

SUPREME COURT OF KENTUCKY

JUNE 16, 2016 MINUTES

RELEASED: 10:00 A.M.

87. THE KENTUCKY SHAKESPEARE FESTIVAL, INC. V. BRANTLEY DUNAWAY
OPINION OF THE COURT BY JUSTICE VENTERS – DENYING INTERLOCUTORY RELIEF
ALL SITTING. ALL CONCUR.

[2016-SC-000002-1](#)

JEFFERSON

TO BE PUBLISHED

Questions Presented:

Interlocutory relief to compel the circuit court to confirm an “arbitration award” denied because the dispute was not subject to an arbitration agreement and no “arbitration award” existed to be confirmed by the circuit court.

88. DAVID A. CALHOUN V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY CHIEF JUSTICE MINTON – AFFIRMING
ALL SITTING. ALL CONCUR.

[2014-SC-000488-MR](#)

FRANKLIN

TO BE PUBLISHED

Questions Presented

First-degree sexual abuse and first-degree sodomy-30 years. Entire Commonwealth’s Attorney’s office was not disqualified from prosecuting the defendant after his former counsel withdrew from the representation before trial and took a job as an assistant prosecutor in the same Commonwealth’s Attorney’s office.

89. SHANNON GEARY V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE WRIGHT – AFFIRMING
ALL SITTING. MINTON, C.J.; HUGHES, KELLER, VENTERS, WRIGHT, JJ., CONCUR. CUNNINGHAM, J., CONCURS IN RESULT ONLY BY SEPARATE OPINION. NOBLE, J., CONCURS IN RESULT ONLY BY SEPARATE OPINION.

[2015-SC-000218-MR](#)

MUHLENBERG

TO BE PUBLISHED

Questions Presented:

First-degree robbery, felon in possession of a handgun and PFO-30 years. Denial of request for DNA testing of two bandanas not sufficiently connected to the robbery was not error. Defendant’s testimony regarding an alternate perpetrator was properly excluded. Witness could not be impeached with prior consistent statement. Testimony of parole officer regarding good time credit did not rise to the level of palpable error.

SUPREME COURT OF KENTUCKY

JUNE 16, 2016 MINUTES

RELEASED: 10:00 A.M.

90. COMMONWEALTH OF KENTUCKY V. [2014-SC-000419-DG](#) KENTON
IRIS JENNINGS **TO BE PUBLISHED**

AND

IRIS JENNINGS V. [2015-SC-000171-DG](#) KENTON
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE VENTERS –
AFFIRMING IN PART, REVERSING
IN PART, AND REMANDING
ALL SITTING. ALL CONCUR.

Questions Presented:

Criminal facilitation of first degree assault-1 year sentence, probated for 3 years. Trial court did not err in failing to include language of KRS 506.100(1) in its instruction or in denying defendant’s motion to suppress evidence obtained from her cell phone.

91. KEVIN B. HERP V. [2014-SC-000447-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**

OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
REVERSING AND REMANDING
ALL SITTING. ALL CONCUR.

Questions Presented:

First-degree sodomy and first-degree sexual abuse-70 years. Trial court abused its discretion in refusing to grant a continuance after allowing amendment of the indictment at the beginning of the trial.

92. ERNEST LEE MANERY V. [2014-SC-000666-MR](#) BOONE
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**

OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
REVERSING AND REMANDING
ALL SITTING. ALL CONCUR.

Questions Presented:

First-degree rape, first-degree sexual abuse and PFO I – Life without parole for 25 years. Defendant’s constitutional right to confrontation of the witnesses against him was violated in allowing the Commonwealth to introduce incriminating forensic test results at trial through the testimony of an expert medical witness, the jail’s medical doctor, rather than through live testimony from the technician who conducted the test.

SUPREME COURT OF KENTUCKY

JUNE 16, 2016 MINUTES

RELEASED: 10:00 A.M.

