

SUPREME COURT OF KENTUCKY

MAY 5, 2016 MINUTES

RELEASED: 10:00 A.M.

56. SAINT JOSEPH HEALTHCARE, INC. [2014-SC-000008-DG](#) FAYETTE
ETC. V. **TO BE PUBLISHED**

LARRY O'NEIL THOMAS, ETC.,
ET AL.
**OPINION OF THE COURT BY
JUSTICE VENTERS –
AFFIRMING**
ALL SITTING. MINTON, C.J.;
HUGHES, KELLER, NOBLE,
VENTERS, AND WRIGHT, JJ.,
CONCUR. CUNNINGHAM, J.,
CONCURS BY SEPARATE OPINION.

Questions Presented:
Punitive Damages. KRS 411.184. Issues include whether or not physicians whom the hospital alleges are independent contractors are considered as employees of the hospital for the purpose of assessing punitive damages under the provisions of the federal Emergency Medical Treatment and Active Labor Act (EMTALA), whether an award of punitive damages was so excessive as to constitute a denial of federal Constitutional due process, and the interplay between the EMTALA and KRS 411.184.

57. JERRY JAMGOTCHIAN V. [2014-SC-000108-DG](#) FRANKLIN
KENTUCKY HORSE RACING **TO BE PUBLISHED**
COMMISSION, ET AL.

**OPINION OF THE COURT BY
JUSTICE HUGHES–
AFFIRMING**
ALL SITTING. ALL CONCUR.

Questions Presented:
Administrative Law. Constitutional Law. The question presented is whether “claiming jail” regulation 810 KAR 1:015 § 1(6) is unconstitutional as violative of the “dormant” Commerce Clause of the United States Constitution.

58. JOHN CHARALAMBAKIS V. [2014-SC-000215-DG](#) JESSAMINE
ASBURY UNIVERSITY, ET AL. **TO BE PUBLISHED**

**OPINION OF THE COURT BY
JUSTICE VENTERS –
AFFIRMING**
ALL SITTING. ALL CONCUR.

Questions Presented:
Employment Law. Retaliatory Discharge. Issues include the propriety of recovery for retaliation absent an underlying violation of the Kentucky Civil Rights Act.

SUPREME COURT OF KENTUCKY

MAY 5, 2016 MINUTES

RELEASED: 10:00 A.M.

59. STEPHEN W. WILLIAMS V. [2014-SC-000249-MR](#) RUSSELL
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY CHIEF
JUSTICE MINTON –
AFFIRMING**
ALL SITTING. ALL CONCUR.

Questions Presented:
Murder, first-degree burglary, and tampering with physical evidence-Life without the possibility of parole for 25 years. First-degree burglary conviction affirmed where the evidence showed the defendant remained unlawfully in the victim's residence and, after the shooting, left with a shotgun. Unanimous verdict. Sufficient evidence of tampering with physical evidence. Commonwealth's error in failing to give notice of a witness testifying at a co-defendant's trial, in the admission of hearsay testimony and in failing to test for gun-shot residue did not warrant reversal of the case.

60. JOHN WESLEY BAYS V. [2014-SC-000324-DG](#) KNOX
KRISTIE D. KIPHART, INDIVIDUALLY
AND AS TRUSTEE OF THE DEMAND
RIGHT IRREVOCABLE TRUST FOR
BRYCE A. BAYS
**OPINION OF THE COURT BY
JUSTICE NOBLE –
AFFIRMING**
ALL SITTING. ALL CONCUR.

Questions Presented:
Wills. Renunciation. Fraud on Curtesy Rights. May life insurance be "surplus property" under KRS 392.020?

61. KARU GENE WHITE V. [2013-SC-000791-MR](#) POWELL
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
AFFIRMING IN PART, REVERSING
IN PART AND REMANDING**
ALL SITTING. MINTON, C.J.;
HUGHES, KELLER, NOBLE,
AND VENTERS, JJ., CONCUR.
WRIGHT, J., CONCURS WITH
SEPARATE OPINION.

Questions Presented:
Death Penalty. Post Conviction. Intellectual Disability Claim. Case remanded to the trial court to order the Kentucky Correctional Psychiatric Center (KCPC) to perform a psychological evaluation of Mr. White.

SUPREME COURT OF KENTUCKY

MAY 5, 2016 MINUTES

RELEASED: 10:00 A.M.

