

SUPREME COURT OF KENTUCKY

JUNE 20, 2013 MINUTES

RELEASED: 10:00 A.M.

80. KEVIN WAYNE DUNLAP V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE SCOTT –
AFFIRMING**
MINTON, C.J.; ABRAMSON, KELLER,
NOBLE, SCOTT AND VENTERS, JJ.,
SITTING. ALL CONCUR.
CUNNINGHAM, J., NOT SITTING.

[2010-SC-000226-MR](#)
TO BE PUBLISHED

LIVINGSTON

Questions Presented:

Death sentence affirmed. Trial court properly accepted defendant's voluntary guilty plea and denied his guilty but mentally ill plea. No error in denying a request for a continuance or a new competency evaluation; or in asking defendant to admit aggravating circumstances. Where judge, due to the magnitude of the case involved, accorded the defense two extra peremptory challenges, the failure to excuse a juror for cause was not grounds for reversal. A married couple serving on the jury is not presumptively biased. Trial judge's limitation of voir dire and refusal to recuse was not error. Cross examination of expert, introduction of photographs and videotaped statement, and jury instructions were proper.

81. DEPARTMENT OF REVENUE,
FINANCE AND ADMINISTRATION
CABINET, COMMONWEALTH OF
KENTUCKY V.
COX INTERIOR, INC.
**OPINION OF THE COURT BY
JUSTICE ABRAMSON –
AFFIRMING**
ALL SITTING. ALL CONCUR.

[2010-SC-000794-DG](#)
TO BE PUBLISHED

FRANKLIN

Questions Presented:

Taxation. At issue is whether the erroneous portion of an ad valorem tax assessment on tangible personal property may be refunded although the taxpayer failed to protest the assessment before paying it.

SUPREME COURT OF KENTUCKY

JUNE 20, 2013 MINUTES

RELEASED: 10:00 A.M.

82. GLENN RAHAN DONEGHY V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
AFFIRMING**
ALL SITTING. ALL CONCUR.

[2011-SC-000590-MR](#)
TO BE PUBLISHED

FAYETTE

Questions Presented:

Second-degree manslaughter, Leaving the scene of an accident, Second-degree assault, Fourth-degree assault, First-degree possession of a controlled substance, Possession of marijuana and Possession of drug paraphernalia-20 years. Trial court did not err in denying the motion for directed verdict on the charges of second-degree manslaughter and assault; nor in denying severance of the charges surrounding the defendant's arrest from the charges surrounding the collision that resulted in a police officer's death. No palpable error in Commonwealth's use of KRE 404 (b) evidence, presentation of cumulative emotional evidence, or in mentioning an inadmissible statement during closing argument. Jury instruction for second-degree assault was not erroneous but better practice asks the jury to determine whether the weapon used was a deadly weapon or dangerous instrument.

83. DONNA BARTLEY V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE ABRAMSON –
AFFIRMING**
ALL SITTING. ALL CONCUR.

[2011-SC-000683-MR](#)
TO BE PUBLISHED

MONROE

Questions Presented:

First-degree assault and First-degree criminal abuse-30 years. Neglect and Abuse of disabled son. Two co-defendants being represented by separate attorneys in the Department of Public Advocacy did not create a conflict of interest where clients were not adversely affected by their counsel's performance. Assault by neglect charge and the instructions thereon were proper. No error in trial court's denial of a mistrial or of a continuance.

SUPREME COURT OF KENTUCKY

JUNE 20, 2013 MINUTES

RELEASED: 10:00 A.M.

84. JEFFREY D. MCGAHA V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE VENTERS –
AFFIRMING**
ALL SITTING. ALL CONCUR.

[2012-SC-000155-MR](#)
TO BE PUBLISHED

ADAIR

Questions Presented:
Murder-20 years. Where defendant failed to establish any partiality or bias as a result of juror's failure to disclose during voir dire that she was a Facebook "friend" of the victim's wife, such was not error. Jury's inquiry regarding penalty issues during the guilt phase deliberations did not constitute error. Trial court did not err in excluding evidence of the victim's state of mind.

