

SUPREME COURT OF KENTUCKY

MAY 14, 2015 MINUTES

RELEASED: 10:00 A.M.

44. DANIEL E. BAILEY, JR. (M.D.) V. [2013-SC-000386-MR](#) FROM COURT
HON. ALLAN RAY BERTRAM, JUDGE, **TO BE PUBLISHED** OF APPEALS
MARION CIRCUIT COURT, DIVISION
II, ET AL.
**OPINION OF THE COURT BY
JUSTICE NOBLE–
AFFIRMING**
ABRAMSON, BARBER,
CUNNINGHAM AND KELLER, JJ.,
CONCUR. MINTON, C.J., CONCURS
IN RESULT ONLY. VENTERS, J.,
CONCURS IN RESULT ONLY BY
SEPARATE OPINION.
- Questions Presented:**
Writ of Prohibition. While intervening parties were improperly permitted to intervene in a divorce action, where they had no interest in the marriage or the marital estate but only sought to unseal records in the court file for other purposes, a writ of prohibition was not available because appellant had an adequate remedy by appeal.
45. JEREMY CARAWAY V. [2013-SC-000610-MR](#) HARLAN
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
**OPINION OF THE COURT BY
JUSTICE NOBLE–
AFFIRMING**
ALL SITTING. ALL CONCUR.
- Questions Presented:**
Second-degree rape, second-degree sodomy and two counts of first-degree sexual abuse-20 years. Defendant's failure to challenge the alleged partiality of a juror (a probation and parole officer) before the jury was sworn, precludes appellate review. Claim of ineffective assistance of counsel is premature. Trial courts' refusal to hear additional character testimony at final sentencing was not error. KRS 532.120 no longer authorizes trial courts to credit felony sentences for time spent in custody before sentencing.
46. JOSE LOPEZ V. [2013-SC-000795-MR](#) BARREN
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
**OPINION OF THE COURT BY
JUSTICE KELLER –
AFFIRMING**
ALL SITTING. ALL CONCUR.
- Questions Presented:**
First-degree unlawful transaction with a minor and incest-40 years. Translation of statements. Admission into evidence of defendant's statement to a detective that was translated by a non-certified translator was not error. Trial court's decision to declare the jury deadlocked during the sentencing phase was not palpable error.

SUPREME COURT OF KENTUCKY

MAY 14, 2015 MINUTES

RELEASED: 10:00 A.M.

47. CITY OF ASHLAND V. [2014-SC-000190-WC](#) FROM COURT
TAYLOR STUMBO, ET AL. OF APPEALS
AND
TAYLOR STUMBO V. [2014-SC-000212-WC](#) FROM COURT
CITY OF ASHLAND, ET AL. OF APPEALS
OPINION OF THE COURT BY **TO BE PUBLISHED**
JUSTICE KELLER – AFFIRMING
ALL SITTING. MINTON, C.J.;
ABRAMSON, CUNNINGHAM,
KELLER AND NOBLE, JJ., CONCUR.
BARBER, J., CONCURS BY
SEPARATE OPINION WHICH
VENTERS, J., JOINS.
- Questions Presented:**
Workers' Compensation. Permanent Total Disability. Remanded to Administrative Law Judge for analysis mandated by KRS 342.0011(11). Five-step analysis to be performed by an Administrative Law Judge in order to determine whether a claimant is totally disabled is set out in the opinion.
48. GARDENS GLEN FARM V. [2014-SC-000401-WC](#) FROM COURT
BETHANY TAYLOR BALDERAS, OF APPEALS
ET AL.
OPINION OF THE COURT **TO BE PUBLISHED**
AFFIRMING –
ALL SITTING. ALL CONCUR.
- Questions Presented:**
Workers Compensation. Reopened Claim. When a settled claim is reopened, the monetary value of the original negotiated settlement may not reflect the claimant's actual disability. The change in occupational disability should be calculated as the difference between the actual disability on the date of the settlement, as found by the ALJ, and the occupational disability at the time of reopening.
49. MATTHEW BALLINGER V. [2012-SC-000694-DG](#) WARREN
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE ABRAMSON –
AFFIRMING AND REMANDING
ALL SITTING. ALL CONCUR, EXCEPT
KELLER, J., NOT SITTING. NOBLE, J.,
CONCURS BY SEPARATE OPINION.
- Questions Presented:**
Criminal Law. KRS 189A.010(5)(e). Issues include the correct interpretation of KRS 189A.010(5)(e) and whether the statute requires a "conviction to offense" or a "conviction to conviction" sequence for the enhancement of penalties for subsequent DUI convictions.