62. CURTIS MCGRUDER V. COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY JUSTICE NOBLE –
AFFIRMING IN PART, REVERSING IN PART, AND REMANDING**
ALL SITTING. ALL CONCUR.
- [2014-SC-000598-MR](#) JEFFERSON
TO BE PUBLISHED

Questions Presented:
First-degree burglary, Receiving Stolen Property in excess of \$500 and PFO 2nd- 20 years. First-degree burglary conviction reversed where the defendant was found in possession of a small hatchet, not legally a deadly weapon.

63. MICHELLE CARVER (BUTLER) V. LANCE G. CARVER
**OPINION OF THE COURT BY JUSTICE NOBLE –
AFFIRMING IN PART, REVERSING IN PART, AND REMANDING**
ALL SITTING. MINTON, C.J.; CUNNINGHAM, HUGHES, VENTERS, AND WRIGHT, JJ., CONCUR. KELLER, J., CONCURS IN RESULT ONLY.
- [2015-SC-000212-DGE](#) BOYD
TO BE PUBLISHED

Questions Presented:
Family Law. Child Support. Disability. Deviation. *Artrip v. Noe*, 311 S.W.3d 229 (Ky. 2010). Issues include: (1) whether the trial court committed reversible error by failing to follow *Artrip*, which holds that disability payments made to a child because of one parent's disability cannot be used to reduce the child support obligation of the other parent; and (2) whether the trial court properly deviated from the child support guidelines due to the disabled father's living expenses.

SUPREME COURT OF KENTUCKY

MAY 5, 2016 MINUTES

RELEASED: 10:00 A.M.

64. ALLSTATE INSURANCE COMPANY V. [2013-SC-000732-DG](#) JEFFERSON
CRAIG T. SMITH **TO BE PUBLISHED**

**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
REVERSING**

ALL SITTING. MINTON, C.J.;
CUNNINGHAM, HUGHES, KELLER,
VENTERS, AND WRIGHT, JJ.,
CONCUR. NOBLE, J., CONCURS BY
SEPARATE OPINION, AND STATES
THAT IN REALITY, THE PURCHASER
OF INSURANCE PLACES RELIANCE
ON THE INSURANCE AGENT
SELLING A POLICY TO PROVIDE
INFORMATION ABOUT AVAILABLE
COVERAGE'S, AND THERE IS NO
VALID LOGIC IN REQUIRING NOTICE
OF AVAILABLE COVERAGE'S ON
"FIRST RENEWAL" BUT NOT ON THE
INITIAL PURCHASE OF THE POLICY,
PARTICULARLY HERE, WHEN IT WAS
PURCHASED BEFORE THE
PREVALENCE OF UM AND UIM
COVERAGE'S.

Questions Presented:
Insurance. MVRA. KRS 304.20-040(13)
"Notice of First Renewal" Requirement. The
question is whether, although the insured
never requested or paid any premium for
optional KRS 304.39-320 underinsured
motorist coverage, the insurer adequately
complied with the KRS 304.20-040(13) "notice
of first renewal" requirement of "a notice
stating in substance that added uninsured
motorists, underinsured motorists, and
personal injury protection coverages may be
purchased by the insured."

65. COMMONWEALTH OF KENTUCKY V. [2014-SC-000255-DG](#) BREATHITT
DAVID MCKEE **TO BE PUBLISHED**

**OPINION OF THE COURT BY
JUSTICE NOBLE–
REVERSING**

ALL SITTING. ALL CONCUR.

Questions Presented:
Criminal Law. RCr 11.42. Ineffective
Assistance of Counsel. Issues include
whether the defendant met his burden of
proving prejudice under RCr 11.42 when he
alleged that: (1) counsel failed to obtain
evidence prior to trial; and (2) the evidence
may have allowed the defense's accident
reconstructionist to provide a favorable
opinion regarding the cause of the fatal
accident.

SUPREME COURT OF KENTUCKY

MAY 5, 2016 MINUTES

RELEASED: 10:00 A.M.

66. COMMONWEALTH OF KENTUCKY V. [2014-SC-000306-DG](#) FAYETTE
CATON KAMIL JONES
**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
REVERSING**
ALL SITTING. ALL CONCUR.