85. COMMONWEALTH OF KENTUCKY V.
ERIC RAE BELL
**OPINION OF THE COURT BY
JUSTICE NOBLE –
REVERSING**
ALL SITTING. ALL CONCUR.

[2011-SC-000630-DG](#)
TO BE PUBLISHED

JEFFERSON

Questions Presented:
First-degree sodomy, tampering with physical evidence and fourth degree assault-15 years. Trial court did not abuse its discretion in excluding statements the victim made to medical personnel about her history of drug use and addiction. Failure to file cross-motion for discretionary review precluded review of other issues raised by the appellee.

86. DEBORAH MANNING, ET AL. V.
ROBERT KNOX LEWIS
**OPINION OF THE COURT BY
JUSTICE SCOTT -
REVERSING**
ALL SITTING. ALL CONCUR.

[2012-SC-000296-DG](#)
TO BE PUBLISHED

MAGOFFIN

Questions Presented:
Real Property. Sale of Land. Ten Percent Rule. Issues include whether the ten percent rule, which provides equitable relief when there is a deficiency of ten percent or more between the stated acreage and the actual acreage, provides relief to a buyer who has notice that the stated acreage is inaccurate.

SUPREME COURT OF KENTUCKY

JUNE 20, 2013 MINUTES

RELEASED: 10:00 A.M.

87. BARRY KERR V. [2011-SC-000247-MR](#) RUSSELL
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
REVERSING AND REMANDING**
TO BE PUBLISHED

ALL SITTING. ABRAMSON, KELLER,
NOBLE AND VENTERS, JJ., CONCUR.
CUNNINGHAM, J., DISSENTS BY
SEPARATE OPINION IN WHICH
SCOTT, J., JOINS.

Questions Presented:

First-degree trafficking in a controlled substance, second offense; second-degree trafficking in a controlled substance and PFO I- 50 years. Trial court erred in admitting anonymous tip evidence and the error was not harmless. Police’s “protective sweep” was permissible.

88. WESTERN KENTUCKY COCA-COLA BOTTLING COMPANY, INC. V. [2011-SC-000784-DG](#) WARREN
TREVOR RUNYON AND KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION
**OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
REVERSING AND REMANDING**
TO BE PUBLISHED

MINTON, C.J.; ABRAMSON, KELLER,
NOBLE AND VENTERS, JJ., CONCUR.
SCOTT, J., RESPECTFULLY DISSENTS
AND STANDS WITH THE DECISIONS
OF THE KENTUCKY UNEMPLOYMENT
INSURANCE COMMISSION, THE
WARREN CIRCUIT COURT, AND THE
KENTUCKY COURT OF APPEALS.

Questions Presented:

Unemployment Benefits. Civil Procedure. Issues include whether the Unemployment Insurance Commission abused its discretion by reversing a decision of a referee which denied benefits to an individual who had been dismissed from his prior job.

89. GARRETT THOMAS DYE V. [2012-SC-000003-MR](#) TODD
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE SCOTT –
REVERSING AND REMANDING**
TO BE PUBLISHED

ALL SITTING. ALL CONCUR.

Questions Presented:

Coerced confession. Juvenile’s guilty plea to Murder, Resisting arrest and Tampering with physical evidence-50 years. Suppression of evidence.

SUPREME COURT OF KENTUCKY

JUNE 20, 2013 MINUTES

RELEASED: 10:00 A.M.