SUPREME COURT OF KENTUCKY

MAY 14, 2015 MINUTES

RELEASED: 10:00 A.M.

50. COMMONWEALTH OF KENTUCKY V. SHAWN TIGUE
OPINION OF THE COURT BY JUSTICE NOBLE – AFFIRMING, VACATING AND REMANDING
ALL SITTING. ALL CONCUR.
- [2011-SC-000737-DG](#) BELL
[2012-SC-000599-DG](#)
TO BE PUBLISHED
- Questions Presented:**
Criminal Law. Issues include whether the withdrawal of a defendant’s guilty plea is a “critical stage” of trial which entitles a defendant to legal counsel.
51. COMMONWEALTH OF KENTUCKY V. CHRISTOPHER DUNCAN
OPINION OF THE COURT BY JUSTICE CUNNINGHAM – REVERSING
ALL SITTING. MINTON, C.J.; BARBER, KELLER, NOBLE, AND VENTERS, JJ., CONCUR. ABRAMSON, J., CONCURS IN RESULT ONLY.
- [2013-SC-000742-DG](#) WEBSTER
TO BE PUBLISHED
- Questions Presented:**
Criminal Law. DUI. Issues include whether a police officer violated a DUI suspect’s Fourth Amendment rights when he only offered to give him a blood test to detect alcohol in his blood stream after he failed a series of field sobriety tests.
52. KENTUCKY EMPLOYERS’ MUTUAL INSURANCE V. RANDY ELLINGTON, ETC., ET AL.
OPINION OF THE COURT BY JUSTICE NOBLE – REVERSING,
ALL SITTING. ALL CONCUR.
- [2013-SC-000802-WC](#) FROM COURT OF APPEALS
TO BE PUBLISHED
- Questions Presented:**
Workers’ Compensation policy, on its face, was not a personal policy, but rather a business policy purchased by a sole proprietor; and therefore, the sole proprietor was not entitled to benefits under the policy.
53. DAVID MILAM V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE CUNNINGHAM – REVERSING AND REMANDING
ALL SITTING. ALL CONCUR.
- [2013-SC-000681-DG](#) FAYETTE
TO BE PUBLISHED
- Questions Presented:**
Criminal Law. Warrantless Search. Issues include whether a fraternity house should be treated as a private residence or as an apartment building or hotel for purposes of searches and seizures.

SUPREME COURT OF KENTUCKY

MAY 14, 2015 MINUTES

RELEASED: 10:00 A.M.

54. Q.M., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY [2013-SC-000210-DG](#) CHRISTIAN
TO BE PUBLISHED

**OPINION OF THE COURT BY
JUSTICE NOBLE –
REVERSING AND VACATING**
MINTON, C.J.; ABRAMSON, BARBER
AND VENTERS, JJ., CONCUR.
CUNNINGHAM, J., CONCURS IN
RESULT ONLY. KELLER, J., NOT
SITTING.

Questions Presented:
Juvenile Law. Informal Adjustment. Proper steps a district court must undertake when giving a juvenile an informal adjustment and due process rights to which a juvenile is entitled when a court revokes an informal adjustment.