93. JESSE RICE V. [2014-SC-000733-DG](#) BOURBON
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
JUSTICE WRIGHT –
REVERSING AND REMANDING
ALL SITTING. ALL CONCUR.
TO BE PUBLISHED
- Questions Presented:**
Criminal Law. Home Incarceration. Non-Violent Felony Offense. KRS 532.210. Issues include whether a defendant who commits a nonviolent Class D felony with a mandatory prison sentence is eligible to serve that sentence on home incarceration.
94. KEITH SPEARS V. [2015-SC-000365-MR](#) FROM COURT
HONORABLE PAMELA R.GOODWINE, JUDGE, FAYETTE CIRCUIT COURT, ET AL. **TO BE PUBLISHED** OF APPEALS
OPINION OF THE COURT BY
JUSTICE VENTERS –
REVERSING AND VACATING
ALL SITTING. ALL CONCUR.
TO BE PUBLISHED
- Questions Presented:**
Writ of prohibition vacated. Circuit court had jurisdiction to consider a deficient petition for judicial review of the Policemen’s and Firefighter’s Retirement Fund’s denial of a police officer’s claim for disability benefits and to determine its substantial compliance with the rules.
95. TOYOTA MOTOR MANUFACTURING [2015-SC-000381-WC](#) FROM COURT
KENTUCKY, INC. V. **TO BE PUBLISHED** OF APPEALS
JASON TUDOR, ET AL.
OPINION OF THE COURT BY
JUSTICE KELLER –
VACATING AND REMANDING
ALL SITTING. MINTON, C.J.;
CUNNINGHAM, HUGHES, KELLER,
AND VENTERS, JJ., CONCUR.
WRIGHT, J., CONCURS IN PART AND
DISSENTS IN PART BY SEPARATE
OPINION IN WHICH NOBLE, J.,
JOINS.
TO BE PUBLISHED
- Questions Presented:**
Workers’ Compensation. Issues presented include whether employer failed to comply with the reporting requirements of KRS 342.040 and whether employer was barred from asserting a statute of limitations defense based on *Toyota Motor Mfg., Kentucky, Inc. v. Czarniecki*, 41 S.W.3d 868 (Ky. App. 2001).

SUPREME COURT OF KENTUCKY

JUNE 16, 2016 MINUTES

RELEASED: 10:00 A.M.

- | | | | |
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| 96. | JORDAN GREEN V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2014-SC-000652-MR
NOT TO BE PUBLISHED | KENTON |
| 97. | ISAIAH TYLER V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
MINTON, C.J.; HUGHES, KELLER,
NOBLE, VENTERS AND WRIGHT, JJ.,
CONCUR. CUNNINGHAM, J.,
CONCURS IN RESULT ONLY. | 2015-SC-000064-MR
NOT TO BE PUBLISHED | HENDERSON |
| 98. | RICARDO D. TAYLOR V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2015-SC-000197-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 99. | ALLEN WAYNE HATCHER V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2015-SC-000258-MR
NOT TO BE PUBLISHED | EDMONSON |
| 100. | TWO CHICKS, LLC V.
JACQUELINE NOELLE LUNTE; HON.
STEVEN BOLTON, ADMINISTRATIVE
LAW JUDGE; AND WORKERS'
COMPENSATION BOARD
MEMORANDUM OPINION OF THE
COURT -<u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2015-SC-000407-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |

SUPREME COURT OF KENTUCKY

JUNE 16, 2016 MINUTES

RELEASED: 10:00 A.M.