Questions Presented:
Criminal Law. Criminal Syndicate. Does evidence of organizing and funding “credit mules” to procure discounted cell phones for resale (with no intent to fulfill the two-year contracts) suffice to present a jury question of engaging in organized crime as proscribed by KRS 506.120?

67. REBEKAH MCCARTY V. [2015-SC-000271-DGE](#) BATH
KENNETH FARIED
**OPINION OF THE COURT BY
JUSTICE KELLER –
REVERSING**
MINTON, C.J.; HUGHES, KELLER,
VENTERS, AND WRIGHT, JJ.,
CONCUR. NOBLE, J., CONCURS IN
RESULT ONLY. CUNNINGHAM, J.,
NOT SITTING.

Questions Presented:
Family Law. Child Support. Income Exceeding Guidelines. Whether the trial court properly included projected expenses in the child’s reasonable needs when establishing an initial child support order for a high income parent.

68. SHERMAN KEYSOR V. [2013-SC-000531-DG](#) GRAVES
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE VENTERS –
REVERSING AND REMANDING**
ALL SITTING. ALL CONCUR.

Questions Presented:
Criminal Law. Police Questioning of a Defendant Represented by Counsel on Other Charges. Issues involve the impact of *Montejo v. Louisiana*, 556 U.S. 778 (2009) (overruling *Michigan v. Jackson*, 475 U.S. 625 (1986)) upon Kentucky cases dating back to *Linehan v. Commonwealth*, 878 S.W.2d 8 (Ky. 1994).

SUPREME COURT OF KENTUCKY

MAY 5, 2016 MINUTES

RELEASED: 10:00 A.M.

69. JANET OWEN V.
UNIVERSITY OF KENTUCKY
**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
REVERSING AND REMANDING**
ALL SITTING. ALL CONCUR.
- [2014-SC-000137-DG](#) FAYETTE
TO BE PUBLISHED
- Questions Presented:**
Kentucky Civil Rights Act. KRS 344.270.
Election of Remedies. Whether an employee who receives an order of dismissal from the Kentucky Commission on Human Rights and does not appeal from that order may subsequently file a lawsuit in circuit court based on the same claim. KRS 344.270.
70. LARRY MASSIE, ET AL. V.
DEBORAH NAVY
**OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
REVERSING AND REINSTATING**
ALL SITTING. ALL CONCUR.
- [2015-SC-000499-DGE](#) GREENUP
TO BE PUBLISHED
- Questions Presented:**
Domestic Relations. Grandparent Visitation. Issues include the applicability of *Walker v. Blair*, 382 S.W.3d 862 (Ky. 2012) and the “modified best interests” standard when a child’s custodians are a paternal uncle and aunt.
71. CHARLES KIMBLE V.
COMMONWEALTH OF KENTUCKY
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
- [2013-SC-000593-MR](#) JEFFERSON
NOT TO BE PUBLISHED
72. TIMOTHY HATTON V.
COMMONWEALTH OF KENTUCKY
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
- [2014-SC-000248-MR](#) FAYETTE
NOT TO BE PUBLISHED
73. PAUL ESTES V.
COMMONWEALTH OF KENTUCKY
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
- [2014-SC-000320-MR](#) MERCER
NOT TO BE PUBLISHED

SUPREME COURT OF KENTUCKY

MAY 5, 2016 MINUTES

RELEASED: 10:00 A.M.

74. HENRY GAIL TAYLOR V. [2014-SC-000703-MR](#) WARREN
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.
75. NITA HACKER V. [2015-SC-000038-DG](#) JACKSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.
76. RAY HACKER V. [2015-SC-000170-MR](#) JACKSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
MINTON, C.J.; CUNNINGHAM, KELLER,
AND VENTERS, JJ., CONCUR. HUGHES,
J., CONCURS IN RESULT ONLY BY
SEPARATE OPINION IN WHICH NOBLE
AND WRIGHT, JJ., JOIN.
77. KEVIN HENDERSON V. [2015-SC-000201-MR](#) FROM COURT
HON. CHARLES L. CUNNINGHAM, **NOT TO BE PUBLISHED** OF APPEALS
JUDGE, JEFFERSON CIRCUIT COURT,
ET AL.
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.
78. ZACHARY AMOS LAMB V. [2015-SC-000300-MR](#) FROM COURT
HON. KEN M. HOWARD, **NOT TO BE PUBLISHED** OF APPEALS
JUDGE, HARDIN CIRCUIT COURT,
ET AL.
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

MAY 5, 2016 MINUTES

RELEASED: 10:00 A.M.

