

SUPREME COURT OF KENTUCKY

JUNE 13, 2019 MINUTES

RELEASED: 10:00 A.M.

50. DONALD G. ADAMS V. [2017-SC-000599-DG](#) DAVIESS
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT -
ADOPTED THE OPINION OF THE
COURT OF APPEALS**
MINTON, C.J.; BUCKINGHAM,
HUGHES, KELLER, VANMETER AND
WRIGHT, JJ., SITTING. ALL CONCUR.
LAMBERT, J., NOT SITTING.
- Questions Presented:**
Criminal Law. Expungement. KRS 431.073.
Adopting the opinion of Judge Sara Combs
finding a defendant’s Class D felony
convictions did not qualify for expungement
as a “single incident” under KRS 431.073.
51. IN RE: KATHY MILLER, AS NEXT
FRIEND OF HER MINOR CHILD,
E.M. V. [2018-SC-000625-CL](#) FEDERAL
HOUSE OF BOOM KENTUCKY, LLC.
**OPINION OF THE COURT BY
JUSTICE VANMETER –
CERTIFYING THE LAW**
ALL SITTING. ALL CONCUR.
- Questions Presented:**
Certification of law. Pre-injury liability waiver
signed by a parent on behalf of a minor child
participating in activities sponsored by a for-
profit company was not enforceable under
Kentucky law.
52. COMMONWEALTH OF KENTUCKY EX
REL. ANDY BESHEAR, ETC. V. [2017-SC-000647-TG](#) FRANKLIN
MATTHEW G. BEVIN IN HIS OFFICIAL
AS GOVERNOR OF KENTUCKY, ET
AL. **TO BE PUBLISHED**
**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
AFFIRMING**
ALL SITTING. MINTON, C.J.; HUGHES,
KELLER, LAMBERT, AND WRIGHT,
JJ., CONCUR. VANMETER, J.
CONCURS IN RESULT ONLY BY
SEPARATE OPINION, WHICH
BUCKINGHAM, J., JOINS.
- Questions Presented:**
Executive Order 2017-364. KRS 12.028.
Reorganization of Kentucky Education
Boards.

SUPREME COURT OF KENTUCKY

JUNE 13, 2019 MINUTES

RELEASED: 10:00 A.M.

53. SUZANNE MARIE WHITLOW V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE HUGHES – AFFIRMING
ALL SITTING. ALL CONCUR.
- [2018-SC-000188-MR](#) FAYETTE
TO BE PUBLISHED

Questions Presented:
Two counts of second-degree manslaughter operating a motor vehicle under the influence of alcohol with aggravating circumstances, second offense and PFO II-20 years. Probable cause existed to justify blood test. Court order rather than search warrant was sufficient to authorize blood test.

54. DEBRA MARSHALL V. MONTAPLAST OF NORTH AMERICA, INC.
OPINION OF THE COURT BY JUSTICE KELLER – AFFIRMING
ALL SITTING. ALL CONCUR.
- [2018-SC-000260-DG](#) FRANKLIN
TO BE PUBLISHED

Questions Presented:
Wrongful Termination. Sexual offender Registration Act does not create a "public policy exception" to the terminable-at-will doctrine.

55. WHITNEY WESTERFIELD, IN HIS OFFICIAL CAPACITY AS SENATOR, ET AL. V. DAVID M. WARD, ET AL.
AND
DAVID M. WARD, ET AL. V. WHITNEY WESTERFIELD, IN HIS OFFICIAL CAPACITY AS SENATOR, ET AL.
OPINION OF THE COURT BY CHIEF JUSTICE MINTON – AFFIRMING
ALL SITTING. ALL CONCUR.
- [2018-SC-000583-TG](#) FRANKLIN
[2018-SC-000585-TG](#)
TO BE PUBLISHED

Questions Presented:
Sufficiency of the ballot question presented to the electorate concerning Senate Bill 3 – a new section of the Constitution of Kentucky relating to Marsy’s Law.

SUPREME COURT OF KENTUCKY

JUNE 13, 2019 MINUTES

RELEASED: 10:00 A.M.

