

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 23, 2009

RELEASED: 10:00 A.M.

79. EARL VINCENT, JR. V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY CHIEF JUSTICE MINTON – AFFIRMING
SCHRODER, J., CONCURS IN RESULT ONLY.
- [2007-SC-000413-MR](#) EDMONSON
TO BE PUBLISHED
- Questions Presented:**
Two counts of first-degree rape, nine counts of first-degree sodomy, fifteen counts of first-degree sexual abuse, and three counts of incest. 50 year sentence.
80. MICHAEL R. PARRISH V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE CUNNINGHAM – AFFIRMING
- [2007-SC-000782-DG](#) FRANKLIN
TO BE PUBLISHED
- Questions Presented:**
Appellant who served his probation during the pendency of his appeal, could not seek relief from the denial of his CR 11.42 appeal. Trial court did not abuse its discretion in denying appellant's motion for CR 60.02 relief.
81. TOKICO (USA), INC. V. KRYSTAL KELLY; HONORABLE CHRIS DAVIS, ADMINISTRATIVE LAW JUDGE; AND WORKERS' COMPENSATION BOARD
OPINION OF THE COURT – AFFIRMING
- [2008-SC-000480-WC](#) FROM COURT OF APPEALS
TO BE PUBLISHED
- Questions Presented:**
Workers' Compensation. Whether a diagnosis must conform to criteria listed in the AMA Guides; whether impairment based on a non-conforming diagnosis may support an award of income benefits.

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 23, 2009

RELEASED: 10:00 A.M.

82. GREGORY B. NAZAR, M.D.,
ET AL V.
SHEILA BRANHAM, EXECUTRIX
OF THE ESTATE OF ROE
BRANHAM
**OPINION OF THE COURT BY
SPECIAL JUSTICE JEFFREY C.
MANDO – REVERSING**
VENTERS, J., CONCURS IN PART
AND DISSENTS IN PART BY
SEPARATE OPINION IN WHICH
CUNNINGHAM AND NOBLE, JJ.,
JOIN. MINTON, C.J., AND
SCHRODER, J., NOT SITTING.
- [2004-SC-001015-DG](#)
[2005-SC-000834-DG](#)
TO BE PUBLISHED
- JEFFERSON
- Questions Presented:**
Medical Negligence. Issues include whether defendant surgeon was entitled to jury determination of whether he was negligent when a surgical retaining hook was left in patient following surgery, as opposed to being held negligent as a matter of law pursuant to *Laws v. Harter*, 534 S.W .2d 449 (Ky. 1976); on cross-motion, whether surgeon could be found vicariously liable for negligence of operating-room staff in failing to count hooks.
83. KENTUCKY RETIREMENT
SYSTEMS V.
SANDRA BOWENS
**OPINION OF THE COURT BY
JUSTICE SCOTT –
AFFIRMING IN PART AND
REVERSING IN PART**
- [2007-SC-000509-DG](#)
TO BE PUBLISHED
- FRANKLIN
- Questions Presented:**
Administrative Law. Kentucky Retirement Systems. Issues include whether opinions of treating physicians should be given greater weight than those of Medical Review Board physicians.

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 23, 2009

RELEASED: 10:00 A.M.

84. COMMONWEALTH OF KENTUCKY V. [2005-SC-000539-DG](#) MONTGOMERY
KENNETH MCBRIDE [2005-SC-000930-DG](#)
OPINION OF THE COURT BY **TO BE PUBLISHED**
SPECIAL JUSTICE MARK C.

WHITLOW– REVERSING
NOBLE, J. CONCURS IN PART AND
DISSENTS IN PART BY
SEPARATE OPINION IN WHICH
ABRAMSON, J., AND SPECIAL
JUSTICE JEFFREY C. MANDO,
JOIN. CUNNINGHAM AND
SCHRODER, JJ., NOT SITTING.