101. REM COMPANY, INC., D/B/A [2015-SC-000426-WC](#) FROM COURT
ARTICLEAN V. **NOT TO BE PUBLISHED** OF APPEALS
ROBERT CUMMINS, HON. R. SCOTT
BORDERS, ADMINISTRATIVE
LAW JUDGE; AND WORKERS'
COMPENSATION BOARD
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
102. FRANKFORT REGIONAL MEDICAL [2015-SC-000438-MR](#) FROM COURT
CENTER V. **NOT TO BE PUBLISHED** OF APPEALS
HON. PHILLIP J. SHEPHERD, JUDGE,
FRANKLIN CIRCUIT COURT, ET AL.
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
MINTON, C.J.; CUNNINGHAM, NOBLE
AND VENTERS, JJ., CONCUR. KELLER,
J., CONCURS IN RESULT ONLY BY
SEPARATE OPINION IN WHICH
HUGHES AND WRIGHT, JJ., JOIN.
WRIGHT, J., CONCURS IN RESULT
ONLY BY SEPARATE OPINION IN WHICH
HUGHES, J., JOINS.
103. GARY PENNINGTON V. [2015-SC-000444-MR](#) LYON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

JUNE 16, 2016 MINUTES

RELEASED: 10:00 A.M.

104. DANA CORPORATION V. [2015-SC-000476-WC](#) FROM COURT
MARTIN ROBERTS, HON. J. **NOT TO BE PUBLISHED** OF APPEALS
GREGORY ALLEN, ADMINISTRATIVE
LAW JUDGE; AND WORKERS'
COMPENSATION BOARD
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. CUNNINGHAM, KELLER,
NOBLE, VENTERS, AND WRIGHT, JJ.,
CONCUR. C.J, MINTON, DISSENTS AS
FOLLOWS: I MUST RESPECTFULLY
DISSENT AS I DID IN HALL V.
HOSPITALITY RESOURCES, INC., 276
S.W.3D 775 (KY. 2008), BECAUSE I
BELIEVE THAT KRS 342.125(3) DOES
NOT ALLOW FOR THE REOPENING
OF A CLAIM FILED MORE THAN FOUR
YEARS AFTER THE INITIAL AWARD
OR ORDER GRANTING OR DENYING
BENEFITS. HUGHES, J., JOINS.
105. DEJUAN EARL HAMMOND V. [2015-SC-000269-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART
AND REVERSING IN PART**
ALL SITTING. ALL CONCUR.
106. JERRY CALLAHAN V. [2014-SC-000222-MR](#) CLAY
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART,
REVERSING IN PART AND REMANDING**
ALL SITTING. MINTON, C.J.,
CUNNINGHAM, VENTERS, AND WRIGHT,
JJ., CONCUR. HUGHES, KELLER, AND
NOBLE, JJ., CONCUR IN RESULT ONLY.

SUPREME COURT OF KENTUCKY

JUNE 16, 2016 MINUTES

RELEASED: 10:00 A.M.

107. JEFFREY KINGDON V. [2014-SC-000406-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART,
REVERSING IN PART AND
REMANDING**
ALL SITTING. MINTON, C.J.,
CUNNINGHAM, HUGHES AND KELLER,
JJ., CONCUR. VENTERS, J., CONCURS
IN PART AND DISSENTS IN PART BY
SEPARATE OPINION IN WHICH NOBLE
AND WRIGHT, JJ., JOIN.
108. JAMES ROBINSON V. [2014-SC-000661-MR](#) LINCOLN
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART
AND REVERSING AND REMANDING IN
PART**
MINTON, C.J., NOBLE, VENTERS,
WRIGHT, JJ., CONCUR. CUNNINGHAM,
J., CONCURS IN PART AND DISSENTS
IN PART BY SEPARATE OPINION IN
WHICH HUGHES AND KELLER, JJ., JOIN.

OPINION AND ORDERS – JUNE 8, 2016

MARCUS D. JACKSON V. 2015-SC-000495-DG MCCRACKEN
COMMONWEALTH OF KENTUCKY
**ORDER GRANTED DISCRETIONARY REVIEW,
VACATED THE COURT OF APPEALS DECISION
AND REMANDED TO THE MCCRACKEN
CIRCUIT COURT WITH DIRECTIONS TO
CONDUCT AN EVIDENTIARY HEARING, IN
LIGHT OF THIS COURT’S RULING IN FRASER
V. COMMONWEALTH, 59 S.W.3D 448 (KY. 2001).
ALL SITTING. ALL CONCUR.**

SUPREME COURT OF KENTUCKY

JUNE 16, 2016 MINUTES

RELEASED: 10:00 A.M.