56. LETCHER COUNTY BOARD OF EDUCATION V. ROGER HALL, ET AL. [2018-SC-000638-WC](#) FROM COURT OF APPEALS
TO BE PUBLISHED
- Questions Presented:**
Workers' Compensation. Mesothelioma. Statute of Limitations. Timely filing of claim.
57. SHANNON JONES, ET AL. V. DAVID WAYNE BAILEY [2017-SC-000203-DG](#) FRANKLIN
AND **TO BE PUBLISHED**
DAVID WAYNE BAILEY V. [2017-SC-000604-DG](#) FRANKLIN
SHANNON JONES, ET AL. **TO BE PUBLISHED**
- Questions Presented:**
Parole Board. Entitlement to assistance of counsel at a final revocation hearing arises from due process guarantees and must be decided on a case-by-case basis by the Parole Board.
58. TECO/PERRY COUNTY COAL V. PAUL FELTNER, ET AL. [2018-SC-000215-WC](#) FROM COURT OF APPEALS
AND **TO BE PUBLISHED**
MCCOY- ELKHORN COAL CO., INC. V. [2018-SC-000216-WC](#) FROM COURT OF APPEALS
ROBBIE HATFIELD, ET AL. **TO BE PUBLISHED**
AND [2018-SC-000217-WC](#) FROM COURT OF APPEALS
ENTERPRISE MINING COMPANY V. HERMAN NAPIER, ET AL. **TO BE PUBLISHED**
- Questions Presented:**
Workers' Compensation. Equal Protection. KRS 342.7305. Hearing Loss with less than 8% binaural hearing impairment. Rational basis exists for treating hearing loss claimants differently from other types of traumatic injury claimants.
- OPINION OF THE COURT BY JUSTICE KELLER – AFFIRMING**
ALL SITTING. ALL CONCUR.
- OPINION OF THE COURT BY JUSTICE HUGHES – AFFIRMING IN PART AND REVERSING IN PART**
C.J., MINTON, BUCKINGHAM, KELLER, VANMETER AND WRIGHT, JJ., CONCUR. WRIGHT, J., FILES A SEPARATE CONCURRING OPINION IN WHICH KELLER, J., JOINS. LAMBERT, J., RECUSED.
- OPINION OF THE COURT BY JUSTICE VANMETER – AFFIRMING IN PART AND VACATING IN PART**
ALL SITTING. MINTON, C.J.; BUCKINGHAM, HUGHES, AND VANMETER, JJ., CONCUR. LAMBERT, J., DISSENTS BY SEPARATE OPINION IN WHICH KELLER AND WRIGHT, JJ., JOIN.

SUPREME COURT OF KENTUCKY

JUNE 13, 2019 MINUTES

RELEASED: 10:00 A.M.

59. COMMONWEALTH OF KENTUCKY, [2018-SC-000592-DGE](#) CAMPBELL
CABINET FOR HEALTH AND
FAMILY SERVICES V. **TO BE PUBLISHED**
N. B. D.

**OPINION OF THE COURT BY
JUSTICE D. LAMBERT –
REVERSING**

ALL SITTING. BUCKINGHAM,
HUGHES, KELLER, LAMBERT AND
WRIGHT, J.J., ALL CONCUR.
VANMETER, J.J., CONCURS IN
RESULT ONLY. MINTON, C.J. AND
HUGHES DISSENT BY SEPARATE
OPINION.

Questions Presented:

Role of Kentucky family courts in addressing the federal special immigrant juvenile ("SIJ") status prerequisites of 8 U.S.C. § 1101(a)(27)(J) in state dependency/neglect/abuse ("DNA") proceedings.

60. LUIS J. GONZALEZ, II, ETC. V. [2018-SC-000224-DG](#) FAYETTE
JEREMY JOHNSON, IN HIS OFFICIAL **TO BE PUBLISHED**
CAPACITY AS SCOTT COUNTY
DEPUTY SHERIFF, ET AL.

**OPINION OF THE COURT BY
JUSTICE LAMBERT –
REVERSING AND REMANDING**

MINTON, C.J.; BUCKINGHAM,
HUGHES, KELLER, LAMBERT,
VANMETER, AND WRIGHT, J.J.;
SITTING. MINTON, C.J.;
BUCKINGHAM, HUGHES,
KELLER, LAMBERT, AND WRIGHT,
J.J.; CONCUR. VANMETER, J.,
DISSENTS BY SEPARATE OPINION.

Questions Presented:

Wrongful Death Suit. Fatal Police Chase. Liability. Overruling of "Per se no proximate cause" precedent dating back to Chambers v. Ideal Pure Milk Co., 245 S.W.2d 589 (Ky. 1952). Adopts majority rule allowing juries to determine whether a pursuing officer's actions were a substantial factor in causing injury to a third party and apportion fault accordingly.