90. DELBERT LEGER V. [2012-SC-000067-MR](#) ROCKCASTLE
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
JUSTICE VENTERS –
REVERSING AND REMANDING
MINTON, C.J.; ABRAMSON, KELLER,
AND NOBLE, JJ., CONCUR.
CUNNINGHAM AND SCOTT, JJ.,
DISSENT WITHOUT SEPARATE
OPINION.
- Questions Presented:**
Theft of identity, theft by deception under \$500 and PFO I-20 years. Police officer's assurance of confidentiality vitiated the previously given *Miranda* warning.
91. BOBBY GARCIA, D/B/A AUTOBAHN
AUTOMOTIVE V. [2011-SC-000550-DG](#) PULASKI
LARRY WHITAKER
OPINION OF THE COURT BY
JUSTICE CUNNINGHAM -
REVERSING, VACATING IN PART,
AND REMANDING
ALL SITTING. ALL CONCUR.
- Questions Presented:**
Abuse of Process. KRS 376.270. Issues include whether a claim for abuse of process was properly dismissed, and whether such a claim can defeat the mechanics' lien created by KRS 376.270.
92. MICHELLE SMITH V. [2012-SC-000034-DG](#) CRITTENDEN
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
JUSTICE SCOTT –
REVERSING, VACATING AND
REMANDING
ALL SITTING. ALL CONCUR.
- Questions Presented:**
Criminal Law. Sentencing. Pretrial Diversion. Reclassification of Crimes. What is the impact upon sentencing subsequent to an order voiding participation in pretrial diversion when, during that unsuccessful endeavor, the underlying crime has been reclassified from Class D felony to Class A misdemeanor?
93. ROBIN MAPEL V. [2011-SC-000526-MR](#) CARTER
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.
- NOT TO BE PUBLISHED**

SUPREME COURT OF KENTUCKY

JUNE 20, 2013 MINUTES

RELEASED: 10:00 A.M.

94. DALLAS NATIONAL INSURANCE COMPANY V. [2012-SC-000288-WC](#) FROM COURT OF APPEALS
NOT TO BE PUBLISHED
JEFFREY BOARD; BRUCE STULL, D/B/A J.B.T. TRUCKING; VANCE TRUCKING COMPANY, INC.; HONORABLE JAMES L. KERR, ADMINISTRATIVE LAW JUDGE; AND WORKERS' COMPENSATION BOARD
MEMORANDUM OPINION OF THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.
95. GLENN A. PEELER V. [2012-SC-000289-MR](#) HARDIN
NOT TO BE PUBLISHED
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.
96. JEAN HAYNES V. [2012-SC-000337-WC](#) FROM COURT OF APPEALS
NOT TO BE PUBLISHED
SINGH PETRO, II, INC.; HONORABLE HOWARD E. FRASIER, ADMINISTRATIVE LAW JUDGE; AND WORKERS' COMPENSATION BOARD
MEMORANDUM OPINION OF THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.
97. BILLY CHANEY V. [2012-SC-000338-WC](#) FROM COURT OF APPEALS
NOT TO BE PUBLISHED
PREMIER ELKHORN COAL CO.; HONORABLE RICHARD JOINER, ADMINISTRATIVE LAW JUDGE; AND WORKERS' COMPENSATION BOARD
MEMORANDUM OPINION OF THE COURT – AFFIRMING
MINTON, C.J.; ABRAMSON, CUNNINGHAM, NOBLE, SCOTT AND VENTERS, JJ., CONCUR.
KELLER, J., NOT SITTING.

SUPREME COURT OF KENTUCKY

JUNE 20, 2013 MINUTES

RELEASED: 10:00 A.M.

98. SIDNEY COAL COMPANY, INC. V. [2012-SC-000348-WC](#) FROM COURT
TIMOTHY BROCK; HONORABLE **NOT TO BE PUBLISHED** OF APPEALS
JEANIE OWEN MILLER,
ADMINISTRATIVE LAW JUDGE; AND
WORKERS' COMPENSATION BOARD
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
99. COMMONWEALTH OF KENTUCKY, [2012-SC-000396-WC](#) FROM COURT
UNINSURED EMPLOYERS' FUND V. **NOT TO BE PUBLISHED** OF APPEALS
KERMIT RAY BENSON; HONORABLE
OTTO DANIEL WOLFE,
ADMINISTRATIVE LAW JUDGE; AND
WORKERS' COMPENSATION BOARD
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
100. CHRISTOPHER WEST V. [2011-SC-000629-MR](#) BULLITT
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART,
REVERSING IN PART AND
REMANDING**
ALL SITTING. ALL CONCUR.
101. JOHN BELDEN V. [2011-SC-000699-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING, IN PART,
AND REVERSING AND REMANDING,
IN PART**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

JUNE 20, 2013 MINUTES

RELEASED: 10:00 A.M.