OPINION AND ORDERS – JUNE 16, 2016

STANLEY M. CHESLEY V.
MILDRED ABBOTT, ET AL.
ORDER DENIED INTERLOCUTORY RELIEF.
ALL SITTING. ALL CONCUR.

[2015-SC-000599-I](#)
TO BE PUBLISHED

BOONE

KENTUCKY BAR ASSOCIATION V.
THOMAS MARGOLIS
**ORDER IMPOSING RECIPROCAL DISCIPLINE
AND SUSPENSION FROM THE
PRACTICE OF LAW FOR 30 DAYS.**
ALL SITTING. ALL CONCUR.

[2015-SC-000660-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

BRIAN L. HAYNES V.
KENTUCKY BAR ASSOCIATION
**ORDER REVOKING SUSPENSION WITH
CONDITIONS.**
ALL SITTING. ALL CONCUR

2016-SC-000079-KB

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
JUSTIN ROSS MORGAN
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 181 DAYS WITH
CONDITIONS.**
ALL SITTING. ALL CONCUR.

[2016-SC-000100-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
JAMES WALKER BRYANT
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 60 DAYS.**
ALL SITTING. ALL CONCUR.

[2016-SC-000101-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
DANIEL EDWARD PRIDEMORE
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 1 YEAR WITH
CONDITIONS.**
ALL SITTING. ALL CONCUR.

[2016-SC-000104-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

SUPREME COURT OF KENTUCKY

JUNE 16, 2016 MINUTES

RELEASED: 10:00 A.M.

OPINION AND ORDERS – JUNE 16, 2016

GREGORY ALAN GABBARD V.
KENTUCKY BAR ASSOCIATION
ORDER OF PERMANENT DISBARRMENT.
ALL SITTING. ALL CONCUR.

[2016-SC-000184-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
JUNE 8, 2016**

GREGORY TRRAFT V.
COMMONWEALTH OF KENTUCKY

2015-SC-000470-DG

BOONE

SYCILLA COLLINS, ET AL. V.
COMMONWEALTH OF KENTUCKY,
TRANSPORTATION CABINET, DEPARTMENT
OF HIGHWAYS
WRIGHT, J., NOT SITTING.

2015-SC-000675-DG

LETCHER

UTILITY MANAGEMENT GROUP, LLC. V.
PIKE COUNTY FISCAL COURT

2015-SC-000680-DG

PIKE

DURAND EDWARD MURRELL V.
DON BOTTOM, WARDEN, NORTHPOINT
TRAINING CENTER

2016-SC-000076-DG

BOYLE

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 8, 2016**

ADMINISTRATIVE OFFICE OF THE
COURTS V.
MARTIN VIDAUD
**THE OPINION OF THE COURT OF APPEALS
IS ORDERED NOT TO BE PUBLISHED.**
MINTON, C.J., NOT SITTING.

2015-SC-000339-D

FRANKLIN

JOHN T. BOSTON V.
COMMONWEALTH OF KENTUCKY

2015-SC-000415-D

JEFFERSON

JERRY SHELLEY, ET AL. V.
HAROLD R. KILBY, ET AL.

