

SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

70. COMMONWEALTH OF KENTUCKY, [2012-SC-000622-DG](#) JEFFERSON
KENTUCKY BOARD OF NURSING V. **TO BE PUBLISHED**

SULLIVAN UNIVERSITY SYSTEM, INC., D/B/A SPENCERIAN COLLEGE, ET AL.
OPINION OF THE COURT BY JUSTICE SCOTT – DISMISSING AS MOOT, VACATING, AND REMANDING
MINTON, C.J; ABRAMSON, CUNNINGHAM, KELLER, AND VENTERS, JJ., CONCUR. NOBLE, J., DISSENTS BY SEPARATE OPINION.

Questions Presented:
Administrative Law. Issues include the extent to which courts defer to administrative agencies in interpretation of regulations and retroactive application of regulations.

71. VERA FURTULA AND ANTHONY MILLER [2011-SC-000332-DG](#) FAYETTE
V. TO BE PUBLISHED

UNIVERSITY OF KENTUCKY, UNIVERSITY BOARD OF TRUSTEES, AND PNC BANK, ET AL.
OPINION OF THE COURT BY JUSTICE VENTERS – AFFIRMING
CUNNINGHAM AND KELLER, JJ., CONCUR. MINTON, C.J., AGREES WITH JUSTICE NOBLE'S DISSENT TO THE EXTENT THAT EMPLOYEE HANDBOOKS AND OTHER DOCUMENTS CAN BE A WRITTEN UNILATERAL CONTRACT SUFFICIENT TO MEET THE REQUIREMENTS OF KRS 45A.245 BUT JOINS THE COURT'S RESULT BECAUSE THE HANDBOOK DISCLAIMERS AND LANGUAGE IN OTHER DOCUMENTS RESERVING THE UNIVERSITY'S RIGHT TO DISCONTINUE THE DISABILITY-BENEFITS PROGRAMS SHOW A LACK OF INTENT TO BE BOUND, WHICH BARS THE FORMATION OF A UNILATERAL CONTRACT IN THIS CASE. NOBLE, J., DISSENTS BY SEPARATE OPINION IN WHICH SCOTT, J., JOINS. ABRAMSON, J., NOT SITTING.

Questions Presented:
Sovereign Immunity. Breach of Contract. The issues include what type of contract, if any, UK's personnel policies and employee handbook create between UK and its employees. And, if these documents create a contract, is that contract sufficient under KRS 45A.245 so as to waive UK's right to sovereign immunity.

SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

72. ERVIN KLEIN, ET AL. **V.** [2012-SC-000071-DG](#) FRANKLIN
LORI HUDSON FLANERY, IN HER **TO BE PUBLISHED**
OFFICIAL CAPACITY AS THE
SECRETARY OF THE FINANCE AND
ADMINISTRATION CABINET, ET AL.

AND

LOUISVILLE SOCCER ALLIANCE [2012-SC-000197-DG](#) FRANKLIN
INC., ET AL. **TO BE PUBLISHED**

V.

STEVEN L. BESHEAR, IN HIS
OFFICIAL CAPACITY AS THE
GOVERNOR OF KENTUCKY, ET AL.

**OPINION OF THE COURT BY
JUSTICE ABRAMSON –
AFFIRMING**

MINTON, C.J.; CUNNINGHAM,
KELLER, AND NOBLE, JJ., CONCUR.
VENTERS, J., DISSENTS BY
SEPARATE OPINION IN WHICH
SCOTT, J., JOINS.

Questions Presented:
State Constitutional Law. The extent to which
funds collected by the Commonwealth as
license fees may be applied to the General
Fund.

73. MARK D. DEAN, P.S.C. **V.** [2012-SC-000267-DG](#) SHELBY
COMMONWEALTH BANK & TRUST **TO BE PUBLISHED**
COMPANY
**OPINION OF THE COURT BY
JUSTICE NOBLE –
AFFIRMING**
ALL SITTING. ALL CONCUR.

Questions Presented:
Uniform Commercial Code. KRS 355.4-111;
KRS 355.4-405; KRS 355.4-406. Issues
include whether the statute of limitations in
KRS 355.4-111 or the provisions of KRS
355.4-406 bar the plaintiff's UCC and
common-law fraud, breach of contract, breach
of duty and negligence claims.

SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

74. BRIAN DEWAYNE EDMONDS V. COMMONWEALTH OF KENTUCKY [2012-SC-000395-MR](#) JEFFERSON
TO BE PUBLISHED

OPINION OF THE COURT BY JUSTICE NOBLE – AFFIRMING
ALL SITTING. MINTON, C.J.; ABRAMSON, AND KELLER, JJ., CONCUR. VENTERS, J., DISSENTS BY SEPARATE OPINION IN WHICH CUNNINGHAM AND SCOTT, JJ., JOIN.

Questions Presented:
First-degree sodomy, intimidating a participant in the legal process, second-degree wanton endangerment, third-degree terroristic threatening and PFO 1. Trial court did not abuse its discretion in admitting the testimony of the sexual assault nurse examiner. From the evidence presented by the Commonwealth, it was not unreasonable for a jury to find that the defendant intimidated a participant in the legal process by hindering or delaying the victim’s reporting of a crime.

