FLOYD
JERRY CALHOUN V. VIVIAN KEITH SELLERS, AS MOTHER AND ADMINISTRATRIX OF THE ESTATE OF S.C., A MINOR, ET AL.	2009-SC-000729-D	PULASKI
MATTHEW FORE V. COMMONWEALTH OF KENTUCKY	2009-SC-000748-D	CAMPBELL

SUPREME COURT OF KENTUCKY

**MINUTES
APRIL 22, 2010**

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 14, 2010**

JOHN DAVID LINDSEY V. COMMONWEALTH OF KENTUCKY	2009-SC-000749-D	HARDIN
BRYSON EMBREY V. COMMONWEALTH OF KENTUCKY	2009-SC-000754-D	MUHLENBERG
JANET CABLE V. IMOGENE STEELY, ET AL.	2009-SC-000766-D	WOLFE
HOLLIE PEYTON V. DAWN ARCHER, ET AL.	2009-SC-000771-D	FAYETTE
DANNY SEALS, ET AL. V. EDGAR AMBURGEY, ET AL.	2009-SC-000776-D	KNOTT
FREDDIE C. WALLACE, ET AL. V. LOTETTA JUDE, SINGLE, ET AL.	2009-SC-000783-D	PIKE
EARL WARNER V. COMMONWEALTH OF KENTUCKY	2009-SC-000792-D	FAYETTE
JOHN WEDDING V. J & M LABORATORIES, INC.	2009-SC-000813-D	JEFFERSON
J. B. JORDAN V. COMMONWEALTH OF KENTUCKY	2009-SC-000822-D	KNOX
FAYETTE MILTON VANDERFORD V. COMMONWEALTH OF KENTUCKY	2009-SC-000840-D	FAYETTE

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE
MOTION FOR DISCRETIONARY REVIEW – APRIL 19, 2010**

STEVEN BERRY V. COMMONWEALTH OF KENTUCKY	2009-SC-000757-D	FAYETTE
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SUPREME COURT OF KENTUCKY

**MINUTES
APRIL 22, 2010**

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE
MOTION FOR DISCRETIONARY REVIEW – APRIL 19, 2010**

DENNIS GREENE V. 2009-SC-000779-D KENTON
COMMONWEALTH OF KENTUCKY

COURT ORDERS DENYING MOTION TO TRANSFER – APRIL 22, 2010

KINDRED NURSING CENTERS 2009-SC-000809-T BOYLE
LIMITED PARTNERSHIP (D/B/A
DANVILLE CENTRE FOR HEALTH
& REHABILITATION), ET AL. V.
TOMMY GOOCH (EXECUTOR OF
THE ESTATE OF LUCILLE JONES,
DECEASED)

COURT ORDERS DENYING PETITION FOR REHEARING – APRIL 22, 2010

TYREESE HALL V. 2007-SC-000359-MR JEFFERSON
COMMONWEALTH OF KENTUCKY

ASSOCIATED INSURANCE 2008-SC-000037-DG JEFFERSON
SERVICE, INC., ET AL. V. 2008-SC-000044-DG
DANIEL GARCIA, M.D., ET AL.

GREGORY WOODLEE V. [2008-SC-000351-MR](#) LAUREL
COMMONWEALTH OF KENTUCKY
**ORDER MODIFIED THE OPINION OF
THE COURT BY JUSTICE NOBLE,
RENDERED JANUARY 21, 2010, BY
SUBSTITUTION OF NEW OPINION.**

JAMES KELLY V. 2009-SC-000061-WC FROM COURT
RADAC CORP., ET AL. OF APPEALS

SUPREME COURT OF KENTUCKY

MINUTES
APRIL 22, 2010

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

U.S. BANK, N.A. V. 2008-SC-000817-DG FAYETTE
AHMED "MIKE" ALI, ET AL.
ENTERED: APRIL 12, 2010

COURT ORDERS DISMISSING

JOSEPH S. GONCALVES V. 2009-SC-000810-MR NELSON
HONORABLE JOHN D. SEAY
(JUDGE, NELSON CIRCUIT COURT)
AND COMMONWEALTH OF KENTUCKY
(REAL PARTY IN INTEREST)
ENTERED: APRIL 22, 2010