55. COPPAGE CONSTRUCTION COMPANY, INC. V. [2013-SC-000122-DG](#) KENTON
TO BE PUBLISHED

SANITATION DISTRICT NO. 1, ET AL.
**OPINION OF THE COURT BY
JUSTICE ABRAMSON –
REVERSING, VACATING, AND
REMANDING**
ALL SITTING. MINTON, C.J.; BARBER,
CUNNINGHAM, NOBLE, AND
VENTERS, JJ., CONCUR. KELLER, J.,
CONCURS IN RESULT ONLY.
VENTERS, J., CONCURS BY
SEPARATE OPINION IN WHICH
CUNNINGHAM, J., JOINS.

Questions Presented:
Sovereign Immunity. Issues include whether sanitary sewer districts are entitled to sovereign immunity.

SUPREME COURT OF KENTUCKY

MAY 14, 2015 MINUTES

RELEASED: 10:00 A.M.

56. DENNIS JAMES TRIGG V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE VENTERS -
REVERSING, VACATING AND
REMANDING**
ALL SITTING. MINTON, C.J.;
ABRAMSON, BARBER, KELLER,
AND NOBLE, JJ., CONCUR.
CUNNINGHAM, J., CONCURS IN
RESULT ONLY.

[2013-SC-000785-MR](#)
TO BE PUBLISHED

BARREN

Questions Presented:

First-degree trafficking in a controlled substance and possession of drug paraphernalia-20 years and a \$500.00 fine. Introduction of defendant's incriminating oral statement was improper because the Commonwealth had failed to disclose it to defendant, pursuant to RCr 7.24(1). Testimony commenting on defendant's pre-arrest silence during the search of the residence was improper. Indigent defendant is obligated to challenge the imposition of a fine that is contrary to KRS 534.040(4), and failure to do so forecloses appellate review unless the error is apparent on the face of the judgment or indigency at sentencing is plainly established in the record.

57. NERY J. RUIZ V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE VENTERS-
VACATING AND
REMANDING**
ALL SITTING. MINTON, C.J.;
ABRAMSON, AND NOBLE, JJ.,
CONCUR. KELLER, J., DISSENTS.
CUNNINGHAM, J., DISSENTS BY
SEPARATE OPINION IN WHICH
BARBER, J., JOINS.

[2014-SC-000124-MR](#)
TO BE PUBLISHED

CHRISTIAN

Questions Presented:

First-degree sexual abuse and first-degree sodomy-20 years. Flawed jury instructions and a duplicitous indictment violated defendant's constitutional right to a unanimous verdict, Commonwealth improperly elicited testimony from a police officer which impermissibly bolstered the credibility of the victim.

58. GEORGE WILLIAM BEASON, JR. V.
COMMONWEALTH OF KENTUCKY
**MEMORANDUM OPINION OF
THE COURT - AFFIRMING**
ALL SITTING. ALL CONCUR.

[2013-SC-000272-MR](#)
NOT TO BE PUBLISHED

HARDIN

SUPREME COURT OF KENTUCKY

MAY 14, 2015 MINUTES

RELEASED: 10:00 A.M.

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| 59. | THOMAS REED V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2013-SC-000707-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 60. | JOHN CALVIN BUCKLEY, IV V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2013-SC-000749-MR
NOT TO BE PUBLISHED | FAYETTE |
| 61. | EVALENE CHILDERS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. MINTON, C.J.; BARBER,
CUNNINGHAM, KELLER, NOBLE, AND
VENTERS, JJ., CONCUR. ABRAMSON,
J., CONCURS IN RESULT ONLY. | 2013-SC-000801-MR
NOT TO BE PUBLISHED | JOHNSON |
| 62. | CECIL SALYERS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2014-SC-000186-MR
NOT TO BE PUBLISHED | HOPKINS |
| 63. | ROBERT KYLE V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING IN PART,
REVERSING IN PART AND
REMANDING</u>
ALL SITTING. ALL CONCUR. | 2012-SC-000495-MR
2013-SC-000496-MR
NOT TO BE PUBLISHED | WARREN |

SUPREME COURT OF KENTUCKY

MAY 14, 2015 MINUTES

RELEASED: 10:00 A.M.