102. AARON D. MOORE V. [2012-SC-000274-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY
**MEMORANDUM OPINION OF
THE COURT – REVERSING AND
REMANDING**
NOT TO BE PUBLISHED
MINTON, C.J.; KELLER, NOBLE,
SCOTT AND VENTERS, JJ., CONCUR.
ABRAMSON, J., CONCURS IN RESULT
ONLY. CUNNINGHAM, J., DISSENTS IN
PART BY SEPARATE OPINION.

OPINIONS AND ORDERS – JUNE 20, 2013

- KENTUCKY BAR ASSOCIATION V. [2012-SC-000842-KB](#) IN SUPREME
RONALD HINES TO BE PUBLISHED COURT
**ORDER SUSPENDED RESPONDENT
FROM THE PRACTICE OF LAW FOR
120 DAYS.**
ALL SITTING. ALL CONCUR.
- DAVID W. JOHNSON V. 2013-SC-000124-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT
**ORDER DENIED MOVANT’S REQUEST TO
OVERTURN HIS SUSPENSION AND
EFFECTUATE HIS WITHDRAWAL.**
ALL SITTING. ALL CONCUR.
- KENTUCKY BAR ASSOCIATION V. [2013-SC-000153-KB](#) IN SUPREME
RONALD E. THORNSBERRY TO BE PUBLISHED COURT
**ORDER SUSPENDED RESPONDENT
FROM THE PRACTICE OF LAW FOR TWO
YEARS, TO RUN CONSECUTIVELY TO
ALL SUSPENSIONS CURRENTLY IMPOSED.**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

JUNE 20, 2013 MINUTES

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – JUNE 20, 2013

**KENTUCKY BAR ASSOCIATION V.
DANIEL KEITH ROBERTSON
ORDER SUSPENDED RESPONDENT
FROM THE PRACTICE OF LAW FOR
181 DAYS.**

[2013-SC-000221-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

ALL SITTING. ALL CONCUR.

**BRIAN P. GILFEDDER V.
KENTUCKY BAR ASSOCIATION
ORDER PERMANENTLY DISBARRED
MOVANT FROM THE PRACTICE OF
LAW.**

[2013-SC-000261-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

ALL SITTING. ALL CONCUR.

**RODNEY S. JUSTICE V.
KENTUCKY BAR ASSOCIATION
ORDER DENIED MOVANT'S REINSTATEMENT
TO THE PRACTICE OF LAW.**

[2013-SC-000281-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

ALL SITTING. ALL CONCUR.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
JUNE 12, 2013**

**COMMONWEALTH OF KENTUCKY V.
DERICK DULIN**

2012-SC-000668-DG

JEFFERSON

**IRA BRANHAM, INDIVIDUALLY, ETC. V.
TROY C. ROCK, M.D., ET AL.**

2012-SC-000707-DG

FAYETTE

**KENTUCKY FARM BUREAU MUTUAL
INSURANCE COMPANY V.
TAMRA HOSKINS
VENTERS, J., NOT SITTING.**

2012-SC-000731-DG

LINCOLN

**FONDA MORGAN V.
DANIEL GETTER AND A.G., A MINOR CHILD**

2013-SC-000196-DGE

CAMPBELL

SUPREME COURT OF KENTUCKY

JUNE 20, 2013 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 12, 2013**

COMMONWEALTH OF KENTUCKY V. STEVEN MITCHELL JACOBI THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2011-SC-000319-D	HARDIN
TERRY COMER V. LADONNA THOMPSON, COMMISSIONER, ETC., ET AL. CUNNINGHAM, J., WOULD GRANT.	2012-SC-000608-D	ELLIOTT
CONGLETON-HACKER, CO. V. DANETTI MARTIN SCOTT, J., WOULD GRANT. KELLER, J., NOT SITTING.	2012-SC-000653-D	FAYETTE
ST. PAUL FIRE AND MARINE INSURANCE COMPANY V. BRETT LOVELL, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. KELLER, J., NOT SITTING.	2012-SC-000656-D	KENTON
MICHAEL B. CONWAY V. ESTATE OF WILLIAM “BILLY” CONWAY, ET AL.	2012-SC-000657-D	MASON
MICHAEL PAVEY V. COMMONWEALTH OF KENTUCKY	2012-SC-000678-D	KENTON
MARC ANTHONY BUCHANAN V. COMMONWEALTH OF KENTUCKY KELLER, J., NOT SITTING.	2012-SC-000683-D	FAYETTE
SHERMAN DEJUAN DAVIS V. COMMONWEALTH OF KENTUCKY	2012-SC-000684-D	JEFFERSON
SHAWN HELBIG V. CITY OF BOWLING GREEN, KENTUCKY	2012-SC-000686-D	WARREN