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| 79. | JOHNNIE BROWN V.
THE WILLOWS AT HAMBURG,
ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2015-SC-000322-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 80. | JAMES HALCOMB, ET AL. V.
AMERICAN MINING COMPANY,
ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2015-SC-000335-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 81. | UNINSURED EMPLOYERS' FUND V.
DARLENE CROWDER, ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2015-SC-000362-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 82. | MARIA GARCIA V.
CENTRAL KENTUCKY PROCESSING,
INC., ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2015-SC-000382-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 83. | DWAYNE EARL BISHOP. V.
HON. EDDY COLEMAN, SPECIAL
JUDGE, FLOYD CIRCUIT COURT,
ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2015-SC-000387-MR
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |

SUPREME COURT OF KENTUCKY

MAY 5, 2016 MINUTES

RELEASED: 10:00 A.M.

84. JAMES DEE LANHAM V. [2015-SC-000388-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. MINTON, C.J.;
CUNNINGHAM, KELLER, AND
WRIGHT, JJ., CONCUR. HUGHES,
NOBLE, AND VENTERS, JJ., CONCUR
IN RESULT ONLY.
85. ROGER STAMPER, AS TRUSTEE OF [2015-SC-000477-MR](#) FROM COURT
THE STAMPER REVOCABLE **NOT TO BE PUBLISHED** OF APPEALS
TRUST V.
HON. LINDA RAE BRAMLAGE, SPECIAL
JUDGE, GRANT CIRCUIT COURT,
ET AL.
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. MINTON, C.J.;
CUNNINGHAM, HUGHES, KELLER, AND
NOBLE, JJ., CONCUR. VENTERS, J.,
DISSENTS BY SEPARATE OPINION IN
WHICH WRIGHT, J., JOINS.
86. DEDRICK A. JACKSON V. [2014-SC-000506-MR](#) SHELBY
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART,
REVERSING IN PART, AND
REMANDING**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

MAY 5, 2016 MINUTES

RELEASED: 10:00 A.M.

OPINION AND ORDERS – MAY 5, 2016

VISAHARAN SIVASUBRAMANIAM V.
KENTUCKY BAR ASSOCIATION
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 5 YEARS.**
ALL SITTING. ALL CONCUR.

[2016-SC-000096-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

MICHAEL A. VALENTI V.
KENTUCKY BAR ASSOCIATION
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 30 DAYS PROBATED
FOR 1 YEAR WITH CONDITIONS.**
ALL SITTING. ALL CONCUR.

[2016-SC-000109-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

PAMELA C. BRATCHER V.
KENTUCKY BAR ASSOCIATION
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 1 YEAR WITH A 60
DAY SUSPENSION TO BE IMPOSED
IMMEDIATELY AND THE REMAINDER
PROBATED FOR 2 YEARS WITH CONDITIONS.**
CUNNINGHAM, HUGHES, KELLER, NOBLE,
VENTERS, AND WRIGHT, JJ., SITTING. ALL
CONCUR. MINTON, C.J., NOT SITTING.

[2016-SC-000112-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KYLE ANTHONY BURDEN V.
KENTUCKY BAR ASSOCIATION
ORDER OF PUBLIC REPRIMAND.
ALL SITTING. ALL CONCUR.

[2016-SC-000114-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
APRIL 27, 2016**

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY V.
RONIESHA ADAMS, F/K/A RONIESHA
SANDERS, ET AL.

2015-SC-000366-DG

JEFFERSON

UNIVERSITY OF KENTUCKY, ET AL. V.
BOBBYE CARPENTER, ET AL.

2015-SC-000384-DG

FAYETTE

SUPREME COURT OF KENTUCKY

MAY 5, 2016 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
APRIL 27, 2016**

NAMI RESOURCES COMPANY, LLC., ET AL. V. ASHER LAND AND MINERAL, LTD, ET AL.	2015-SC-000489-DG	BELL
DUGAN & MEYERS CONSTRUCTION COMPANY V. THE ASCENT AT ROEBLING’S BRIDGE, LLC, ET AL. AND THE ASCENT AT ROEBLING’S BRIDGE, LLC, ET AL. V. SUPERIOR STEEL, INC., ET AL.	2015-SC-000635-DG 2015-SC-000636-DG	KENTON KENTON
PADUCAH INDEPENDENT SCHOOL DISTRICT V. PUTNAM & SONS, LLC	2015-SC-000711-DG	MCCRACKEN
CLARENCE L. COBB V. COMMONWEALTH OF KENTUCKY	2016-SC-000063-DG	GRAVES