Questions Presented:
Criminal Law. Sex Offender
Registration. KRS 17.510. Hearsay.
Issues relate to (1) whether a sex
offender from another state who moves
to Kentucky and fails to register in
Kentucky as a sex offender violates KRS
17.510(7) if he is not first informed of his
statutory duty to register; and (2)
whether jury instructions relating to
violation of KRS 17.510(7) must include
a knowing mens rea. On cross motion,
issues include allegations of improper
hearsay testimony.

85. WILLIAM MATTINGLY, ET AL V. [2007-SC-000221-DG](#) HARDIN
WILLIAM E. STINSON, ET AL
AND **TO BE PUBLISHED**

KENTUCKY FARM BUREAU
MUTUAL INSURANCE COMPANY V. [2007-SC-000222-DG](#) HARDIN
WILLIAM E. STINSON, ET AL
OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
REVERSING
SCOTT, J.,
CONCURS IN RESULT ONLY.
ABRAMSON, J., NOT SITTING.

Questions Presented:
Identification of underinsured motorist
carrier is not required when there has
been no Coots settlement between the
carrier and the alleged tortfeasor.

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 23, 2009

RELEASED: 10:00 A.M.

86. DUBIN ORTHOPAEDIC CENTER, P.S.C V. COMMONWEALTH OF KENTUCKY, STATE BOARD OF PHYSICAL THERAPY
OPINION OF THE COURT BY JUSTICE ABRAMSON – REVERSING
- [2007-SC-000756-DG](#) FRANKLIN
TO BE PUBLISHED
- Questions Presented:**
Exemption of licensed physicians from regulation under KRS Chapter 327, regarding physical therapy.
87. GEORGE MILLER, ET AL V. DONNA HUTSON (D/B/A SCOTT PARTIN BUILDERS)
OPINION OF THE COURT BY JUSTICE SCHRODER – REVERSING AND REMANDING
VENTERS, J., CONCURS BY SEPARATE OPINION IN WHICH SCOTT, J., JOINS.
- [2007-SC-000317-DG](#) WHITLEY
TO BE PUBLISHED
- Questions Presented:**
Real Property. Caveat Emptor. Summary Judgment. Issues include whether developer-seller, who contracted with another for construction of residence for sale, may be liable to purchaser for construction defects.
88. JONATHAN WAYNE GOFORTH V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT–AFFIRMING
- [2006-SC-000456-MR](#) FAYETTE
NOT TO BE PUBLISHED
89. VIRGINIA S. CAUDILL V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT– AFFIRMING
- [2006-SC-000457-MR](#) FAYETTE
NOT TO BE PUBLISHED
90. FRANK YARNO V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT– AFFIRMING
- [2007-SC-000260-MR](#) JOHNSON
NOT TO BE PUBLISHED

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 23, 2009

RELEASED: 10:00 A.M.

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| 91. | FINLEY PERRY V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u> | 2007-SC-000280-MR
NOT TO BE PUBLISHED | MCCREARY |
| 92. | GORDON STRANGE V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u> | 2007-SC-000358-MR
NOT TO BE PUBLISHED | POWELL |
| 93. | DANNY MCGREW V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u> | 2007-SC-000547-MR
NOT TO BE PUBLISHED | EDMONSON |
| 94. | ROBERT DOBSON V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u> | 2007-SC-000725-MR
NOT TO BE PUBLISHED | FAYETTE |
| 95. | ROBERT CARL FOLEY V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u> | 2007-SC-000754-MR
NOT TO BE PUBLISHED | LAUREL |
| 96. | REGINALD MAURICE COLEMAN V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u> | 2007-SC-000834-MR
NOT TO BE PUBLISHED | FAYETTE |
| 97. | TERRELL CHANDLER V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u> | 2007-SC-000881-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 98. | DONALD THOMAS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u> | 2007-SC-000929-MR
NOT TO BE PUBLISHED | MCCRACKEN |

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 23, 2009

RELEASED: 10:00 A.M.