SUPREME COURT OF KENTUCKY

JUNE 20, 2013 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 12, 2013**

KAREN LEE WALKER V. JOE DAVID WALKER KELLER, J., NOT SITTING.	2012-SC-000689-D	WEBSTER
JUNLIAN ZHANG V. WESTERN KENTUCKY UNIVERSITY	2012-SC-000690-D	WARREN
GREEN TREE SERVICING, LLC., SUCCESSOR IN INTEREST TO GREENPOINT CREDIT CORP. V. LINDA WEAVER, ET AL.	2012-SC-000692-D	JACKSON
BEMON GARTLEY V. COMMONWEALTH OF KENTUCKY KELLER, J., NOT SITTING.	2012-SC-000700-D	MCCRACKEN
WILLIAM HEFFRON, ET AL. V. ROYALTY COMPANY, INC., ETC., ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2012-SC-000705-D	FAYETTE
TRACEY MILLER, ET AL. V. COMMONWEALTH OF KENTUCKY	2012-SC-000711-D	CARROLL
TED BELLE V. COMMONWEALTH OF KENTUCKY	2012-SC-000713-D	MARION
JAVIER CRUZ-VASQUEZ V. COMMONWEALTH OF KENTUCKY	2012-SC-000715-D	MADISON
BOBBY L. WILSON, SR., ET AL. V. BILLY G. DOUGLAS	2012-SC-000718-D	CASEY
TYLER BEDSON V. COMMONWEALTH OF KENTUCKY	2012-SC-000723-D	FAYETTE
MELISSA SHEA V. BOMBARDIER RECREATIONAL PRODUCTS, INC., ET AL.	2012-SC-000732-D	BOONE

SUPREME COURT OF KENTUCKY

JUNE 20, 2013 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 12, 2013**

ELMER DOWNS, INDIVIDUALLY, ET AL. V. KENTUCKY LOTTERY CORPORATION	2012-SC-000734-D	JEFFERSON
REGINA COLLINS, INDIVIDUALLY, ET AL.V. KENTUCKY LOTTERY CORPORATION	2012-SC-000735-D	JEFFERSON
NORTON HEALTHCARE, INC. V. LOUISE HAMMOND	2012-SC-000740-D	JEFFERSON
RONNEY HATTER V. GAIL WILLIAMS KELLER, J., NOT SITTING.	2013-SC-000216-DE	ADAIR
GRAHAM WHATLEY. V. NORKA WHATLEY, NOW RATNAVALE	2013-SC-000220-DE	JEFFERSON

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

EDWARD H. FLINT V. GERALD MARX, ET AL. ENTERED: JUNE 14, 2013	2012-SC-000677-D	JEFFERSON
SHERRY CROUCH, ET AL. V. BOBBY BILBREY (D/B/A BILBREY HEATING AND AIR), ET AL. ENTERED: JUNE 13, 2013	2013-SC-000263-D	BATH
COMMONWEALTH OF KENTUCKY V. JOHN MATTHEW HANLEY ENTERED: JUNE 14, 2013	2013-SC-000341-D	FAYETTE

SUPREME COURT OF KENTUCKY

JUNE 20, 2013 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – JUNE 20, 2013

BRENDA C. OSBORNE V. 2010-SC-000397-DG JEFFERSON
STEVEN H. KEENEY, ET AL.
**MINTON, C.J.; ABRAMSON, CUNNINGHAM,
KELLER, NOBLE, AND SCOTT, JJ., CONCUR.
VENTERS, J., WOULD GRANT.**