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 27, 2016**

ASHLEY REID V. PILGRIM’S PRIDE CORPORATION, ET AL.	2015-SC-000304-D	GRAVES
BRYAN G. GUESS V. COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. WRIGHT, J., NOT SITTING.	2015-SC-000310-D	CRITTENDEN
FARMERS NATIONAL BANK, ET AL. V. COMMONWEALTH OF KENTUCKY, DEPARTMENT OF REVENUE, ET AL.	2015-SC-000326-D	FRANKLIN

SUPREME COURT OF KENTUCKY

MAY 5, 2016 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 27, 2016**

D.W. WILBURN, INC. V. JAMES SCOTT HOOVER, ET AL. AND	2015-SC-000340-D	FAYETTE
H & H PAINTING, LLC, ET AL. V. D.W. WILBURN, INC., ET AL. VENTERS, J., NOT SITTING.	2015-SC-000341-D	FAYETTE
DEBORAH ROBINSON V. KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION, ET AL. NOBLE, VENTERS AND WRIGHT, JJ., WOULD GRANT.	2015-SC-000344-D	GRAYSON
KATHY WILLIAMS V. COMMONWEALTH OF KENTUCKY WRIGHT, J., NOT SITTING.	2015-SC-000346-D	LETCHER
KINDRED NURSING CENTERS LTD. PARTNERSHIP, ETC., ET AL. V. JOHN R. COX, III, EXECUTOR OF THE ESTATE OF ELIZABETH G. COX	2015-SC-000354-D	CLARK
CHERRI BECKHART, ET AL. V. JEFFERSON COUNTY BOARD OF EDUCATION, ET AL. VENTERS, J., WOULD GRANT.	2015-SC-000356-D	JEFFERSON
GUARDIAN ANGEL STAFFING AGENCY, INC. V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. AND	2015-SC-000369-D	FRANKLIN
CROWN SERVICES, INC. V. GUARDIAN ANGEL STAFFING AGENCY, INC., ET AL.	2015-SC-000395-D	FRANKLIN

SUPREME COURT OF KENTUCKY

MAY 5, 2016 MINUTES

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 27, 2016**

COMMONWEALTH OF KENTUCKY, FINANCE AND ADMINISTRATION CABINET, DEPARTMENT OF REVENUE V. PETROTEK, LLC, ET AL.	2015-SC-000401-D	FRANKLIN
BRENDA JORDAN WOODEN V. COMMONWEALTH OF KENTUCKY AND JAMES K. VANMETER V. COMMONWEALTH OF KENTUCKY	2015-SC-000416-D 2015-SC-000417-D	GRAYSON GRAYSON
JOSEPH MICHAEL HUTSON V. COMMONWEALTH OF KENTUCKY	2015-SC-000458-D	KENTON
COMMONWEALTH OF KENTUCKY V. LEE A. STEWART THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. KELLER AND CUNNINGHAM, JJ., WOULD GRANT.	2015-SC-000463-D	KENTON
KENTUCKY SPIRIT HEALTH PLAN, INC. V. COMMONWEALTH OF KENTUCKY, FINANCE AND ADMINISTRATION CABINET, ET AL.	2015-SC-000479-D	FRANKLIN
DELBERT MICHAEL BONZO, ET AL. V. LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT	2015-SC-000481-D	JEFFERSON
GENERAL STAR INDEMNITY COMPANY V. KRISSEY MCKENZIE WITHROW, ETC., ET AL.	2015-SC-000490-D	BATH
JNT, INC. D/B/A KAR SMART, ETC., ET AL. V. ALEXANDER EVANS, CO-TRUSTEE, ETC., ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2015-SC-000508-D	FAYETTE