2015-SC-000431-D

LINCOLN

SUPREME COURT OF KENTUCKY

JUNE 16, 2016 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 8, 2016**

JESSE E. ALLISON V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2015-SC-000439-D	CALDWELL
BRANDON HALL V. GOSS AVENUE ANTIQUES AND INTERIORS, ET AL.	2015-SC-000443-D	JEFFERSON
ANTHONY DURRANT V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2015-SC-000456-D	HARDIN
THOMAS JOHN STEPHENS V. COMMONWEALTH OF KENTUCKY	2015-SC-000460-D	FAYETTE
EDWARD WANANDI V. BRUCE BLACK	2015-SC-000484-D	BOONE
DAVID HOUCHIN V. COMMONWEALTH OF KENTUCKY	2015-SC-000494-D	GRAYSON
ERIC MADDEN V. TOMMY THOMPSON, ET AL. KELLER AND WRIGHT, JJ., WOULD GRANT.	2015-SC-000641-D	PIKE
KENTUCKY RETIREMENT SYSTEMS, ET AL. V. DEBRA STEPHENS THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2015-SC-000652-D	FRANKLIN
PAUL KORDENBROCK V. J. MICHAEL BROWN, SECRETARY, JUSTICE CABINET, ET AL. CUNNINGHAM, J., WOULD GRANT.	2015-SC-000667-D	FRANKLIN

SUPREME COURT OF KENTUCKY

JUNE 16, 2016 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 8, 2016**

CHARLES A. BOWSHER V. LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT	2015-SC-000669-D	FAYETTE
COMMONWEALTH OF KENTUCKY V. STACEY L. WIGGINTON THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. VENTERS, J., WOULD GRANT.	2015-SC-000672-D	GRAVES
KEITH R. GUY, SR. V. COMMONWEALTH OF KENTUCKY	2015-SC-000690-D	FAYETTE
FREDERICK WILLIAMS V. DONNA MARIE KING-MCKINNEY	2015-SC-000702-D	FRANKLIN
CURTIS LEE MAYES V. COMMONWEALTH OF KENTUCKY CUNNINGHAM, J., NOT SITTING	2015-SC-000715-D	JEFFERSON
MICHAEL DWAYNE BROWN V. COMMONWEALTH OF KENTUCKY	2015-SC-000720-D	FAYETTE
KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM, ET AL. V. KENT ROBINSON	2015-SC-000721-D	JEFFERSON
DAVID M. BINGHAM V. COMMONWEALTH OF KENTUCKY	2015-SC-000728-D	BELL
BRIAN K. DAMRELL V. COMMONWEALTH OF KENTUCKY	2015-SC-000729-D	ROCKCASTLE
ROGER D. CRAWLEY V. COMMONWEALTH OF KENTUCKY	2016-SC-000005-D	CHRISTIAN

SUPREME COURT OF KENTUCKY

JUNE 16, 2016 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 8, 2016**

GARY L. GILKISON V. COMMONWEALTH OF KENTUCKY	2016-SC-000022-D	KENTON
RAY ANTHONY SHIVELY V. COMMONWEALTH OF KENTUCKY	2016-SC-000043-D	OLDHAM
ESTATE OF MARY CRUTCHER, ETC. V. PHILIP C. TROVER, M.D., ET AL.	2016-SC-000051-D	HOPKINS
DAVID POWERS V. PHILIP C. TROVER, M.D., ET AL.	2016-SC-000052-D	HOPKINS
TERRY MITCHELL V. PHILIP C. TROVER, ET AL.	2016-SC-000053-D	HOPKINS
DAVID BREWER V. PHILIP C. TROVER, M.D., ET AL.	2016-SC-000054-D	HOPKINS
JOANN STANLEY V. PHILIP C. TROVER, M.D., ET AL.	2016-SC-000055-D	HOPKINS
CATHERINE YOUNG, ETC. V. PHILIP C. TROVER, ET AL.	2016-SC-000056-D	HOPKINS
MELISSA KELSO V. PHILIP C. TROVER, M.D., ET AL.	2016-SC-000057-D	HOPKINS
WANDA ZACHARY V. PHILIP C. TROVER, M.D., ET AL.	2016-SC-000058-D	HOPKINS
CHARLES HUMPHREY, ETC. V. PHILIP C. TROVER, M.D., ET AL.	2016-SC-000059-D	HOPKINS
PHILLIP CRUCE V. PHILIP C. TROVER, M.D., ET AL.	2016-SC-000060-D	HOPKINS