LANDRY'S SEAFOOD-KENTUCKY, INC. 2010-SC-000086-D JEFFERSON
D/B/A JOE'S CRAB SHACK V.
GLORIA LAMBERT
ENTERED: APRIL 12, 2010

COURT ORDERS

STEVE BESHEAR (IN HIS OFFICIAL 2007-SC-000058-TG FRANKLIN
CAPACITY AS THE GOVERNOR OF
THE COMMONWEALTH OF KENTUCKY),
ET AL. V.
HAYDON BRIDGE COMPANY, INC., ET AL
**ORDER CORRECTED OPINION OF THE
COURT BY JUSTICE SCOTT RENDERED
JANUARY 21, 2010, BY SUBSTITUTION
OF NEW OPINION.**
ENTERED: MARCH 17, 2010

FRED LEE COLVARD V. 2007-SC-000477-MR JEFFERSON
COMMONWEALTH OF KENTUCKY
**ORDER CORRECTED OPINION OF THE
COURT BY SUBSTITUTING PAGE 13 IN
LIEU OF ORIGINAL PAGE 13.**
ENTERED: APRIL 9, 2010

SUPREME COURT OF KENTUCKY

MINUTES
APRIL 22, 2010

RELEASED: 10:00 A.M.

COURT ORDERS

TERRY GLENN HOBSON V. [2007-SC-000645-DG](#) BOYD
COMMONWEALTH OF KENTUCKY
**ORDER CORRECTED OPINION OF THE
COURT BY SUBSTITUTION OF PAGE 5
IN LIEU OF ORIGINAL PAGE 5.**
ENTERED: APRIL 15, 2010

TIMOTHY KIRBY V. [2007-SC-000833-DG](#) LAUREL
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 COURT OF APPEALS
HEREBY STANDS AFFIRMED.**
ENTERED: APRIL 22, 2010

ASSOCIATED INSURANCE SERVICE, INC. [2008-SC-000037-DG](#) JEFFERSON
ET AL. V. [2008-SC-000044-DG](#)
DANIEL GARCIA, M.D., ET AL.
**ORDER MODIFIED OPINION OF THE
COURT BY SUBSTITUTING PAGE 21
IN LIEU OF PAGE 21.**
ENTERED: MARCH 19, 2010

DARRELL H. MOORE, ET AL. V. [2008-SC-000193-DG](#) HOPKINS
ROY E. STILLS, ET AL.
**ORDER CORRECTED OPINION OF THE
COURT BY SUBSTITUTING PAGE 21 IN
LIEU OF PAGE 21.**
ENTERED: APRIL 7, 2010

SUPREME COURT OF KENTUCKY

MINUTES
APRIL 22, 2010

RELEASED: 10:00 A.M.

COURT ORDERS

CHARLES T. CREECH,
INCORPORATED V.
DONALD E. BROWN AND
STANDLEE HAY COMPANY,
INCORPORATED

2009-SC-000439-I

FAYETTE

**ORDER DENIED THE MOTIONS TO
VACATE ORDER OF COURT OF
APPEALS DATED NOVEMBER 10, 2009
AND TO STRIKE STANDLEE HAY
COMPANY'S RESPONSE TO MOTION.**

ENTERED: APRIL 22, 2010

THELMA SPENCER COMBS, ET AL. V.
KENTUCKY COURT OF APPEALS
AND SUPREME COURT OF KENTUCKY
**ORDER CORRECTED OPINION AND
ORDER BY SUBSTITUTION OF PAGE 1
IN LIEU OF PAGE 1.**

[2009-SC-000486-OA](#)

IN SUPREME
COURT

ENTERED: APRIL 13, 2010

IN RE: CLYDE FITZPATRICK JOHNSON
**MOVANT REINSTATED TO THE PRACTICE
OF LAW AND FINED \$250.00 DOLLARS.**

2010-SC-000159-KB

IN SUPREME
COURT

ENTERED: APRIL 16, 2010

**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE
KENTUCKY BAR ASSOCIATION – APRIL 9, 2010**

IN RE: CHRISTOPHER SCOTT MILLS V.
KENTUCKY BAR ASSOCIATION

2010-SC-000245

IN SUPREME
COURT