61. TROY M. MARTIN V. [2018-SC-000317-DG](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**

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

MINTON, C.J.; BUCKINGHAM,
HUGHES, KELLER, VANMETER, AND
WRIGHT, J.J., SITTING. MINTON, C.J.;
BUCKINGHAM, HUGHES, KELLER,
VANMETER, AND WRIGHT, J.J.,
CONCUR. LAMBERT, J., NOT
SITTING.

Questions Presented:

Criminal Law. Trial court's jurisdiction to act on motion for shock probation. Because the Commonwealth did not raise the "particular-case jurisdiction" issue in the trial court, the issue was waived.

SUPREME COURT OF KENTUCKY

JUNE 13, 2019 MINUTES

RELEASED: 10:00 A.M.

62. LARA PAIGE CONLEY V. [2017-SC-000291-MR](#) KENTON
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE BUCKINGHAM – VACATING AND REMANDING
ALL SITTING. MINTON, C.J.; HUGHES, KELLER, LAMBERT AND VANMETER, JJ., CONCUR. WRIGHT, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION.
- Questions Presented:**
Ake v. Oklahoma. Based upon the extraordinary circumstances of this case, where it was evident from the outset that defendant's sanity at the time of the offense had the potential to be a significant factor at trial, it was the trial court's duty to assure defendant access to a competent mental health expert, conduct an appropriate examination and assist in evaluation, preparation and presentation of the defense and KCPC would not provide that assistance.
63. ANGELA MAGGARD, M.D. V. [2018-SC-000153-DG](#) FLOYD
BRUCE KINNEY, M.D.
OPINION OF THE COURT BY JUSTICE HUGHES – VACATING AND REMANDING
ALL SITTING. ALL CONCUR.
- Questions Presented:**
No jurisdiction to consider Interlocutory Appeal from the denial of a judicial statements privilege in litigation between two physicians.
64. JOSHUA MCALPIN V. [2018-SC-000087-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE LAMBERT – AFFIRMING IN PART AND REVERSING IN PART
ALL SITTING. ALL CONCUR.
- NOT TO BE PUBLISHED**
65. JAMES PEARSON V. [2017-SC-000672-MR](#) KENTON
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.
- NOT TO BE PUBLISHED**

SUPREME COURT OF KENTUCKY

JUNE 13, 2019 MINUTES

RELEASED: 10:00 A.M.

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| 66. | WILLIE L. JAMES, JR. V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2018-SC-000036-MR
NOT TO BE PUBLISHED | WARREN |
| 67. | FRED FURNISH V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2018-SC-000126-MR
NOT TO BE PUBLISHED | KENTON |
| 68. | JANICE WHITESIDE V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. MINTON, C.J.;
BUCKINGHAM, HUGHES, KELLER,
VANMETER, AND WRIGHT, JJ.,
CONCUR. LAMBERT, J., CONCURS IN
PART AND DISSENTS IN PART. | 2018-SC-000159-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 69. | GEORGE WALKER V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2018-SC-000162-MR
NOT TO BE PUBLISHED | LOGAN |
| 70. | FELIX EDIL RIVERA-RODRIGUES V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2018-SC-000197-MR
NOT TO BE PUBLISHED | FAYETTE |
| 71. | NORVIN SPROWS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2018-SC-000374-MR
NOT TO BE PUBLISHED | JEFFERSON |

SUPREME COURT OF KENTUCKY

JUNE 13, 2019 MINUTES

RELEASED: 10:00 A.M.