SUPREME COURT OF KENTUCKY

JUNE 16, 2016 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 8, 2016**

D. R. S. V. COMMONWEALTH OF KENTUCKY	2016-SC-000115-DE	RUSSELL
JACK BINION V. COMMONWEALTH OF KENTUCKY	2016-SC-000149-D	CARTER
BERT W. WILLIAMS V. CITIMORTGAGE, INC.	2016-SC-000153-D	JEFFERSON
JASON WELLS, ET AL. V. JEFFREY TOYE THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2016-SC-000154-DE	ANDERSON
JAMES CARPENTER V. GEIGER & PETERS, INC. VENTERS AND WRIGHT, JJ., WOULD GRANT.	2016-SC-000162-D	JEFFERSON
B. H., ET AL. V. CABINET FOR HEALTH AND FAMILY SERVICES, COMMONWEALTH OF KENTUCKY, ET AL.	2016-SC-000166-DE	SCOTT
DARRIN K. COLE V. COMMONWEALTH OF KENTUCKY	2016-SC-000169-D	FAYETTE
GEOFFREY M. YOUNG V. STEVEN L. BESHEAR, ET AL.	2016-SC-000173-D	FRANKLIN
E. Y. V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2016-SC-000174-DE	SPENCER

SUPREME COURT OF KENTUCKY

JUNE 16, 2016 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE
MOTION FOR DISCRETIONARY REVIEW – JUNE 13, 2016**

JASON TRAVIS CLINE V. COMMONWEALTH OF KENTUCKY CUNNINGHAM, HUGHES, KELLER, AND NOBLE, JJ., SITTING. ALL CONCUR.	2016-SC-000157-D	KENTON
DEBBIE BAIRD, ET AL. V. BRADLEY IRVIN, ET AL. CUNNINGHAM, HUGHES, KELLER, AND NOBLE, JJ., SITTING. ALL CONCUR.	2016-SC-000201-D	ADAIR
CHARLIE COLEMAN, AND OTHERS SIMILARLY SITUATED V. SANITATION DISTRICT NO. 1 OF NORTHERN KENTUCKY, ET AL. CUNNINGHAM, HUGHES, NOBLE, AND VENTERS, JJ., SITTING. ALL CONCUR.	2016-SC-000266-D	CAMPBELL

COURT ORDERS DENYING PETITION FOR REHEARING – JUNE 16, 2016

COMMONWEALTH OF KENTUCKY V. CHRISTOPHER J. MCGORMAN, JR. AND	2013-SC-000149-DG	MADISON
CHRISTOPHER J. MCGORMAN, JR. V. COMMONWEALTH OF KENTUCKY MINTON, C.J.; CUNNINGHAM, HUGHES, NOBLE, VENTERS, AND WRIGHT, JJ., CONCUR. KELLER, J., NOT SITTING.	2013-SC-000818-DG	MADISON
COMMONWEALTH OF KENTUCKY V. BILLY COX ALL SITTING. ALL CONCUR.	2013-SC-000618-DG	MARION
ANTHONY MALONEY V. COMMONWEALTH OF KENTUCKY ALL SITTING. ALL CONCUR.	2014-SC-000339-DG	MONTGOMERY
JAMES T. HINMAN II V. COMMONWEALTH OF KENTUCKY ALL SITTING. ALL CONCUR.	2014-SC-000474-MR	CHRISTIAN

SUPREME COURT OF KENTUCKY

JUNE 16, 2016 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – JUNE 16, 2016

LINDA DAVIS V.
KAREN DAVIS, ET AL.
ALL SITTING. ALL CONCUR. 2014-SC-000751-DG GREENUP

GLENN HAMPTON V.
FLAV-O-RICH DAIRIES; HON. WILLIAM J.
RUDLOFF, ADMINISTRATIVE LAW JUDGE;
AND WORKERS' COMPENSATION
BOARD 2015-SC-000095-WC FROM COURT
OF APPEALS
ALL SITTING. ALL CONCUR.