SUPREME COURT OF KENTUCKY

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 27, 2016**

DANAIRRAL EVERETTE V. COMMONWEALTH OF KENTUCKY	2015-SC-000509-D	BOYD
JESSICA D. LEPORT V. ALLSTATE INSURANCE COMPANY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2015-SC-000515-D	GREENUP
JOHNNY LEE CISSELL V. GREGORY HOWARD, WARDEN, ET AL.	2015-SC-000568-D	OLDHAM
MARK SEALS V. COMMONWEALTH OF KENTUCKY	2015-SC-000580-D	BELL
TYLER PHELPS V. COMMONWEALTH OF KENTUCKY	2016-SC-000582-D	PULASKI
TODD SANDERS V. WAL-MART STORES, ET AL.	2015-SC-000587-D	JEFFERSON
BRIANA RAE DAVIS V. COMMONWEALTH OF KENTUCKY	2015-SC-000589-D	JEFFERSON
ZENITH ELECTRONICS, LLC V. THELMA B. ANDERSON, ADMINSTRATRIX, ETC.	2015-SC-000590-D	CAMPBELL
AND MOTOROLA SOLUTIONS, INC. V. THELMA B. ANDERSON, AS ADMINSTRATRIX, ETC.	2015-SC-000596-D	CAMPBELL
LLOYD W. HAMMOND V. COMMONWEALTH OF KENTUCKY	2015-SC-000601-D	JEFFERSON
ERIC T. SMALL V. WEST VALE HOMEOWNERS' ASSOCIATION, INC.	2015-SC-000611-D	MCCRACKEN

SUPREME COURT OF KENTUCKY

MAY 5, 2016 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 27, 2016**

WALTER A. STONE V. COMMONWEALTH OF KENTUCKY	2015-SC-000617-D	FAYETTE
COMMONWEALTH OF KENTUCKY V. KEVIN E. MARCUM	2015-SC-000631-D	PULASKI
MARK PRICE V. COMMONWEALTH OF KENTUCKY	2015-SC-000632-D	CAMPBELL
CHARLES O'DELL SHORES V. COMMONWEALTH OF KENTUCKY	2015-SC-000634-D	WHITLEY
PAMELA J. ROSS V. COMMONWEALTH OF KENTUCKY	2015-SC-000651-D	BULLITT
PHILLIP PERKINS, ADMINISTRATOR, ETC. V. COMMONWEALTH OF KENTUCKY, DEPARTMENT OF PARKS, ET AL.	2015-SC-000659-D	FAYETTE
GREG SIMPSON V. COMMONWEALTH OF KENTUCKY	2015-SC-000670-D	LAUREL
BOBBY FAIRLEY V. COMMONWEALTH OF KENTUCKY	2015-SC-000671-D	HART
TONY LEE INGRAM V. COMMONWEALTH OF KENTUCKY	2015-SC-000684-D	DAVISS
KENNETH WATTS V. SONYA HENRY, ETC., ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2015-SC-000698-D	JESSAMINE
JEFFREY CONRAD V. COMMONWEALTH OF KENTUCKY	2015-SC-000708-D	MCCRACKEN

SUPREME COURT OF KENTUCKY

MAY 5, 2016 MINUTES

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 27, 2016**

ANTHONY WAYNE HEFLIN V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2016-SC-000001-D	FAYETTE
J. DAVID COLE, ET AL. V. NORMAN JOHNSON, ET AL. MINTON, C.J., NOT SITTING.	2016-SC-000003-D	WARREN
TODD SANDERS V. WALMART STORES EAST, LP	2016-SC-000010-D	JEFFERSON
JOE FRAZEE, ET AL. V. RABO AGRIFINANCE, INC., ET AL.	2016-SC-000011-D	MCCRACKEN
WILLIAM JOSEPH MADDEN V. COMMONWEALTH OF KENTUCKY	2016-SC-000023-D	ALLEN
JAMES SALLEE V. COMMONWEALTH OF KENTUCKY	2016-SC-000025-D	MONTGOMERY
COMMONWEALTH OF KENTUCKY V. JACOB BRANNON CUNNINGHAM, J., WOULD GRANT.	2016-SC-000067-D	MCCRACKEN
JOE S. WATKINS V. DEANNA EADS, ET AL.	2016-SC-000071-D	BOURBON
RODNEY GRIMES V. RANDY WHITE, WARDEN, KENTUCKY STATE PENITENTIARY	2016-SC-000074-D	LYON
WENDALL J. COWAN V. COMMONWEALTH OF KENTUCKY	2016-SC-000086-D	UNION
WILLIAM A. AMBROSE V. VERNON WARD, ET AL.	2016-SC-000108-D	JACKSON

SUPREME COURT OF KENTUCKY

MAY 5, 2016 MINUTES

RELEASED: 10:00 A.M.