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| 99. | RONNIE LAMONT SEARIGHT V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT– <u>AFFIRMING</u> | 2008-SC-000051-MR
NOT TO BE PUBLISHED | FAYETTE |
| 100. | TROY HARRIS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u> | 2008-SC-000099-MR
NOT TO BE PUBLISHED | KENTON |
| 101. | FORD MOTOR COMPANY; FORD
MOTOR COMPANY UAW
RETIREMENT PLAN AND ITS
ADMINISTRATOR V.
HONORABLE ELISE GIVHAN
SPAINHOUR, JUDGE, BULLITT
CIRCUIT COURT, FAMILY COURT
DIVISION
AND
HOWARD SPARKS, NANCY SPARKS,
MICHAEL D. GRABHORN AND
JAMES D. WINCHELL
OPINION OF THE COURT –
<u>AFFIRMING</u>
SCOTT, J., DISSENTS BY
SEPARATE OPINION IN WHICH
NOBLE ANDSCHRODER, JJ.,
JOIN. | 2008-SC-000180-MR
NOT TO BE PUBLISHED | BULLITT |
| 102. | RUSSELL COUNTY HOSPITAL V.
ANITA PRICE; HONORABLE JOHN
B. COLEMAN, ADMINISTRATIVE
LAW JUDGE; AND WORKERS'
COMPENSATION BOARD
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u> | 2008-SC-000545-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 23, 2009

RELEASED: 10:00 A.M.

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| 103. | MEDICAL CENTER HOSPITAL V.
CHERYL KING; HONORABLE
LAWRENCE F. SMITH,
ADMINISTRATIVE LAW JUDGE;
AND WORKERS' COMPENSATION
BOARD
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u> | 2008-SC-000565-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 104. | WINTECH, INC. V.
CAROLYN KING;
HONORABLE CHRISTOPHER
DAVIS, ADMINISTRATIVE LAW
JUDGE; AND WORKERS'
COMPENSATION BOARD
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u> | 2008-SC-000623-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 105. | GERALDINE HALL V.
APPALACHIAN REGIONAL
HEALTHCARE, INC.; HONORABLE
LAWRENCE F. SMITH,
ADMINISTRATIVE LAW JUDGE;
AND WORKERS' COMPENSATION
BOARD
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u> | 2008-SC-000685-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 23, 2009

RELEASED: 10:00 A.M.

106. CHARLES LAMAR JOHNSON V. [2008-SC-000776-MR](#) JEFFERSON
HON. HUGH SMITH HAYNIE, **NOT TO BE PUBLISHED**
JUDGE, FAMILY CIRCUIT COURT;
HON. JOSEPH O'REILLY, JUDGE,
FAMILY CIRCUIT COURT; AND HON.
PAULA SHERLOCK, JUDGE, FAMILY
CIRCUIT COURT
AND
GEORGE B. BOEHNLEIN, DIRECTOR,
JEFFERSON COUNTY CHILD SUPPORT
DIVISION; DEANA H. MCDONALD,
ASSISTANT COUNTY ATTORNEY;
CABINET FOR HEALTH AND FAMILY
SERVICES; AND COMMONWEALTH
OF KENTUCKY
**MEMORANDUM OPINION OF THE
COURT- AFFIRMING**
107. BOARD OF TRUSTEES OF [2007-SC-000604-DG](#) FRANKLIN
KENTUCKY RETIREMENT **NOT TO BE PUBLISHED**
SYSTEMS V.
CAROLYN LEDFORD
**MEMORANDUM OPINION OF THE
COURT - REVERSING**
ABRAMSON, J., CONCURS IN
RESULT ONLY.
108. SHELBY R. LITTLE, JR. V. [2007-SC-000610-MR](#) MEADE
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF THE
COURT - REVERSING**
MINTON, C.J., CONCURS IN
RESULT ONLY.