64. ANDRE FELLIPE WILSON V. [2013-SC-000731-MR](#) BOONE
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART,
REVERSING IN PART AND
REMANDING
MINTON, C.J.; ABRAMSON, BARBER,
KELLER, NOBLE, AND VENTERS JJ.,
CONCUR. CUNNINGHAM, J., RECUSED.
65. WAGNER’S PHARMACY, INC. V. [2013-SC-000541-DG](#) JEFFERSON
MELISSA K. PENNINGTON **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – REVERSING
ALL SITTING. ALL CONCUR.

OPINION AND ORDERS – MAY 6, 2015

LEXINGTON-FAYETTE URBAN COUNTY 2012-SC-000443-DG FAYETTE
GOVERNMENT V.
MARK BLANKENSHIP, ET AL.
ORDER GRANTED DISCRETIONARY REVIEW,
VACATED THE COURT OF APPEALS DECISION
AND REMANDED TO THE COURT OF APPEALS
FOR FURTHER CONSIDERATION OF THE
ALLEGED KRS 337.285 VIOLATION IN LIGHT
OF THIS COURT’S RECENT DECISION IN MADISON
COUNTY FISCAL COURT V. KENTUCKY LABOR
CABINET, 325 S.W.3D 572 (KY. 2011), AND FOR
FURTHER CONSIDERATION OF THE ALLEGED
BREACH OF CONTRACT IN LIGHT OF THIS
COURT’S RECENT DECISION IN FURTULA V.
UNIVERSITY OF KENTUCKY, 438 S.W.3D 303
(KY. 2014).
MINTON, C.J.; ABRAMSON, BARBER,
CUNNINGHAM, NOBLE AND VENTERS, JJ.,
SITTING. ALL CONCUR. KELLER, J., NOT SITTING.

SUPREME COURT OF KENTUCKY

MAY 14, 2015 MINUTES

RELEASED: 10:00 A.M.

OPINION AND ORDERS – MAY 6, 2015

DARRELL FORD V. 2014-SC-000502-DG MONROE
COMMONWEALTH OF KENTUCKY
**ORDER GRANTED DISCRETIONARY REVIEW,
VACATED THE COURT OF APPEALS DECISION
AND REMANDED TO THE COURT OF APPEALS
FOR FURTHER CONSIDERATION IN LIGHT OF
THIS COURT’S RECENT DECISION IN MARTIN
V. COMMONWEALTH, ___ S.W.3D ___ (KY. 2015)
(FINAL MARCH 12, 2015).**
ALL SITTING. ALL CONCUR.

OPINION AND ORDERS – MAY 14, 2015

J. DUSTIN CHANEY, D.O. V. 2014-SC-000667-I JEFFERSON
KENTUCKY BOARD OF MEDICAL LICENSURE **NOT TO BE PUBLISHED**
**ORDER DENYING MOTION FOR
INTERLOCUTORY RELIEF.**
MINTON, C.J.; ABRAMSON, CUNNINGHAM,
KELLER, NOBLE, AND VENTERS JJ.,
CONCUR. BARBER, J., NOT SITTING.

KENTUCKY BAR ASSOCIATION V. [2014-SC-000708-KB](#) IN SUPREME
JAMES NEAL TILSON **TO BE PUBLISHED** COURT
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 3 YEARS.**
ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V. [2015-SC-000023-KB](#) IN SUPREME
ERIC C. DETERS [2015-SC-000025-KB](#) COURT
**ORDER OF TWO CONSECUTIVE 30 DAY
SUSPENSIONS FROM THE PRACTICE OF
LAW.**
ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V. [2015-SC-000049-KB](#) IN SUPREME
RUSSELL W. BURGIN **TO BE PUBLISHED** COURT
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 181 DAYS WITH
CONDITIONS.**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

MAY 14, 2015 MINUTES

RELEASED: 10:00 A.M.

OPINION AND ORDERS – MAY 14, 2015

KENTUCKY BAR ASSOCIATION V.
BRIAN PATRICK CURTIS
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 5 YEARS WITH
CONDITIONS.**
ALL SITTING. ALL CONCUR.