75. MV TRANSPORTATION, INC. V. RICHARD G. ALLGEIER (EXECUTOR OF THE ESTATE OF BARBARA ALLGEIER, DECEASED) [2012-SC-000462-DG](#) JEFFERSON
TO BE PUBLISHED

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

Questions Presented:
Tort Law. Punitive Damages. Respondeat Superior. Issues include whether an employer’s admission of *respondeat superior* liability requires dismissal of other theories of secondary liability, like negligent hiring; whether a claim for negligent hiring can be based on evidence of an employee-tortfeasor’s past alcoholism, addiction, or mental health treatment when there is no evidence the accident was causally related to those factors; and whether an employer may be found to have ratified or authorized an employee’s conduct for purposes of KRS 411.184(3) based on post-incident investigation policies.

SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

76. KIMBERLY HANIK V. CHRISTOPHER & BANKS, INC., HONORABLE R. SCOTT BORDERS, ADMINISTRATIVE LAW JUDGE; AND WORKERS' COMPENSATION BOARD
OPINION OF THE COURT BY JUSTICE KELLER – AFFIRMING
ALL SITTING. MINTON, C.J.; ABRAMSON, AND VENTERS, JJ., CONCUR. SCOTT, J., DISSENTS BY SEPARATE OPINION IN WHICH CUNNINGHAM AND NOBLE, JJ., JOIN.
- [2012-SC-000791-WC](#) FROM COURT OF APPEALS
TO BE PUBLISHED
- Questions Presented:**
Workers Compensation. Whether a parking facility is within an employer's operating premises.
77. THOMAS BIEDERMAN V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE KELLER – AFFIRMING
ALL SITTING. ALL CONCUR.
- [2013-SC-000034-MR](#) BOYD
TO BE PUBLISHED
- Questions Presented:**
Use of a weapon of mass destruction in the second degree and attempted murder-40 years. Convictions of use of a weapon of mass destruction and attempted murder did not violate double jeopardy. Defendant was not wrongfully sentenced as a violent offender where the judge, rather than the jury, found serious physical injury to the victim. Where the parties agreed, trial court's refusal to allow the jurors to use their notes in deliberations was not a reversible error.
78. CLIFFORD D. RAWLS V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE NOBLE – AFFIRMING
ALL SITTING. ALL CONCUR.
- [2013-SC-000129-MR](#) JEFFERSON
TO BE PUBLISHED
- Questions Presented:**
Manufacturing methamphetamine while in possession of a handgun, possession of marijuana, possession of a handgun by a convicted felon, and PFO 1-34 years. The mere presence of pseudoephedrine at the scene of the crime will not always entitle a defendant to an instruction on possession of a precursor. Trial court did not err in denying defendant's motion for an evidentiary hearing under RCr 9.78 on his motion to suppress.

SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

79. LAWRENCE M. WEBSTER V. COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY JUSTICE SCOTT–
AFFIRMING**
ALL SITTING. ALL CONCUR.
- [2013-SC-000381-MR](#) JEFFERSON
TO BE PUBLISHED

Questions Presented:
Second-degree manslaughter and PFO 1-20 years. Palpable error review of jury instructions is prohibited where they are substantially the same as those tendered by the defendant. Trial court's failure to read the jury instructions at the conclusion of proof, in alleged violation of KRS 532.0554(2)(c), did not entitle defendant to appellate review of the unpreserved claim.

80. JOSEPH B. CURD, JR. V. KENTUCKY STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
AND
KENTUCKY STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS V. JOSEPH B. CURD, JR.
**OPINION OF THE COURT BY CHIEF JUSTICE MINTON –
AFFIRMING IN PART, REVERSING IN PART AND REMANDING**
ALL SITTING. ALL CONCUR.
- [2012-SC-000165-DG](#) FRANKLIN
TO BE PUBLISHED
- [2012-SC-000169-DG](#) FRANKLIN
TO BE PUBLISHED

Questions Presented:
Administrative Law. Professional Discipline. KRS 322.180. Issues include whether the statutes and regulations, under which a land surveyor's license was suspended for six months, are unconstitutionally void for vagueness as applied to the alleged intentional attempt to mislead a court in expert testimony.

SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

81. JASON SEVIER V. [2012-SC-000238-MR](#) LAUREL
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
AND
CAROLYN BAUGHMAN V. [2013-SC-000265-TG](#) LAUREL
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
AFFIRMING, IN PART; VACATING,
IN PART; REVERSING, IN PART;
AND REMANDING
ALL SITTING. ABRAMSON, KELLER,
NOBLE, SCOTT, AND VENTERS, JJ.,
CONCUR. CUNNINGHAM, J.,
CONCURS IN RESULT ONLY.

Questions Presented:
Joint trial. Manufacturing methamphetamine, possession of methamphetamine precursor, first-degree possession of a controlled substance, fourth-degree controlled-substance endangerment of a child, and possession of drug paraphernalia. Sevier-20 years. Baughman-15 years. Convictions for both manufacturing methamphetamine and possession of a methamphetamine precursor violate double jeopardy; conviction for possession of a methamphetamine precursor reversed. Sufficient evidence was presented to support the convictions for manufacturing methamphetamine and fourth-degree controlled-substance endangerment of a child. Jury instructions. Jury alternate's presence in the jury room during deliberations did not constitute reversible error. Trial court did have jurisdiction to order the defendants to pay restitution to the government for cleanup expenses but imposition of court costs and fees was reversed.

82. UNITED BROTHERHOOD OF [2011-SC-000659-DG](#) SCOTT
CARPENTERS V. **TO BE PUBLISHED**
BIRCHWOOD CONSERVANCY,
ETC., ET AL.
OPINION OF THE COURT BY
JUSTICE SCOTT –
REVERSING
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER AND
VENTERS, JJ., CONCUR.
NOBLE, J., CONCURS IN RESULT
ONLY.