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

ALFRED D. ARNOLD V.
COMMONWEALTH OF KENTUCKY
ENTERED: APRIL 21, 2016

2016-SC-000019-D

CAMPBELL

ANGELA V. SHACKELFORD V.
WILLIE IRVING
**WRIGHT, CUNNINGHAM, HUGHES, AND
KELLER, JJ., SITTING. ALL CONCUR.**
ENTERED: APRIL 28, 2016

2016-SC-000062-D

JEFFERSON

TAMMY DURHAM, ETC. V.
DAVID GOOCH
**WRIGHT, CUNNINGHAM, HUGHES, AND
KELLER, JJ., SITTING. ALL CONCUR.**
ENTERED: APRIL 28, 2016

2016-SC-000130-D

LINCOLN

BENNY COLEMAN V.
COMMONWEALTH OF KENTUCKY, ETC., ET AL.
**WRIGHT, CUNNINGHAM, HUGHES, AND
KELLER, JJ., SITTING. ALL CONCUR.**
ENTERED: APRIL 28, 2016

2016-SC-000161-D

FRANKLIN

COURT ORDER DENYING MOTION TO TRANSFER – MAY 5, 2016

AMAYA GROUP HOLDINGS, LTD., ETC.,
ET AL. V.
COMMONWEALTH OF KENTUCKY EX REL.
JOHN TILLEY, SECRETARY, JUSTICE AND
PUBLIC SAFETY CABINET, ET AL.
ALL SITTING. ALL CONCUR.

2016-SC-000105-T

FRANKLIN

SUPREME COURT OF KENTUCKY

MAY 5, 2016 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – MAY 5, 2016

COMMONWEALTH OF KENTUCKY V. [2013-SC-000367-DG](#) LAWRENCE
MICHAEL YOUNG, ET AL. TO BE PUBLISHED
**ORDER GRANTED PETITION TO MODIFY THE
OPINION OF THE COURT BY JUSTICE NOBLE
RENDERED DECEMBER 17, 2015, BY
SUBSTITUTION OF THIS OPINION IN LIEU OF
THE ORIGINAL OPINION.**
ALL SITTING. ALL CONCUR.

NISSAN MOTOR COMPANY, LTD, [2013-SC-000685-DG](#) LINCOLN
ET AL. V. TO BE PUBLISHED
AMANDA MADDOX
**ORDER DENIED PETITION FOR REHEARING
AND MODIFIED THE OPINION OF THE COURT
BY JUSTICE CUNNINGHAM RENDERED
SEPTEMBER 24, 2015, BY
SUBSTITUTION OF THIS OPINION IN LIEU OF
THE ORIGINAL OPINION.**
ALL SITTING. ALL CONCUR.

MARTY LEE ROE V. [2013-SC-000793-MR](#) FAYETTE
COMMONWEALTH OF KENTUCKY TO BE PUBLISHED
**ORDER DENIED PETITION FOR REHEARING
AND MODIFIED THE OPINION OF THE COURT
RENDERED SEPTEMBER 24, 2015, BY
SUBSTITUTION OF THIS OPINION IN LIEU OF
THE ORIGINAL OPINION.**
ALL SITTING. ALL CONCUR.

COURT ORDERS DISMISSING

REBECCA CLAYBURN V. 2014-SC-000443-DG JEFFERSON
COMMONWEALTH OF KENTUCKY,
TRANSPORTATION CABINET, DEPARTMENT
OF HIGHWAYS, ET AL.
**MINTON, C.J.; CUNNINGHAM, HUGHES,
KELLER, NOBLE AND VENTERS, JJ., CONCUR.
WRIGHT, J., NOT SITTING.**
ENTERED: APRIL 26, 2016