[2015-SC-000103-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

MARY LOU CHANDLER V.
KENTUCKY BAR ASSOCIATION
**ORDER OF PERMANENT DISBARMENT
FROM THE PRACTICE OF LAW.**
ALL SITTING. ALL CONCUR.

[2015-SC-000133-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
MAY 6, 2015**

COMMONWEALTH OF KENTUCKY V.
MOHAMUD ABUKAR

2014-SC-000417-DG

KENTON

ALBERT W. BARBER, III V.
ELIZABETH D. BRADLEY

2014-SC-000424-DG

DAVIESS

MATT JONES, ET AL. V.
LARRY BENNETT, RUSSELL COUNTY
SHERIFF, ET AL.

2014-SC-000425-DG

RUSSELL

REBECCA CLAYBURN V.
COMMONWEALTH OF KENTUCKY,
TRANSPORTATION CABINET, ET AL.

2014-SC-000443-DG

JEFFERSON

COMMONWEALTH OF KENTUCKY V.
PHILLIP DIXON

2014-SC-000511-DG

HART

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MAY 6, 2015**

LAURENCE JAY RIDER V.
COMMONWEALTH OF KENTUCKY
**THE OPINION OF THE COURT OF APPEALS
IS ORDERED TO BE PUBLISHED.**

2014-SC-000072-D

KNOX

SUPREME COURT OF KENTUCKY

MAY 14, 2015 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MAY 6, 2015**

QUINCY OMAR CROSS V. COMMONWEALTH OF KENTUCKY	2014-SC-000107-D	GRAVES
DEANDREA SMITH V. COMMONWEALTH OF KENTUCKY	2014-SC-000130-D	JEFFERSON
JAMES HEATH V. COMMONWEALTH OF KENTUCKY	2014-SC-000175-D	MUHLENBERG
ROGER COLEMAN V. GAYLE COLEMAN	2014-SC-000193-D	FAYETTE
MICHAEL MICKELSON V. KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION	2014-SC-000207-D	BOONE
CITY OF PADUCAH V. DONNIE MCKINNEY, ET AL.	2014-SC-000217-D	MCCRACKEN
PEYTON REYNOLDS, ET AL. V. CHILDERS OIL COMPANY, ET AL.	2014-SC-000244-D	LETCHER
GARY D. NICHOLS, JR. V. COMMONWEALTH OF KENTUCKY VENTERS, J., WOULD GRANT.	2014-SC-000351-D	MARSHALL
BENKY, LLC V. KENAR ARCHITECTURAL AND ENGINEERING, INC., ET AL.	2014-SC-000377-D	MARSHALL
HOPKINS COUNTY COAL, LLC V. GARY P. STENGER, ET AL.	2014-SC-000388-D	HOPKINS
ADAM KILLION V. COMMONWEALTH OF KENTUCKY	2014-SC-000414-D	KENTON
LAURIE ROGERS V. YELLOWWOOD FRANCHISE SERVICES, INC., ET AL.	2014-SC-000415-D	JEFFERSON

SUPREME COURT OF KENTUCKY

MAY 14, 2015 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MAY 6, 2015**

DEPARTMENT OF REVENUE, ET AL. V. AT&T CORPORATION (AND SUBSIDIARIES)	2014-SC-000430-D	JEFFERSON
BUCK ELKINS V. COMMONWEALTH OF KENTUCKY	2014-SC-000437-D	LAUREL
TRAVIS ASSOCIATES, LLC V. RICK PIPPIN, ETC.	2014-SC-000438-D	JEFFERSON
JAMES R. HIGGINBOTHAM, ET AL. V. SCOTT & RITTER, INC., ET AL.	2014-SC-000446-D	BARREN
AUTO-OWNERS INSURANCE COMPANY V. LISA WARREN	2014-SC-000452-D	FRANKLIN
WILBUR LEE DAVIS V. BONITA DAVIS	2014-SC-000454-D	JEFFERSON
DEBRA K. PEARMAN V. HARDIN COUNTY, KENTUCKY	2014-SC-000497-D	HARDIN
HANK INVESTMENTS, INC., ETC. V. CENTURY SURETY COMPANY	2014-SC-000500-D	FAYETTE
WAYNE ALLEN EPLION V. COMMONWEALTH OF KENTUCKY	2014-SC-000505-D	BOYD
ROBERT K. HUGHES, ET AL. V. J. FOX DEMOISEY, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2014-SC-000560-D	JEFFERSON
RICK MOLYNEAUX, ET AL. V. K. MICHAEL ROBERTS	2014-SC-000581-D	JEFFERSON
THOMAS NEAL JACKSON V. COMMONWEALTH OF KENTUCKY	2014-SC-000601-D	LAUREL