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 23, 2009

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OPINIONS AND ORDERS – APRIL 23, 2009

KENTUCKY BAR ASSOCIATION V. WILLIAM A. NISBET, III ORDER SUSPENDED RESPONDENT FROM THE PRACTICE OF LAW FOR 5 YEARS.	<u>2008-SC-000929-KB</u> TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. JOHN GRANT COOK ORDER SUSPENDED RESPONDENT FROM THE PRACTICE OF LAW FOR 2 YEARS WITH CONDITIONS.	<u>2008-SC-000937-KB</u> TO BE PUBLISHED	IN SUPREME COURT
REBECCA FRAZIER V. KENTUCKY BAR ASSOCIATION ORDER RESTORED MOVANT'S MEMBERSHIP.	<u>2008-SC-000953-KB</u> TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. R. ALLEN MCCARTNEY ORDER PERMANENTLY DISBARRED RESPONDENT FROM THE PRACTICE OF LAW.	<u>2009-SC-000016-KB</u> TO BE PUBLISHED	IN SUPREME COURT
TRAVIS O. MYLES V. KENTUCKY BAR ASSOCIATION ORDER SUSPENDING MOVANT FROM THE PRACTICE OF LAW FOR 181 DAYS.	<u>2009-SC-000139-KB</u> TO BE PUBLISHED	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 23, 2009

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
APRIL 15, 2009**

LOUISVILLE GAS AND ELECTRIC COMPANY; KENTUCKY UTILITIES COMPANY; AND E. ON U.S. LLC V. HARDIN & MEADE COUNTY PROPERTY OWNERS FOR CO-LOCATION; CDH PRESERVE, LLC; CHARLES THOMPSON; GERALDINE THOMPSON; JAMES K. THOMPSON; SANDY THOMPSON; SAMUEL COYLE; EWONA COYLE; FLOYD DODSON; IRENE DODSON; MARY JENT; VIOLET MONROE; DIANE OWSLEY; KENNETH WIMP; DENNIS CUNNINGHAM; CATHY CUNNINGHAM AND KENTUCKY PUBLIC SERVICE COMMISSION	2008-SC-000348-DG	FRANKLIN
JOSHUA MACHNIAK V. COMMONWEALTH OF KENTUCKY	2008-SC-000352-DG	LETCHER
KENTUCKY PUBLIC SERVICE COMMISSION V. HARDIN & MEADE COUNTY PROPERTY OWNERS FOR CO-LOCATION; CDH PRESERVE, LLC.; CHARLES THOMPSON; GERALDINE THOMPSON; JAMES K. THOMPSON; SANDY THOMPSON; SAMUEL COYLE; EWONA COYLE; FLOYD DODSON; IRENE DODSON; MARY JENT; VIOLET MONROE; DIANE OWSLEY; KENNETH WIMP; DENNIS CUNNINGHAM; AND CATHY CUNNINGHAM	2008-SC-000354-DG	FRANKLIN
THE KROGER COMPANY, D/B/A COUNTRY OVEN BAKERY V. JOANNE BUCKLEY	2008-SC-000415-DG	WARREN

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 23, 2009

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
APRIL 15, 2009**

KENTUCKY RIVER MEDICAL CENTER; AND JACKSON HOSPITAL CORPORATION V. IRENE MCINTOSH	2008-SC-000464-DG	BREATHITT
THE PUBLIC SERVICE COMMISSION OF KENTUCKY V. COMMONWEALTH OF KENTUCKY, DUKE-ENERGY KENTUCKY, INC., F/K/A THE UNION LIGHT, HEAT AND POWER COMPANY AND THE UNION LIGHT, HEAT AND POWER COMPANY, N/K/A DUKE ENERGY KENTUCKY, INC. V. COMMONWEALTH OF KENTUCKY, THE PUBLIC SERVICE COMMISSION OF KENTUCKY	2008-SC-000483-DG 2008-SC-000489-DG	FRANKLIN
EMMETT E. COOMER V. CSX TRANSPORTATION, INC.	2008-SC-000784-DG	PERRY
KENTUCKY ASSOCIATED GENERAL CONTRACTORS SELF-INSURANCE FUND (KAGC) V. MUSIC CONSTRUCTION, INC.	2008-SC-000795-DG	MONTGOMERY
IMA RUTH THRASHER, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATES OF HOWARD THRASHER AND BARRY DOUGLAS THRASHER V. TERRELL DURHAM, ET AL.	2008-SC-000809-DG	CLINTON