Questions Presented:
Contract Law. Civil Procedure.
Unincorporated Associations. Issues include whether an unincorporated union properly asserted the defense of lack of capacity to be sued and whether the plaintiffs identified an adequate representative of the union to maintain a class action suit.

SUPREME COURT OF KENTUCKY

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RELEASED: 10:00 A.M.

83. COMMONWEALTH OF KENTUCKY V. [2012-SC-000431-DG](#) CAMPBELL
BRIAN LEMONS **TO BE PUBLISHED**

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

ALL SITTING. MINTON, C.J.;
ABRAMSON, CUNNINGHAM, NOBLE,
AND VENTERS, JJ., CONCUR.
SCOTT, J., CONCURS IN RESULT
ONLY.

Questions Presented:
Criminal Law. KRS 503.085. Immunity from
Prosecution. Issues involve the requisite
pretrial showing of probable cause that use of
force in defense was unlawful.

84. COMMONWEALTH OF KENTUCKY V. [2012-SC-000614-DG](#) LAUREL
LESLIE L. LAWSON **TO BE PUBLISHED**

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

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

Questions Presented:
Criminal Law. RCr 11.42. Issues involve the
applicability of *Shane v. Commonwealth*, 243
S.W.3d 336 (Ky. 2008) to RCr 11.42 relief
when trial defense counsel failed to object to
the erroneous number of peremptory
challenges pursuant to RCr 9.40 and this
Court perceived no palpable error on co-
defendants' appeal as a matter of right.

85. CHARLES T. CREECH, INC. V. [2012-SC-000651-DG](#) FAYETTE
DONALD E. BROWN, ET AL., **TO BE PUBLISHED**
AND

DONALD E. BROWN, ET AL., V.
CHARLES T. CREECH, INC.

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

ALL SITTING. MINTON, C.J.;
ABRAMSON, CUNNINGHAM, SCOTT
AND VENTERS, JJ., CONCUR.
NOBLE, J., CONCURS IN RESULT
ONLY BY SEPARATE OPINION.

[2012-SC-000693-DG](#) FAYETTE
TO BE PUBLISHED

Questions Presented:
Employment Relations. Noncompetition
Agreement. Issues include whether the “blue
pencil” rule was applied appropriately to add a
geographical limitation to the noncompetition
clause and whether continuing employment
was sufficient consideration for the
noncompetition agreement.

SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

86. BULLITT FISCAL COURT, ET AL. V. BULLITT COUNTY BOARD OF HEALTH
OPINION OF THE COURT BY - JUSTICE CUNNINGHAM REVERSING
MINTON, C.J.; ABRAMSON, NOBLE, VENTERS, AND SCOTT, JJ., CONCUR. KELLER, J., NOT SITTING.
- [2013-SC-000023-DG](#) BULLITT
TO BE PUBLISHED
- Questions Presented:**
Administrative Law. Constitutional Law. Separation of Powers. Statutory Interpretation. KRS § 212.230(1)(c). Issues include whether a county board of health has the authority to impose a county-wide ban on tobacco smoking without prior legislative action by a fiscal court or municipality, whether KRS § 212.230(1)(c) and *Commonwealth v. Do, Inc.*, 674 S.W.2d 519 (Ky. 1984) abolished legislative limits on the actions of boards of health and whether that statute violates the Kentucky Constitution.
87. JEFFERSON COUNTY BOARD OF EDUCATION V. HONORABLE BRIAN C. EDWARDS, JUDGE, JEFFERSON CIRCUIT COURT, ET AL.
OPINION OF THE COURT BY JUSTICE ABRAMSON REVERSING
MINTON, C.J.; CUNNINGHAM, NOBLE, AND VENTERS, JJ., CONCUR. KELLER, J., DISSENTS BY SEPARATE OPINION IN WHICH SCOTT, J., JOINS.
- [2013-SC-000444-MR](#) FROM COURT OF APPEALS
TO BE PUBLISHED
- Questions Presented:**
Writ directing circuit court to dismiss wrongful termination action because former teacher did not exhaust his administrative remedies.
88. DELPHI AUTOMOTIVE SYSTEMS, LLC V. CAPITAL COMMUNITY ECONOMIC/ INDUSTRIAL DEVELOPMENT CORPORATION, INC.
OPINION OF THE COURT BY JUSTICE ABRAMSON – REVERSING AND REMANDING
MINTON, C.J.; CUNNINGHAM, NOBLE, SCOTT, AND VENTERS, JJ., CONCUR. KELLER, J., NOT SITTING.
- [2012-SC-000249-DG](#) FRANKLIN
TO BE PUBLISHED
- Questions Presented:**
Secured Transactions. KRS 355.9-109. Issues include whether a governmental entity which entered into a secured transaction with a private business is exempt from the filing requirements of Article 9 of the UCC, via KRS 355.9-109(4)(q).

SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

89. JOHN MILLS V. [2011-SC-000541-MR](#) KNOX
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
- AND
COMMONWEALTH OF KENTUCKY V. [2011-SC-000585-MR](#) KNOX
JOHN MILLS **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
90. NICHOLAS LEE SIMPSON V. [2012-SC-000605-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
91. CHRISTOPHER ANTONIO JOHNSON V. [2012-SC-000650-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
92. KEITH A. MCCAIN, JR. V. [2012-SC-000696-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
93. KEWAN HACKETT V. [2012-SC-000773-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
94. ANTHONY OWENS V. [2012-SC-000790-MR](#) SPENCER
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

95. CHARLES DWIGHT WATTS V. [2013-SC-000021-MR](#) LESLIE
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. MINTON, C.J.;
CUNNINGHAM, KELLER AND SCOTT,
JJ., CONCUR. VENTERS, J., CONCURS
IN RESULT IN PART AND DISSENTS IN
PART BY SEPARATE OPINION WHICH
NOBLE, J., JOINS. ABRAMSON, J.,
JOINS ONLY WITH RESPECT TO THE
GIVING OF THE ACCOMPLICE
INSTRUCTION.
96. MEUTH CONCRETE V. [2013-SC-000057-WC](#) FROM COURT
DEREK R. KINDLE; HONORABLE **NOT TO BE PUBLISHED** OF APPEALS
JOSEPH W. JUSTICE,
ADMINISTRATIVE LAW JUDGE; AND
WORKERS' COMPENSATION BOARD
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, NOBLE, SCOTT, AND
VENTERS, JJ., SITTING. ALL CONCUR.
KELLER, J., NOT SITTING.
97. DERRICK D. JAMES V. [2013-SC-000072-MR](#) CHRISTIAN
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
AND
JORDAN YOUNG V. [2013-SC-000128-MR](#) CHRISTIAN
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

98. KENAMERICAN RESOURCES, INC. V. [2013-SC-000102-WC](#) FROM COURT
BILLY G. WARREN; 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. MINTON, C.J.; ABRAMSON,
CUNNINGHAM, NOBLE, SCOTT, AND
VENTERS, JJ., CONCUR. KELLER, J.,
CONCURS IN RESULT ONLY.
99. SETH WALLEN V. [2013-SC-000145-MR](#) CHRISTIAN
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
100. LOUISVILLE METRO GOVERNMENT V. [2013-SC-000212-WC](#) FROM COURT
JAMES CISSELL; LORI L. BOND, LMT; **NOT TO BE PUBLISHED** OF APPEALS
SARAH MURROW, D.C.; TAMINA
KAREM, LMT; HONORABLE CHRIS
DAVIS, ADMINISTRATIVE LAW JUDGE;
AND WORKERS' COMPENSATION
BOARD
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
101. CASTELLINI COMPANY V. [2013-SC-000256-WC](#) FROM COURT
JOSHUA CROSS; HONORABLE R. **NOT TO BE PUBLISHED** OF APPEALS
SCOTT BORDERS, ADMINISTRATIVE
LAW JUDGE; AND WORKERS'
COMPENSATION BOARD
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

102. TRAVIS D. CRAYTON V. [2013-SC-000266-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ABRAMSON, CUNNINGHAM, KELLER,
AND SCOTT, JJ., CONCUR. NOBLE, J.,
CONCURS IN PART AND DISSENTS IN
PART BY SEPARATE OPINION IN
WHICH MINTON, C.J.; AND VENTERS,
J., JOIN.
103. BRIAN WILLIS V. [2013-SC-000269-MR](#) GRAYSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.
104. ABDAL-AZEEZ JALAL HAKIM, ETC. V. [2013-SC-000376-MR](#) MONTGOMERY
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.
105. RODNEY FOY V. [2013-SC-000388-MR](#) HARDIN
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, AND SCOTT,
JJ., CONCUR. NOBLE, J., CONCURS
IN RESULT BY SEPARATE OPINION
IN WHICH VENTERS, J., JOINS.
106. PHILLIP KARR V. [2013-SC-000413-MR](#) LAUREL
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
MINTON, C.J.; CUNNINGHAM, AND
SCOTT, JJ., CONCUR. ABRAMSON, J.,
CONCURS IN RESULT ONLY.
VENTERS, J., DISSENTS BY
SEPARATE OPINION IN WHICH
KELLER AND NOBLE, JJ., JOIN.

SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

107. CARL LEE ADKINS V. [2013-SC-000460-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.
108. ROBERT J. WADDELL V. [2013-SC-000499-MR](#) BRECKINRIDGE
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
MINTON, C.J.; CUNNINGHAM, KELLER,
NOBLE, SCOTT AND VENTERS, JJ.,
CONCUR. ABRAMSON, J., CONCURS
IN RESULT ONLY.
109. KENNETH SCRUGGS V. [2013-SC-000020-WC](#) FROM COURT
WESTLAKE PVC CORPORATION; **NOT TO BE PUBLISHED** OF APPEALS
HONORABLE JOHN B. COLEMAN,
ADMINISTRATIVE LAW JUDGE; AND
WORKERS' COMPENSATION BOARD
AND
WESTLAKE PVC CORPORATION V. [2013-SC-000052-WC](#) FROM COURT
KENNETH SCRUGGS; HONORABLE **NOT TO BE PUBLISHED** OF APPEALS
JOHN B. COLEMAN, ADMINISTRATIVE
LAW JUDGE; AND WORKERS'
COMPENSATION BOARD
MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART,
REVERSING IN PART
ALL SITTING. ALL CONCUR.
110. JEFF MEADE, JR. V. [2012-SC-000063-MR](#) GREENUP
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING, IN PART,
AND VACATING AND REMANDING, IN
PART
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

111. BRIAN T. JOHNSON V. [2013-SC-000477-MR](#) BOONE
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART,
VACATING IN PART, AND REMANDING
MINTON, C.J.; CUNNINGHAM, KELLER,
NOBLE, SCOTT AND VENTERS, JJ.,
CONCUR. ABRAMSON, J., CONCURS
IN RESULT ONLY.
112. JJ'S SMOKE SHOP, INC. V. [2013-SC-000114-WC](#) FROM COURT
MARY J. WALKER, ETC., ET AL. **NOT TO BE PUBLISHED** OF APPEALS
MEMORANDUM OPINION OF
THE COURT – REVERSING AND
REMANDING
ALL SITTING. ALL CONCUR.