SUPREME COURT OF KENTUCKY

MAY 14, 2015 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MAY 6, 2015**

J.M.B., ETC. V. CABINET FOR HEALTH AND FAMILY SERVICES, COMMONWEALTH OF KENTUCKY, ET AL.	2014-SC-000616-DE	FAYETTE
RICO PEREZ WEEKLY. V. COMMONWEALTH OF KENTUCKY	2014-SC-000621-D	FAYETTE
WILLIAM P. GRISE, M.D. V. COMMONWEALTH OF KENTUCKY	2014-SC-000670-D	MADISON
JASON EYE V. BOARD OF TAX APPEALS, COMMONWEALTH OF KENTUCKY, ET AL.	2014-SC-000701-D	JEFFERSON
JAMES HINES V. COMMONWEALTH OF KENTUCKY	2014-SC-000744-D	GREEN
JOHN JAMES BOYLE V. KRISTIE BOYLE (NOW SMITH)	2015-SC-000035-DE	FAYETTE

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE
MOTION FOR DISCRETIONARY REVIEW**

J.A.S.M. V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. CUNNINGHAM, KELLER, NOBLE AND VENTERS, JJ., SITTING. ALL CONCUR. ENTERED: MAY 8, 2015	2015-SC-000157-D	CRITTENDEN
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SUPREME COURT OF KENTUCKY

MAY 14, 2015 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS GRANTING PETITION FOR REHEARING – MAY 14, 2015

COMMONWEALTH OF KENTUCKY,
FINANCE AND ADMINISTRATION
CABINET, ET AL. **V.**
HONORABLE THOMAS D. WINGATE,
JUDGE, FRANKLIN CIRCUIT
COURT, ET AL.

[2014-SC-000355-MR](#)
TO BE PUBLISHED

FROM COURT
OF APPEALS

**ORDER GRANTED APPELLANT'S PETITION
FOR REHEARING AND MODIFIED THE
OPINION OF THE COURT ENTERED ON
FEBRUARY 19, 2015 BY SUBSTITUTION OF
THE ENTIRE OPINION IN LIEU OF THE
ORIGINAL OPINION.**

ALL SITTING. ALL CONCUR.

COURT ORDERS DENYING PETITION FOR REHEARING – MAY 6, 2015

JOHN ROSCOE GARLAND **V.**
COMMONWEALTH OF KENTUCKY

2013-SC-000553-MR

MCCREARY

COURT ORDERS DENYING PETITION FOR REHEARING – MAY 14, 2015

JOSEPH E. TOLER **V.**
SUD-CHEMIE, INC., ET AL.

2013-SC-000002-DG
2013-SC-000007-DG

JEFFERSON

AND

SUD-CHEMIE, INC. **V.**
JOSEPH E. TOLER

ALL SITTING. ALL CONCUR.

PENNYRILE ALLIED COMMUNITY
SERVICES, INC. **V.**

2013-SC-000012-DG

PERRY

KATRICIA ROGERS

ALL SITTING. ALL CONCUR.

JOHN DAVID CHERRY, JR. **V.**
COMMONWEALTH OF KENTUCKY

2013-SC-000201-MR

FAYETTE

ALL SITTING. ALL CONCUR.