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 23, 2009

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
APRIL 15, 2009**

COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES V. L.J.P., M.J.P. AND D.J.P., A CHILD	2008-SC-000950-DGE	KENTON
CARA SAJKO V. JEFFERSON COUNTY BOARD OF EDUCATION, JEFFERSON COUNTY SCHOOLS; AND STEPHEN DAESCHNER, SUPERINTENDENT	2009-SC-000021-DG	JEFFERSON
RONALD BIRDSONG V. COMMONWEALTH OF KENTUCKY	2009-SC-000084-DG	FAYETTE

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 15, 2009**

SHARON MCCLOUD V. COMMONWEALTH OF KENTUCKY	2007-SC-000804-D	GRAYSON
CATHY LONGWORTH AND DAVID LONGWORTH V. NOLAN BIRD, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS MAGISTRATE OF WHITLEY COUNTY, KY., ET AL.	2008-SC-000277-D	WHITLEY
HOLLAND-DAVID ENTERPRISES, INC., D/B/A/ HOLLAND INCOME TAX; AND TONY HOLLAND V. JACOBS PLAZA, INC.	2008-SC-000399-D	JEFFERSON
STEVEN CLAYPOOLE V. ANDREW K. GAILOR, ET AL.	2008-SC-000408-D	JEFFERSON

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 23, 2009

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 15, 2009**

RANDY D. FRANCIES V. COMMONWEALTH OF KENTUCKY	2008-SC-000412-D	TODD
MARY ALICE RAISOR V. WILLIAM R. BURKETT, JR.; WILLIAM R. BURKETT, III; HEATHER G. BURKETT; ALLEN P. DODD, III; AND DODD & DODD ATTORNEYS, PLLC	2008-SC-000438-D	JEFFERSON
ROBERT C. FIELDS V. TILFORD CONTRACTORS, INC.	2008-SC-000447-D	MCCRACKEN
JAMES BLAIR NOONAN V. NANCY DOOM, WARDEN; AND COMMONWEALTH OF KENTUCKY	2008-SC-000460-D	MUHLENBERG
MICHAEL L. TAYLOR V. BECKY PANCAKE, WARDEN, WESTERN KENTUCKY CORRECTIONAL COMPLEX	2008-SC-000467-D	LYON
TOM SCATTOLONI; AND DONNA SCATTOLONI V. ROBERT L. HALLENBERG; AND WOODWARD, HOBSON & FULTON, PLLP	2008-SC-000477-D	JEFFERSON
HAROLD D. DWIRE AND ANNA L. DWIRE V. GEORGE WILLIS ROSE, III, A MINOR, BY GUARDIANS, KELLI DANYELE ROSE AND GEORGE W. ROSE	2008-SC-000528-D	MUHLENBERG
JAMES FENTRESS V. COMMONWEALTH OF KENTUCKY	2008-SC-000533-D	GRAYSON
JACK DEMPSEY TEETS V. MARILYN LOUISE TEETS	2008-SC-000536-D	GREEN