COURT ORDERS DISMISSING

PITTSBURGH LOGISTICS SYSTEM, INC. V.
GARY FIELDS, ET AL. 2015-SC-000704-WC FROM COURT
OF APPEALS

AND
AK STEEL CORPORATION V.
GARY FIELDS, ET AL. 2015-SC-000727-WC FROM COURT
OF APPEALS
CUNNINGHAM, HUGHES, KELLER,
AND NOBLE, JJ., SITTING. ALL CONCUR.
ENTERED: JUNE 13, 2016

CABINET FOR HEALTH AND FAMILY
SERVICES V. 2016-SC-000142-D FRANKLIN
THE COURIER-JOURNAL, INC., ET AL.
CUNNINGHAM, HUGHES, KELLER,
AND NOBLE, JJ., SITTING. ALL CONCUR.
ENTERED: JUNE 13, 2016

SAIA MOTOR FREIGHT LINE, INC. V. 2016-SC-000150-D JEFFERSON
ROYAL CONSUMER PRODUCTS, LLC, ET AL.
CUNNINGHAM, HUGHES, KELLER,
AND NOBLE, JJ., SITTING. ALL CONCUR.
ENTERED: JUNE 13, 2016

RANDALL CREEK V. 2016-SC-000264-D WARREN
COMMONWEALTH OF KENTUCKY
ENTERED: JUNE 7, 2016

SUPREME COURT OF KENTUCKY

JUNE 16, 2016 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS

NORTON HOSPITALS, INC., D/B/A
NORTON HOSPITAL V.

HONORABLE BARRY L. WILLETT,
JUDGE, JEFFERSON CIRCUIT
COURT, DIVISION 1, 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: MAY 10, 2016

[2015-SC-000606-MR](#)
TO BE PUBLISHED

FROM COURT
OF APPEALS

MICHAEL A. VALENTI V.
KENTUCKY BAR ASSOCIATION

**ORDER CORRECTED THE OPINION AND
ORDER OF THE COURT RENDERED MAY 5,
2016, BY SUBSTITUTION OF THIS OPINION
AND ORDER IN LIEU OF THE ORIGINAL
OPINION AND ORDER.**

ENTERED: MAY 27, 2016

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

IN SUPREME
COURT

STEPHEN D. PRICE, D/B/A NO-NOISE
GARDENS V.

CAREY SHIREY, ET AL.

**CUNNINGHAM, HUGHES, KELLER,
AND NOBLE, JJ., SITTING. ALL CONCUR.**

ENTERED: JUNE 13, 2016

2016-SC-000197-D

SCOTT

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

KEVIN MICHAEL FIELDS V.
KENTUCKY BAR ASSOCIATION
ENTERED: MAY 12, 2016

2016-SC-000236-KB

IN SUPREME
COURT

MARY JO WETZELV.
KENTUCKY BAR ASSOCIATION
ENTERED: MAY 12, 2016

2016-SC-000237-KB

IN SUPREME
COURT

SUPREME COURT OF KENTUCKY

JUNE 16, 2016 MINUTES

RELEASED: 10:00 A.M.

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

ROBERT LEWIS II V. KENTUCKY BAR ASSOCIATION ENTERED: MAY 20, 2016	2016-SC-000254-KB	IN SUPREME COURT
DAVID L. BUSSE V. KENTUCKY BAR ASSOCIATION ENTERED: MAY 20, 2016	2016-SC-000255-KB	IN SUPREME COURT
RITA KAYE SNIDER V. KENTUCKY BAR ASSOCIATION ENTERED: MAY 23, 2016	2016-SC-000265-KB	IN SUPREME COURT
LAURA DINSMORE KELLER V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 1, 2016	2016-SC-000279-KB	IN SUPREME COURT
DEBORAH YOUNG V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 8, 2016	2016-SC-000304-KB	IN SUPREME COURT
JERRED THOMAS KELLY V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 8, 2016	2016-SC-000305-KB	IN SUPREME COURT
LISA Y. WALL V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 8, 2016	2016-SC-000307-KB	IN SUPREME COURT