SUPREME COURT OF KENTUCKY

MAY 5, 2016 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

COMMONWEALTH OF KENTUCKY, SECRETARY OF LABOR V. ESTILL COUNTY FISCAL COURT, ET AL. ENTERED: MARCH 16, 2016	2015-SC-000251-DG	FRANKLIN
LINDA GAYLE MASSIE, ET AL. V. GARY GREENE, ET AL. ENTERED: MARCH 21, 2016	2015-SC-000312-D	GREENUP
COMMONWEALTH OF KENTUCKY V. JOHNNIE R. DOUGLAS WRIGHT, CUNNINGHAM, HUGHES, AND KELLER, JJ., SITTING. ALL CONCUR. ENTERED: APRIL 28, 2016	2016-SC-000018-D	JEFFERSON
ZENITH LOGISTICS V. ADJA DIOP, ET AL. WRIGHT, CUNNINGHAM, HUGHES, AND KELLER, JJ., SITTING. ALL CONCUR. ENTERED: APRIL 28, 2016	2016-SC-000031-WC	FROM COURT OF APPEALS
DOUGLAS ALLEN V. COMMONWEALTH OF KENTUCKY WRIGHT, CUNNINGHAM, HUGHES, AND KELLER, JJ., SITTING. ALL CONCUR. ENTERED: APRIL 28, 2016	2016-SC-000046-MR	CARROLL
WILLIAM JACK ROGERS V. COMMONWEALTH OF KENTUCKY ENTERED: APRIL 22, 2016	2016-SC-000048-MR	CALDWELL
RIVER VIEW COAL, LLC. V. ANGELA WHITLOCK, ET AL. ENTERED: APRIL 21, 2016	2016-SC-000072-WC	FROM COURT OF APPEALS
IAN MILLER V. HON. VERNON MINIARD, JR., JUDGE, WAYNE CIRCUIT COURT, ET AL. ENTERED: APRIL 6, 2016	2016-SC-000128-MR	WAYNE

SUPREME COURT OF KENTUCKY

MAY 5, 2016 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

ARTHUR N. PRUITT, SR. V.
COMMONWEALTH OF KENTUCKY
ENTERED: APRIL 21, 2016

2016-SC-000178-MR

JEFFERSON

STEPHEN D. PRICE, ETC. V.
CAREY SHIREY, ET AL.
ENTERED: APRIL 27, 2016

2016-SC-000197-D

SCOTT

COURT ORDERS

B. H., A CHILD EIGHTEEN V.
COMMONWEALTH OF KENTUCKY
**ORDER MODIFIED THE OPINION OF THE
COURT BY JUSTICE NOBLE RENDERED
MARCH 17, 2016, BY SUBSTITUTION
OF THIS OPINION IN LIEU OF THE
ORIGINAL OPINION.**
ENTERED: APRIL 13, 2016

[2013-SC-000254-DG](#)
TO BE PUBLISHED

WOODFORD

JAMES ANTHONY GRAY V.
COMMONWEALTH OF KENTUCKY
**ORDER CORRECTED THE OPINION OF THE
COURT BY CHIEF JUSTICE MINTON
RENDERED FEBRUARY 18, 2016, BY
SUBSTITUTION OF THIS OPINION
IN LIEU OF THE ORIGINAL OPINION.**
ENTERED: APRIL 12, 2016

[2013-SC-000374-MR](#)
TO BE PUBLISHED

WOODFORD

SHEILA PATTON, AS ADMINISTRATRIX OF
THE ESTATE OF STEPHEN LAWRENCE
PATTON V.
DAVIDA BICKFORD, ET AL.
**ORDER CORRECTED THE OPINION OF THE
COURT BY CHIEF JUSTICE MINTON
RENDERED MARCH 17, 2016, BY
SUBSTITUTION OF THIS OPINION IN LIEU
OF THE ORIGINAL OPINION.**
ENTERED: APRIL 1, 2016

[2013-SC-000560-DG](#)
TO BE PUBLISHED

FLOYD

SUPREME COURT OF KENTUCKY

MAY 5, 2016 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS

KENTUCKY BAR ASSOCIATION V.
EDMUND V. SMITH

[2015-SC-000600-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**ORDER CORRECTED THE OPINION AND
ORDER OF THE COURT ENTERED MARCH
17, 2016, BY SUBSTITUTION OF THIS
OPINION AND ORDER IN LIEU OF THE
ORIGINAL OPINION AND ORDER.**

ENTERED: APRIL 7, 2016

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

KAREN JOANNE O'CONNOR V.
KENTUCKY BAR ASSOCIATION
ENTERED: MARCH 23, 2016

2016-SC-000147-KB

IN SUPREME
COURT

JASON MICHAEL ROP V.
KENTUCKY BAR ASSOCIATION
ENTERED: APRIL 25, 2016

2016-SC-000209-KB

IN SUPREME
COURT