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 23, 2009

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 15, 2009**

JEREMY CARL DOWNS V. EUNICE DOWNS THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2008-SC-000559-D	NELSON
ABBIE BROCK, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF WILEY BROCK, DECEASED V. BETTY BEGLEY, INDIVIDUALLY AND AS FIDUCIARY, ADMINISTRATRIX OR EXECUTRIX OF THE ESTATE OF FINLEY BEGLEY, DECEASED, AND D/B/A BEGLEY AUTO AUCTION AND RIVERSIDE AUTO AUCTION, ET AL.	2008-SC-000560-D	POWELL
COMMONWEALTH OF KENTUCKY V. ROBERT LITTERAL	2008-SC-000609-D	FAYETTE
JEWELL HALL V. COMMONWEALTH OF KENTUCKY	2008-SC-000613-D	MCCRACKEN
RONALD EARL WILLIAMS, JR. V. COMMONWEALTH OF KENTUCKY	2008-SC-000620-D	JEFFERSON
MARY HERT AND JACK HERT V. STEPHEN BURTON, M.D. AND OLASH MEDICAL ASSOCIATES, P.S.C.	2008-SC-000621-D	JEFFERSON
DESIRE LETE V. MARGARETTE LETE	2008-SC-000667-D	JEFFERSON
DALE BROWN V. COMMONWEALTH OF KENTUCKY	2008-SC-000672-D	LARUE
ELSWORTH SAMUELS V. RALPH DAILEY	2008-SC-000673-D	OLDHAM

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 23, 2009

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 15, 2009**

TIMOTHY D. ROUSE, JR. V. COMMONWEALTH OF KENTUCKY	2008-SC-000697-D	FULTON
HARRIS G. WHITE, JR., ET AL. V. CITY OF HILLVIEW, KENTUCKY, ET AL.	2008-SC-000698-D	BULLITT
PATRICIA L. CONWAY, ET AL. V. SALT RIVER RURAL ELECTRIC COOPERATIVE CORPORATION	2008-SC-000754-D	BULLITT
TENNESSEE FARMERS MUTUAL INSURANCE COMPANY V. PENNY RAE JONES THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED	2008-SC-000766-D	WHITLEY
MORRIS DUNCAN, SR. V. COMMONWEALTH OF KENTUCKY	2008-SC-000772-D	HARDIN
E. DAVID MEENA V. LOUISVILLE METRO COUNCIL, ET AL.	2008-SC-000780-D	JEFFERSON
PATRICIA A. EDWARDS V. METROPOLITAN SEWER DISTRICT AND LOUISVILLE GAS AND ELECTRIC	2008-SC-000785-D	JEFFERSON
BLUEGRASS AUTOMOTIVE, INC. V. KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2008-SC-000824-D	FRANKLIN
KERMANUEL RICE V. COMMONWEALTH OF KENTUCKY	2008-SC-000859-D	KENTON

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 23, 2009

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 15, 2009**

WILLIAM JAMES SMITH, II V. COMMONWEALTH OF KENTUCKY	2008-SC-000871-D	HARDIN
JAMES E. MILLER, JR. V. STEVE HANEY, WARDEN, NORTHPOINT TRAINING CENTER	2008-SC-000932-D	BOYLE
MELVIN P. LITTERAL V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED TO BE PUBLISHED.	2008-SC-000949-D	FAYETTE
DEBORAH ANN SKAGGS, NOW COX V. LARRY DAYTON SKAGGS	2009-SC-000037-D	ELLIOTT
KEVIN RENARD RIVERS V. COMMONWEALTH OF KENTUCKY	2009-SC-000078-D	FAYETTE

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE
MOTION FOR DISCRETIONARY REVIEW – APRIL 20, 2009**

CLETUS HANSFORD V. WELDON DEWEESE	2009-SC-000193-D	JEFFERSON
TERRY RUNYON V. COMMONWEALTH OF KENTUCKY ENTERED: APRIL 20, 2009	2009-SC-000040-D	ESTILL

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 23, 2009

RELEASED: 10:00 A.M.