72. DANIEL POPA, ET AL V. [2018-SC-000399-MR](#) FROM COURT
HON. CHARLES L. CUNNINGHAM, JR., **NOT TO BE PUBLISHED** OF APPEALS
JUDGE, JEFFERSON CIRCUIT COURT,
ET AL.
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
MINTON, C.J.;BUCKINGHAM, HUGHES,
KELLER, VANMETER, AND WRIGHT, JJ.,
CONCUR. LAMBERT, J., RECUSED.
73. CLAYTON JACKSON V. [2018-SC-000401-MR](#) FROM COURT
HON. OSCAR GAYLE HOUSE, **NOT TO BE PUBLISHED** OF APPEALS
JUDGE, CLAY CIRCUIT COURT,
ET AL.
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
MINTON, C.J.; BUCKINGHAM, HUGHES,
KELLER, VANMETER, AND WRIGHT, JJ.,
SITTING. ALL CONCUR. LAMBERT, J., NOT
SITTING.
74. STANLEY M. CARDINE V. [2018-SC-000582-MR](#) FROM COURT
HON. MCKAY A. C. CHAUVIN, JUDGE, **NOT TO BE PUBLISHED** OF APPEALS
JEFFERSON CIRCUIT COURT, ET AL.
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
MINTON, C.J.; BUCKINGHAM, HUGHES,
KELLER, VANMETER, AND WRIGHT, JJ.,
SITTING. ALL CONCUR. LAMBERT, J.,
NOT SITTING.

SUPREME COURT OF KENTUCKY

JUNE 13, 2019 MINUTES

RELEASED: 10:00 A.M.

75. WILLIAM TAYLOR ROBINSON, IV V. [2018-SC-000594-MR](#) FROM COURT
DAWN GENTRY, JUDGE, KENTON **NOT TO BE PUBLISHED** OF APPEALS
FAMILY COURT, ET AL.
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
MINTON, C.J.; BUCKINGHAM, HUGHES,
KELLER, VANMETER, AND WRIGHT, JJ.,
SITTING. MINTON, C.J.; BUCKINGHAM,
HUGHES, VANMETER, AND
WRIGHT, JJ., CONCUR. KELLER, J.,
CONCURS IN RESULT ONLY. LAMBERT,
J., NOT SITTING.
76. AUTUMN CASTILLO V. [2018-SC-000652-MR](#) FROM COURT
HON. HUGH SMITH HAYNIE, JUDGE, **NOT TO BE PUBLISHED** OF APPEALS
JEFFERSON CIRCUIT COURT, FAMILY
DIVISION TWO, ET AL.
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
77. JOHN PEARSON V. [2018-SC-000669-TG](#) KENTON
COMMONWEALTH OF KENTUCKY [2018-SC-000020-MR](#)
MEMORANDUM OPINION OF [2018-SC-000309-MR](#)
THE COURT – AFFIRMING **NOT TO BE PUBLISHED**
ALL SITTING. ALL CONCUR.
78. JAMES R. HUFFMAN, IV V. [2018-SC-000088-MR](#) LETCHER
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRM IN PART
AND REVERSE AND REMAND IN PART**
MINTON, C.J.; BUCKINGHAM, HUGHES,
KELLER, LAMBERT AND VANMETER,
JJ., SITTING. WRIGHT, J.; NOT SITTING.
MINTON, C.J.; HUGHES, KELLER,
LAMBERT, AND VANMETER, J.J.,
CONCUR. BUCKINGHAM, J., CONCURS
IN PART AND DISSENTS IN PART BY
SEPARATE OPINION.

SUPREME COURT OF KENTUCKY

JUNE 13, 2019 MINUTES

RELEASED: 10:00 A.M.

79. JEVONTAYE LAMAR TAYLOR V. [2018-SC-000178-MR](#) FAYETTE
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART
AND REVERSE AND REMAND IN PART
ALL SITTING. ALL CONCUR.
80. ALFIE COMPTON V. [2017-SC-000401-MR](#) KENTON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART,
REVERSING AND VACATING IN PART
AND REMANDING
MINTON, C.J.; HUGHES, AND
VANMETER, JJ., CONCUR.
BUCKINGHAM, J., CONCURS IN RESULT
ONLY WITHOUT SEPARATE OPINION.
KELLER, J., CONCURS IN PART AND
DISSENTS IN PART BY SEPARATE
OPINION IN WHICH LAMBERT AND
WRIGHT JJ., JOIN.
81. JAMES WYATT V. [2018-SC-000223-MR](#) KNOX
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART,
VACATING IN PART, AND REMANDING
ALL SITTING. ALL CONCUR.
82. MCCOY ELKHORN COAL CORP. - [2018-SC-000445-WC](#) FROM COURT
INSOLVENT EMPLOYER, ET AL. V. **NOT TO BE PUBLISHED** OF APPEALS
GLADE TAYLOR, ET AL.
MEMORANDUM OPINION OF
THE COURT – REVERSING AND
REINSTATING
MINTON, C.J.; BUCKINGHAM, HUGHES,
KELLER, VANMETER AND WRIGHT,
JJ., SITTING. MINTON, C.J.; BUCKINGHAM,
HUGHES, KELLER, VANMETER AND
WRIGHT, JJ., CONCUR. LAMBERT, J.,
NOT SITTING.