SAMUEL STEVEN FIELDS **V.**
COMMONWEALTH OF KENTUCKY

2013-SC-000231-TG

FLOYD

ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

MAY 14, 2015 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

PASTOR MERCADO V.
PADUCAH RIVER PAINTING, INC., ET AL.
ENTERED: APRIL 8, 2015

2015-SC-000029-D

MCCRACKEN

ROBERT O. GILBERT V.
NORTON HEALTHCARE, INC.
**CUNNINGHAM, KELLER, NOBLE AND
VENTERS, JJ., SITTING. ALL CONCUR.**
ENTERED: MAY 8, 2015

2015-SC-000062-D

JEFFERSON

KENTUCKY BAR ASSOCIATION V.
CHARLES H. SCHAFFNER
ALL SITTING. ALL CONCUR.
ENTERED: APRIL 21, 2015

2015-SC-000108-KB

IN SUPREME
COURT

COURT ORDERS

JOSEPH E. TOLER V.
SUD-CHEMIE, INC., ET AL.
AND
SUD-CHEMIE, INC. V.
JOSEPH E. TOLER
**ORDER CORRECTED THE OPINION OF THE
COURT BY CHIEF JUSTICE MINTON
RENDERED DECEMBER 18, 2014, BY
SUBSTITUTION OF PAGES 1, 3, 5, 6 AND 15
IN LIEU OF PAGES 1, 3, 5, 6 AND 15 OF THE
ORIGINAL OPINION.**
ENTERED: APRIL 7, 2015

[2013-SC-000002-DG](#)
[2013-SC-000007-DG](#)
TO BE PUBLISHED

JEFFERSON

SUPREME COURT OF KENTUCKY

MAY 14, 2015 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS

KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY V. KEITH JUSTIN CONLEY, ET AL. ORDER CORRECTED THE OPINION OF THE COURT BY JUSTICE ABRAMSON RENDERED APRIL 2, 2015, BY SUBSTITUTION OF PAGES 1 AND 10 IN LIEU OF PAGES 1 AND 10 OF THE ORIGINAL OPINION. ENTERED: APRIL 21, 2015	2013-SC-000252-DG TO BE PUBLISHED	KNOTT
CLARENCE CRUMBLE V. HON. MARTIN SHEEHAN, JUDGE, KENTON CIRCUIT COURT, DIVISION 1, ET AL. ORDER DENIED MOTION TO RECONSIDER. ENTERED: APRIL 9, 2015	2015-SC-000068-MR	KENTON
MICHAEL A. HAMILTON V. KENTUCKY BAR ASSOCIATION ORDER GRANTED RECONSIDERATION AND VACATED NOTICE OF SUSPENSION. CUNNINGHAM, KELLER, NOBLE AND VENTERS, JJ., SITTING. ALL CONCUR. ENTERED: MAY 7, 2015	2015-SC-000104-KB	IN SUPREME COURT
BRIAN WORTINGER V. HON. ALLISON JONES, JUDGE, KENTUCKY COURT OF APPEALS, ET AL. CUNNINGHAM, KELLER, NOBLE AND VENTERS, JJ., SITTING. ALL CONCUR. ENTERED: MAY 8, 2015	2015-SC-000151-OA	IN SUPREME COURT
JAMES L. SNEED, JR. V. HON. RODNEY BURRESS, JUDGE, BULLITT CIRCUIT COURT, ET AL. ORDER DENIED APPELLANT'S MOTION FOR INTERMEDIATE RELIEF. CUNNINGHAM, KELLER, NOBLE AND VENTERS, JJ., SITTING. ALL CONCUR. ENTERED: MAY 8, 2015	2015-SC-000169-MR	BULLITT

SUPREME COURT OF KENTUCKY

MAY 14, 2015 MINUTES

RELEASED: 10:00 A.M.

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

**CAROLYN DAWN BROWN V.
KENTUCKY BAR ASSOCIATION
ENTERED: MAY 5, 2015**

2015-SC-000224-KB

**IN SUPREME
COURT**

**JOANA HENSON SANTAMORE V.
KENTUCKY BAR ASSOCIATION
ENTERED: MAY 5, 2015**

2015-SC-000225-KB

**IN SUPREME
COURT**