COURT ORDERS GRANTING MOTION TO TRANSFER – APRIL 23, 2009

VIRGINIA G. FOX V. 2009-SC-000066-TG FRANKLIN
TREY GRAYSON, ET AL

COMMONWEALTH OF KENTUCKY, 2009-SC-000107-TG FRANKLIN
EX REL., ATTORNEY GENERAL JACK
CONWAY V.
LADONNA H. THOMPSON (IN HER
OFFICIAL CAPACITY AS COMMISSIONER
OF COMMONWEALTH OF KENTUCKY,
DEPARTMENT OF CORRECTIONS)

COURT ORDERS GRANTING MOTION TO TRANSFER – APRIL 20, 2009

ERWIN W. LEWIS, ET AL V. 2009-SC-000164-TG FRANKLIN
TODD HOLLENBACK IV, KENTUCKY
STATE TREASURER, ET AL.

COURT ORDERS GRANTING PETITION FOR REHEARING – APRIL 23, 2009

LEON HIBBARD V. [2006-SC-000852-MR](#) KNOX
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT
RENDERED AUGUST 21, 2008 SHALL
BE SUBSTITUTED IN LIEU OF THE
OPINION ORIGINALLY RENDERED.**

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 23, 2009

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – APRIL 23, 2009

RONNIE LEE BOWLING V. COMMONWEALTH OF KENTUCKY	2006-SC-000034-MR	LAUREL
HYMAN & ARMSTRONG, P.S.C., ET AL V. RONALD GUNDERSON (ADMINISTRATOR OF THE ESTATE OF MARY MARGARET GUNDERSON), ET AL AND SANDOZ PHARMACEUTICALS CORPORATION (N/K/A NOVARTIS PHARMACEUTICALS CORPORATION) V. RONALD GUNDERSON (ADMINISTRATOR OF THE ESTATE OF MARY MARGARET GUNDERSON), ET AL	2006-SC-000175-DG 2006-SC-000179-DG	JEFFERSON
CHARLES E. BREWSTER V. COLGATE-PALMOLIVE COMPANY; AND JEWISH HOSPITAL HEALTHCARE SERVICES AND JEWISH HOSPITAL HEALTHCARE SERVICES, INC. V. CHARLES BREWSTER	2006-SC-000584-DG 2007-SC-000366-DG	JEFFERSON
TRIPLE CROWN SUBDIVISION HOMEOWNERS ASSOCIATION, INC. V. CLINTON S. OBERST, ET AL	2006-SC-000934-DG	BOONE
JEFFREY LEONARD V. COMMONWEALTH OF KENTUCKY	2007-SC-000531-MR	JEFFERSON

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 23, 2009

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – APRIL 23, 2009

JOSEPH KOZAK (A MINOR) V.
COMMONWEALTH OF KENTUCKY

2007-SC-000569-MR

GRAVES

WILLIAM R. BURDINE V.
COMMONWEALTH OF KENTUCKY
**OPINION RENDERED OCTOBER 23,
2008 TO BE MODIFIED BY
SUBSTITUTING PAGES 1 AND 23
IN LIEU OF ORIGINAL PAGES 1
AND 23.**

[2007-SC-000580-MR](#)

WHITLEY

HITACHI AUTOMOTIVE PRODUCTS
USA, INC. V.
CHESTER R. CRAIG, JR.;
HONORABLE JAMES L. KERR,
ADMINISTRATIVE LAW JUDGE, AND
WORKERS' COMPENSATION BOARD