UNINSURED EMPLOYERS' FUND V. 2011-SC-000651-WC FROM COURT
MATTHEW STANFORD; U.S. ARMY OF APPEALS
CADET CORPS, INC.; BLUEGRASS
AREA DEVELOPMENT DISTRICT;
HONORABLE CHRIS DAVIS,
ADMINISTRATIVE LAW JUDGE; AND
WORKERS' COMPENSATION BOARD
AND

U.S. ARMY CADET CORPS, INC. V. 2011-SC-000652-WC FROM COURT
MATTHEW STANFORD; BLUEGRASS OF APPEALS
AREA DEVELOPMENT DISTRICT; UNINSURED
EMPLOYERS' FUND; HONORABLE CHRIS
DAVIS, ADMINISTRATIVE LAW JUDGE; AND
WORKERS' COMPENSATION BOARD
**MINTON, C.J.; ABRAMSON, CUNNINGHAM,
NOBLE, SCOTT, AND VENTERS JJ., CONCUR.
KELLER, J., NOT SITTING.**

COURT ORDERS DISMISSING

KEN BUILDERS SUPPLY V. 2012-SC-000149-D FROM COURT
TIM JONES, ET AL. OF APPEALS
**CUNNINGHAM, KELLER, NOBLE AND SCOTT,
JJ., SITTING. ALL CONCUR.
ENTERED: JUNE 13, 2013**

DEBORAH LYNN ENSOR V. 2013-SC-000309-D OLDHAM
LARRY JAMES ENSOR
**CUNNINGHAM, KELLER, NOBLE AND SCOTT,
JJ., SITTING. ALL CONCUR.
ENTERED: JUNE 13, 2013**

SUPREME COURT OF KENTUCKY

JUNE 20, 2013 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS

LINDA S. GRUBB, ETC., ET AL. V.
NORTON HOSPITALS, INC., ET AL.
**ORDER MODIFIED OPINION RENDERED
MAY 23, 2013, BY SUBSTITUTION OF THE
ENTIRE OPINION AND ORDER.**
ENTERED: MAY 29, 2013

[2010-SC-000532-DG](#)
TO BE PUBLISHED

JEFFERSON

MICHAEL JOSPEH FLICK V.
THE ESTATE OF CHRISTINA
WITTICH
**ORDER FINED ATTORNEY JENNIFER
FRANCIS ZEIGLER THE SUM OF \$500.00
DOLLARS IN LIEU OF IMMEDIATE PAYMENT
OF SAID FINE ATTORNEY SHALL ENROLL IN
THE EPEP.**
MINTON, C.J.; ABRAMSON, CUNNINGHAM,
SCOTT, AND VENTERS JJ., MCCARTNEY
AND MILLER, SJJ., SITTING. ALL CONCUR.
KELLER, J., NOT SITTING.

2010-SC-000664-DG

FAYETTE

CABINET FOR HEALTH AND FAMILY
SERVICES, GUARDIAN AD LITEM FOR MINOR
CHILD V.
GARY FOLLOWELL
**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 OPINION OF THE COURT OF APPEALS
HEREBY STAND AFFIRMED. THE OPINION OF
THE COURT OF APPEALS IS ORDERED NOT
TO BE PUBLISHED.**

2012-SC-000437-DGE

KENTON

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

MICHAEL JAMES SCHULTE V.
KENTUCKY BAR ASSOCIATION
ENTERED: MAY 24, 2013

2013-SC-000323-KB

IN SUPREME
COURT

SUPREME COURT OF KENTUCKY

JUNE 20, 2013 MINUTES

RELEASED: 10:00 A.M.

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

JOSEPH DEAN O'LEARY V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 3, 2013	2013-SC-000350-KB	IN SUPREME COURT
WILLIAM FRANCIS MCGEE V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 3, 2013	2013-SC-000351-KB	IN SUPREME COURT
JUSTIN WAYNE BREWER V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 3, 2013	2013-SC-000352-KB	IN SUPREME COURT
JAMIE BRIAN MATHEY V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 3, 2013	2013-SC-000353-KB	IN SUPREME COURT
DEBORAH C. STEVENS V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 3, 2013	2013-SC-000354-KB	IN SUPREME COURT
THOMAS RAY HAYS V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 12, 2013	2013-SC-000387-KB	IN SUPREME COURT