OPINION AND ORDERS – JUNE 11, 2014

- NATIONWIDE ASSURANCE COMPANY V. 2013-SC-000709-DG JEFFERSON
JERRY WARD
ORDER GRANTED DISCRETIONARY REVIEW,
VACATED THE COURT OF APPEALS' OPINION
AND REMANDED BACK TO THE COURT OF
APPEALS.
ALL SITTING. MINTON, C.J., ABRAMSON,
CUNNINGHAM, NOBLE AND KELLER, JJ.,
CONCUR. SCOTT AND VENTERS, JJ., DISSENT.

OPINION AND ORDERS – JUNE 19, 2014

- KENTUCKY BAR ASSOCIATION V. [2013-SC-000615-KB](#) IN SUPREME
THOMAS E. ROBERTS **TO BE PUBLISHED** COURT
ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 30 DAYS.
ALL SITTING. ALL CONCUR.
- KENTUCKY BAR ASSOCIATION V. [2013-SC-000765-KB](#) IN SUPREME
BRIAN PATRICK CURTIS **TO BE PUBLISHED** COURT
ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 180 DAYS WITH
CONDITIONS.
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

OPINION AND ORDERS – JUNE 19, 2014

INQUIRY COMMISSION V. CASSANDRA L. SCHMIDT ORDER OF TEMPORARY SUSPENSION. ALL SITTING. ALL CONCUR.	<u>2014-SC-000112-KB</u> TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BOARD OF MEDICAL LICENSURE V. THE HONORABLE MARY M. SHAW, JUDGE, JEFFERSON CIRCUIT COURT, ET AL. ORDER GRANTED INTERLOCUTORY RELIEF. ALL SITTING. ALL CONCUR.	2014-SC-000123-I NOT TO BE PUBLISHED	JEFFERSON
JOHN W. MARKHAM V. KENTUCKY BAR ASSOCIATION ORDER OF PUBLIC REPRIMAND. ALL SITTING. ALL CONCUR.	<u>2014-SC-000156-KB</u> TO BE PUBLISHED	IN SUPREME COURT
JAMES K. MURPHY V. KENTUCKY BAR ASSOCIATION ORDER OF PUBLIC REPRIMAND WITH CONDITIONS. ALL SITTING. ALL CONCUR.	<u>2014-SC-000157-KB</u> TO BE PUBLISHED	IN SUPREME COURT
DONALD KYLE DESKINS V. KENTUCKY BAR ASSOCIATION ORDER OF SUSPENSION FROM THE PRACTICE OF LAW FOR 30 DAYS WITH CONDITIONS. ALL SITTING. ALL CONCUR.	<u>2014-SC-000197-KB</u> TO BE PUBLISHED	IN SUPREME COURT
RICHARD CLAYTON MASTERSON V. KENTUCKY BAR ASSOCIATION ORDER OF SUSPENSION FROM THE PRACTICE OF LAW FOR 181 DAYS WITH CONDITIONS. ALL SITTING. ALL CONCUR.	<u>2014-SC-000257-KB</u> TO BE PUBLISHED	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
JUNE 11, 2014**

TAMMY DILLARD V. COMMONWEALTH OF KENTUCKY	2013-SC-000425-DG	JEFFERSON
NOBE BAKER, INDIVIDUALLY, ETC., ET AL. V. MAGNUM HUNTER PRODUCTION, INC.	2013-SC-000497-DG	HARLAN
NORTON HEALTHCARE, INC. V. LUAL A. DENG, FORMERLY JACOB L. AKER	2013-SC-000526-DG	JEFFERSON
RON CADLE, INDIVIDUALLY, ETC., ET AL. V. WILMA CORNETT, ET AL.	2013-SC-000538-DG	JEFFERSON
HARROD CONCRETE AND STONE CO. V. B. TODD CRUTCHER, INDIVIDUALLY, ETC., ET AL.	2013-SC-000549-DG	FRANKLIN
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY V. LONNIE DALE RIGGS	2013-SC-000555-DG	HARDIN
SHEILA PATTON, AS ADMINISTRATRIX, ETC. V. DAVIDA BICKFORD, ET AL.	2013-SC-000560-DG	FLOYD
COMMONWEALTH OF KENTUCKY V. BILLY COX	2013-SC-000618-DG	MARION
BRIDGETT WRIGHT V. ECOLAB, INC., ET AL.	2013-SC-000653-DG	KENTON

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 11, 2014**

KLEVIN ROBERSON V. COMMONWEALTH OF KENTUCKY MINTON, C.J; ABRAMSON, NOBLE, SCOTT AND VENTERS, JJ., AND SIDNEY EASLEY AND DENNIS R. WILLIAMS, SPECIAL JUSTICES, SITTING.	2012-SC-000565-D	TRIGG
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SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 11, 2014**