2007-SC-000631-WC

FROM COURT
OF APPEALS

COURT ORDERS DISMISSING

BRIAN K. FOWLER, ET AL. V.
AT&T CORPORATION, ET AL.
ENTERED: MARCH 20, 2009

2007-SC-000736-DG
2008-SC-000793-DG

FRANKLIN

MARK BLANSIT V.
COMMONWEALTH OF KENTUCKY
ENTERED: APRIL 20, 2009

2008-SC-000432-MR

BELL

WAL-MART STORES, INC.V.
ROBERTA SMITH, ET AL.
ENTERED: MARCH 12, 2009

2008-SC-000505-WC

FROM COURT
OF APPEALS

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 23, 2009

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

TATIANA DAVILA (INDIVIDUALLY,
AND AS ADMINISTRATRIX OF THE
ESTATE OF JOSE SALAZAR,
DECEASED, AND AS
ADMINISTRATRIX OF THE
ESTATE OF MARIA SALAZAR,
DECEASED) V.
ALLSTATE INSURANCE COMPANY
ENTERED: APRIL 20, 2009

2008-SC-000513-D

JEFFERSON

COMMONWEALTH OF KENTUCKY,
UNINSURED EMPLOYERS' FUND V.
ROBERT GUSSLER, ET AL
ENTERED: MARCH 24, 2009

2008-SC-000887-WC

FROM COURT
OF APPEALS

IN RE: JONATHAN L. SACKS V.
CHARACTER AND FITNESS COMMITTEE,
KENTUCKY BOARD OF BAR EXAMINERS
ENTERED: APRIL 17, 2009

2009-SC-000116-KB

IN SUPREME
COURT

COURT ORDERS

TIMOTHY TAYLOR V.
COMMONWEALTH OF KENTUCKY
**ORDER MODIFIED THE OPINION OF THE
COURT RENDERED DECEMBER 18, 2008
AND MODIFIED ON MARCH 19, 2009 BY
SUBSTITUTION OF PAGES 1 AND 14.
ENTERED: MARCH 23, 2009**

[2006-SC-000863-MR](#)

JEFFERSON

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 23, 2009

RELEASED: 10:00 A.M.

COURT ORDERS

BRANNON SCOTT WINN V. 2006-SC-000876-D FAYETTE
COMMONWEALTH OF KENTUCKY
ORDER GRANTED THE PARTIES' MOTION TO SUMMARILY REVERSE THE RULING OF THE COURT OF APPEALS AND REINSTATE THE JUDGMENT OF THE TRIAL COURT, REVERSED THE OPINION OF THE COURT OF APPEALS AND REINSTATED THE JUDGMENT OF THE TRIAL COURT.
ENTERED: MARCH 19, 2009

NICHOLAS L. DEPP V. [2007-SC-000575-MR](#) BARREN
COMMONWEALTH OF KENTUCKY
ORDER MODIFIED THE OPINION OF THE COURT RENDERED FEBRUARY 19, 2009, BY CHANGING THE CITATION ON PAGES 1 AND 3 WITH SUBSTITUTED PAGES 1 AND 3 OF OPINION.
ENTERED: MARCH 10, 2009

WILLIAM ALEXANDER MAJOR V. [2007-SC-000734-MR](#) BOONE
COMMONWEALTH OF KENTUCKY
ORDER MODIFIED THE OPINION OF THE COURT RENDERED JANUARY 22, 2008, CORRECTED BY SUBSTITUTION OF PAGES 1 AND 31 IN LIEU OF PAGES 1 AND 31 OF THE OPINION.
ENTERED: MARCH 10, 2009

DAVID MARTIN CROSS V. 2009-SC-000038-KB IN SUPREME COURT
KENTUCKY BAR ASSOCIATION
ORDER DETERMINED THAT THE NEGOTIATED SANCTION OF PRIVATE REPRIMAND IS INSUFFICIENT AND THAT THE PROPER SANCTION SHOULD BE A PUBLIC REPRIMAND.
ENTERED: APRIL 23, 2009

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 23, 2009

RELEASED: 10:00 A.M.

COURT ORDERS

ROOSEVELT ELSWICK V.
COMMONWEALTH OF KENTUCKY
**ORDER DENIED MOTION TO PROCEED
IN FORMA PAUPERIS.**
ENTERED: APRIL 7, 2009

2009-SC-000124-D

PIKE