WILLIAM A. YEAGLE V. COMMONWEALTH OF KENTUCKY	2013-SC-000307-D	DAVISS
TRUMAN ADAMS V. COMMONWEALTH OF KENTUCKY VENTERS, J., WOULD GRANT.	2013-SC-000322-D	MONROE
DORIAN RUDOLPH V. COMMONWEALTH OF KENTUCKY	2013-SC-000344-D	JEFFERSON
KEITH R. GUY, SR. V. COMMONWEALTH OF KENTUCKY	2013-SC-000375-D	FAYETTE
ELIZABETH J. GRIMES V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2013-SC-000447-D	MADISON
CHEROSCO L. BREWER V. COMMONWEALTH OF KENTUCKY	2013-SC-000449-D	JEFFERSON
ROBERT MJ OSBORNE V. COMMONWEALTH OF KENTUCKY	2013-SC-000454-D	MASON
JACK R. BECKNER V. PAMELA K. MOORE	2013-SC-000456-D	GRANT
JEAN CRAWFORD V. MARSHALL EMERGENCY SERVICES ASSOCIATES, P.S.C., ET AL.	2013-SC-000462-D	BOYLE
RICHARD ALLEN V. COMMONWEALTH OF KENTUCKY	2013-SC-000463-D	JEFFERSON
MICHAEL C. DUMAS V. COMMONWEALTH OF KENTUCKY	2013-SC-000470-D	MARSHALL
COMMONWEALTH OF KENTUCKY V. LOUIS ROBERTSON	2013-SC-000481-D	NELSON

SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 11, 2014**

RICHARD DAVID DOWNS V. CSX TRANSPORTATION, INC., ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. SCOTT, J., WOULD GRANT.	2013-SC-000482-D	JEFFERSON
MERRILL PELFREY V. COMMONWEALTH OF KENTUCKY	2013-SC-000484-D	LESLIE
SAMUEL TYRONE MCCARY V. COMMONWEALTH OF KENTUCKY	2013-SC-000486-D	GRAVES
LOUISVILLE METRO HOUSING AUTHORITY DEVELOPMENT CORPORATION V. COMMONWEALTH SECURITY, INC.	2013-SC-000487-D	JEFFERSON
WALTER L. WILKENING, ET AL. V. BOARD OF EDUCATION OF OLDHAM COUNTY, ET AL.	2013-SC-000492-D	FRANKLIN
CITIZENS NATIONAL BANK, INC. V. RICK WILLIAMS, SR.	2013-SC-000494-D	BATH
JAMES BARNETT V. COMMONWEALTH OF KENTUCKY	2013-SC-000501-D	MONTGOMERY
JASON W. WILSON V. COMMONWEALTH OF KENTUCKY	2013-SC-000502-D	LAUREL
DANIEL FERRELL V. COMMONWEALTH OF KENTUCKY	2013-SC-000516-D	HOPKINS
DARLENA MARTIN V. LIBBI HALL, INDIVIDUALLY, ETC., ET AL.	2013-SC-000524-D	FLOYD
CLAUDE H. SIMMONS, ET AL. V. HERBERT WENDELL SIMMONS, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2013-SC-000525-D	ELLIOTT

SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 11, 2014**

REBECCA MERCER V. KENTUCKY LAND HOLDINGS OF RADCLIFF, LLC G@1SERIES	2013-SC-000529-D	BRECKINRIDGE
GENEVA HICKS V. COMMONWEALTH OF KENTUCKY	2013-SC-000530-D	TAYLOR
VILLAGE CAMPGROUND, INC., ET AL. V. MIDDLETON & REUTLINGER, P.S.C.	2013-SC-000535-D	JEFFERSON
NATHAN BARTHOLOMEW FLERLAGE V. COMMONWEALTH OF KENTUCKY	2013-SC-000540-D	BOONE
DAVID JAMISON V. PROGRESSIVE MAX INSURANCE COMPANY, ET AL. KELLER AND SCOTT, JJ., WOULD GRANT.	2013-SC-000562-D	WAYNE
GARY AMBURGEY V. KNOTT COUNTY FISCAL COURT, ET AL.	2013-SC-000563-D	KNOTT
CHARLES GARLAND V. DEPARTMENT OF KENTUCKY STATE POLICE, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2013-SC-000587-D	FRANKLIN
DEBORAH LYNN ENSOR V. LARRY JAMES ENSOR KELLER, J., WOULD GRANT.	2013-SC-000595-D	OLDHAM
BRIAN BELLAMY V. COMMONWEALTH OF KENTUCKY	2013-SC-000599-D	OHIO
S. F., AS GUARDIAN AND NEXT FRIEND OF W.F.S., A MINOR CHILD V. SCOTT BROWN AND DAVIDA HATFIELD- PATTERSON	2013-SC-000601-D	PERRY

SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 11, 2014**

STEPHEN COCANOUGH, ADMINISTRATOR, 2013-SC-000617-D ETC., ET AL. V. COLBY ATKINS, M.D., ET AL.		FAYETTE
RONALD E. FERRIER V. COMMONWEALTH OF KENTUCKY	2013-SC-000619-D	KENTON
MATTHEW M. SPENCER V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2013-SC-000626-D	JEFFERSON
BRIAN TODD DUMPHORD V. COMMONWEALTH OF KENTUCKY	2013-SC-000628-D	FAYETTE
COMMONWEALTH OF KENTUCKY V. DAVID W. GRIDER THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2013-SC-000657-D	JEFFERSON
BRIAN HALEY, JR. V. COMMONWEALTH OF KENTUCKY	2013-SC-000674-D	SIMPSON
APPALACHIAN REGIONAL HEALTHCARE, INC., ETC. V. CABINET FOR HEALTH AND FAMILY SERVICES, ETC., ET AL.	2013-SC-000676-D	HARLAN
BRIAN SAGO V. COMMONWEALTH OF KENTUCKY	2013-SC-000686-D	WARREN
RODNEY HOWSON V. JP MORGAN CHASE BANK, N.A., ET AL. SCOTT, J., NOT SITTING.	2013-SC-000691-D	JEFFERSON
COMMONWEALTH OF KENTUCKY V. MICHAEL HALLUM	2013-SC-000712-D	LOGAN
ANTHONY ROUSE V. COMMONWEALTH OF KENTUCKY	2013-SC-000717-D	CAMPBELL

SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 11, 2014**

KENNETH W. PARKER V. COMMONWEALTH OF KENTUCKY	2013-SC-000720-D	JEFFERSON
FRANKIE LEE HALL V. COMMONWEALTH OF KENTUCKY NOBLE AND VENTERS, JJ., WOULD GRANT.	2013-SC-000727-D	FAYETTE
STEPHANIE RENAY TACKETT V. COMMONWEALTH OF KENTUCKY	2013-SC-000729-D	FLOYD
THIRTEEN STREET DEVELOPMENT, LLC V. AM&W, INC., ET AL.	2013-SC-000730-D	WARREN
GARTH MCWILLIAMS V. COMMONWEALTH OF KENTUCKY	2013-SC-000739-D	BULLITT
TRANSIT AUTHORITY OF RIVER CITY, ET AL. V. ADAM BIBELHAUSER, ET AL.	2013-SC-000746-D	JEFFERSON
MAE THOMPSON, AS GUARDIAN, ETC. V. ESTATE OF GEORGE LESTER PORTER, ET AL. KELLER, J., NOT SITTING.	2013-SC-000751-D	NELSON
MICHAEL KEITH WARRINER V. COMMONWEALTH OF KENTUCKY	2013-SC-000773-D	ADAIR
SAJIDA ZUBI SHAHZAD V. MOHAMMAD F. SHAHZAD	2013-SC-000826-D	JEFFERSON
BENETTA JO EMERY V. JOSHUA DARRIN BOARD	2014-SC-000099-DE	BRECKINRIDGE
MICHAEL DEAN V. REBECCA BURNETTE, ET AL.	2014-SC-000110-DE	WAYNE
KRISTA HAYES V. JAMES HAYES, ET AL. KELLER, J., WOULD GRANT.	2014-SC-000116-DE	GREENUP

SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 11, 2014**

JAMES HARRISON V. 2014-SC-000125-D OLDHAM
CLARK TAYLOR, WARDEN, KENTUCKY
STATE REFORMATORY

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

RONNY D. WALKER V. 2014-SC-000182-D JEFFERSON
R. D. W., JR., ET AL.
**NOBLE, VENTERS, ABRAMSON, AND
CUNNINGHAM, JJ., SITTING. ALL CONCUR.**
ENTERED: JUNE 16, 2014

MARCUS BUFORD V. 2014-SC-000247-D MCCRACKEN
COMMONWEALTH OF KENTUCKY
**NOBLE, VENTERS, ABRAMSON, AND
CUNNINGHAM, JJ., SITTING. ALL CONCUR.**
ENTERED: JUNE 16, 2014

COURT ORDERS DENYING PETITION FOR REHEARING – JUNE 19, 2014

PATRICIA W. BALLARD V. 2010-SC-000533-DG JEFFERSON
1400 WILLOW COUNCIL OF CO-OWNERS,
INC.
AND
1400 WILLOW COUNCIL OF CO-OWNERS, 2011-SC-000584-DG JEFFERSON
INC. V.
PATRICIA W. BALLARD
**MINTON, C.J.; CUNNINGHAM, KELLER AND
VENTERS, JJ., CONCUR. NOBLE AND SCOTT,
JJ., WOULD GRANT. ABRAMSON, J., NOT
SITTING.**

SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – JUNE 19, 2014

DONALD SOUTHWORTH V. COMMONWEALTH OF KENTUCKY ORDER DENIED APPELLANT'S PETITION FOR REHEARING AND MODIFIED THE OPINION OF THE COURT ENTERED ON MARCH 20, 2014 AND MODIFIED ON MARCH 21, 2014 BY SUBSTITUTION OF THE ENTIRE OPINION IN LIEU OF THE ORIGINAL. ALL SITTING. MINTON, C.J; ABRAMSON, CUNNINGHAM, KELLER, NOBLE AND VENTERS, JJ., CONCUR. SCOTT, J., WOULD GRANT.	2012-SC-000179-MR TO BE PUBLISHED	FAYETTE
RICHARD YATES V. COMMONWEALTH OF KENTUCKY ALL SITTING. ALL CONCUR.	2012-SC-000275-MR	FULTON
TED WILLIS V. COMMONWEALTH OF KENTUCKY ALL SITTING. ALL CONCUR.	2012-SC-000333-MR	DAVISS
BETTI KERN V. COMMONWEALTH OF KENTUCKY ORDER DENIED APPELLANT'S PETITION FOR REHEARING AND MODIFIED THE OPINION OF THE COURT ENTERED ON FEBRUARY 20, 2014 BY SUBSTITUTION OF THE ENTIRE OPINION IN LIEU OF THE ORIGINAL. ALL SITTING. ALL CONCUR.	2012-SC-000695-MR NOT TO BE PUBLISHED	MCCRACKEN

SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

NISSAN NORTH AMERICA, INC., ET AL V. SANDRA DENISE MESSERLY, ET AL. AND SANDRA DENISE MESSERLY, ET AL. V. NISSAN NORTH AMERICA, INC., ET AL ENTERED: MAY 5, 2014	2012-SC-000109-DG 2012-SC-000615-DG	BOONE BOONE
ADAMS AND ZEYSING, INC. V. LEXMACK LEASING, INC., ET AL. NOBLE, VENTERS, ABRAMSON, AND CUNNINGHAM, JJ., SITTING. ALL CONCUR. ENTERED: JUNE 16, 2014	2013-SC-000654-DG	SCOTT
JENNIE STUART MEDICAL CENTER, INC., ET AL V. LISA OLIVER AND JENNIE STUART MEDICAL CENTER, INC., ET AL V. STEPHANIE FOSTER NOBLE, VENTERS, ABRAMSON, AND CUNNINGHAM, JJ., SITTING. ALL CONCUR. ENTERED: JUNE 16, 2014	2013-SC-000705-D 2013-SC-000706-D	CHRISTIAN CHRISTIAN
OHIO CASULATY INSURANCE COMPANY, ET AL. V. WELLINGTON PLACE COUNCIL OF CO- OWNERS HOMEOWNERS ASSOCIATION, INC., NOBLE, VENTERS, ABRAMSON, AND CUNNINGHAM, JJ., SITTING. ALL CONCUR. ENTERED: JUNE 16, 2014	2014-SC-000064-DG	CAMPBELL
GARY ROBARDS V. CABINET FOR HEALTH AND FAMILY SERVICES, COMMONWEALTH OF KENTUCY, ET AL. ENTERED: MAY 20, 2014	2014-SC-000101-DG	SPENCER

SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS

JAMES A. NEWTON, JR. V.
UNIVERSITY OF LOUISVILLE
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 STANDS AFFIRMED. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.
CUNNINGHAM, KELLER AND VENTERS, JJ., WOULD AFFIRM THE OPINION OF THE COURT OF APPEALS. MINTON, C.J., AND NOBLE AND SCOTT, JJ., WOULD REVERSE THE OPINION OF THE COURT OF APPEALS. ABRAMSON, J., IS NOT SITTING.
ENTERED: JUNE 19, 2014

2010-SC-000782-DG
NOT TO BE PUBLISHED

JEFFERSON

COMMONWEALTH OF KENTUCKY V.
CHRISTINE GOSS
ORDER MODIFIED THE OPINION OF THE COURT BY JUSTICE NOBLE RENDERED APRIL 17, 2014, BY SUBSTITUTION OF THIS OPINION IN LIEU OF THE ORIGINAL.
ENTERED: APRIL 28, 2014

[2011-SC-000780-DG](#)
TO BE PUBLISHED

LAUREL

KENTUCKY BAR ASSOCIATION V.
NANCY OLIVER ROBERTS
ORDER DENIED MOTION FOR RECONSIDERATION.
ABRAMSON, CUNNINGHAM, NOBLE, SCOTT, VENTERS, JJ., DENNIS REPENNING, SJ. AND J. CHRISTOPHER HOPGOOD, SJ., CONCUR.
MINTON, C.J. AND KELLER, J., NOT SITTING.
ENTERED: JUNE 19, 2014

2012-SC-000266-KB

IN SUPREME COURT

SUPREME COURT OF KENTUCKY

JUNE 19, 2014 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS

APPALACHIAN LAND COMPANY V.
EQT PRODUCTION COMPANY
**ORDER ACCEPTING REQUEST FOR
CERTIFICATION OF LAW.
ALL CONCUR.**

2013-SC-000598-CL

US COURT OF
APPEALS

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

JASON PATRICK KENNEDY UNDERWOOD V.
KENTUCKY BAR ASSOCIATION
ENTERED: MAY 7, 2014

2014-SC-000245-KB

IN SUPREME
COURT

JENNIFER ANN THOMAS V.
KENTUCKY BAR ASSOCIATION
ENTERED: JUNE 3, 2014

2014-SC-000279-KB

IN SUPREME
COURT

JOHN E. BICKEL, JR. V.
KENTUCKY BAR ASSOCIATION
ENTERED: JUNE 3, 2014

2014-SC-000280-KB

IN SUPREME
COURT

WILLIAM BANKS HUDSON III V.
KENTUCKY BAR ASSOCIATION
ENTERED: JUNE 5, 2014

2014-SC-000286-KB

IN SUPREME
COURT

RUTH ELIZABETH BOOHER V.
KENTUCKY BAR ASSOCIATION
ENTERED: JUNE 5, 2014

2014-SC-000287-KB

IN SUPREME
COURT

SARA F. CASTILLO V.
KENTUCKY BAR ASSOCIATION
ENTERED: JUNE 5, 2014

2014-SC-000291-KB

IN SUPREME
COURT

KEVIN JAMES HOPPER V.
KENTUCKY BAR ASSOCIATION
ENTERED: JUNE 9, 2014

2014-SC-000298-KB

IN SUPREME
COURT

CHANLEY MORGAN MARTIN V.
KENTUCKY BAR ASSOCIATION
ENTERED: JUNE 9, 2014

2014-SC-000299-KB

IN SUPREME
COURT