SUPREME COURT OF KENTUCKY

JUNE 13, 2019 MINUTES

RELEASED: 10:00 A.M.

83. MATTHEW C. HACKER, SR. V. [2018-SC-000152-MR](#) GARRARD
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – REVERSING AND
REMANDING**
ALL SITTING. MINTON, C.J.; HUGHES,
AND VANMETER, JJ., CONCUR.
BUCKINGHAM, J., CONCURS IN RESULT
ONLY BY SEPARATE OPINION. KELLER,
J., CONCURS IN PART AND DISSENTS IN
PART BY SEPARATE OPINION IN WHICH
LAMBERT AND WRIGHT, JJ., JOIN.
84. PROFESSIONAL FINANCIAL [2018-SC-000363-WC](#) FROM COURT
SERVICES V. **NOT TO BE PUBLISHED** OF APPEALS
SERENA GORDON, ET AL.
**MEMORANDUM OPINION OF
THE COURT – REVERSING AND
REMANDING**
MINTON, C.J.; BUCKINGHAM, HUGHES,
KELLER, VANMETER AND WRIGHT,
JJ., SITTING. ALL CONCUR. LAMBERT,
J., NOT SITTING.

SUPREME COURT OF KENTUCKY

JUNE 13, 2019 MINUTES

RELEASED: 10:00 A.M.

OPINION AND ORDERS – JUNE 13, 2019

BETH LEWIS MAZE, CIRCUIT JUDGE V.
KENTUCKY JUDICIAL CONDUCT
COMMISSION

[2018-SC-000633-RR](#)
TO BE PUBLISHED

IN SUPREME
COURT

**JCC’S DENIAL OF MOTION TO STAY IS
AFFIRMED. MOVANT’S CHALLENGE TO JCC’S
DENIAL OF MOTION FOR A CONTINUANCE IS
DISMISSED AS MOOT. MOVANT’S CHALLENGE
TO JCC’S DENIAL OF MOTION FOR INFORMAL
HEARING IS DISMISSED.**

ALL SITTING. MINTON, C.J.; BUCKINGHAM,
HUGHES, AND VANMETER, JJ., CONCUR.
KELLER, J., DISSENTS BY SEPARATE OPINION
WHICH LAMBERT AND WRIGHT, JJ., JOIN.
LAMBERT, J., DISSENTS BY SEPARATE OPINION
WHICH KELLER AND WRIGHT, JJ., JOIN.
WRIGHT, J., DISSENTS BY SEPARATE OPINION
WHICH KELLER AND LAMBERT, JJ., JOIN.

ALLYALIGN HEALTH, INC. V.
SIGNATURE ADVANTAGE, LLC.

[2019-SC-000001-I](#)
TO BE PUBLISHED

JEFFERSON

**ORDER GRANTED MOTION FOR
INTERLOCUTORY RELIEF, VACATING AND
REMANDING WITH INSTRUCTIONS TO REFER
COUNT IV TO ARBITRATOR.**

ALL SITTING. MINTON, C.J.; BUCKINGHAM,
HUGHES, KELLER, LAMBERT AND VANMETER,
JJ., CONCUR. WRIGHT, J., DISSENTS BY
SEPARATE OPINION.

KENTUCKY BAR ASSOCIATION V.
MICHAEL L. JAMES

[2019-SC-000070-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 3 YEARS.**

ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

JUNE 13, 2019 MINUTES

RELEASED: 10:00 A.M.

D. BRIAN RICHMOND V. KENTUCKY BAR ASSOCIATION ORDER OF REINSTATEMENT. ALL SITTING. BUCKINGHAM, KELLER, LAMBERT, AND WRIGHT, JJ.; CONCUR. VANMETER, J., DISSENTS BY SEPARATE OPINION IN WHICH MINTON, C.J. AND HUGHES, J., JOIN.	<u>2019-SC-000083-KB</u> TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. KIMBERLY SHAWN GEVEDON ORDER OF SUSPENSION FROM THE PRACTICE OF LAW FOR 181 DAYS TO RUN CONSECUTIVELY WITH HER CURRENT SUSPENSION. ALL SITTING. ALL CONCUR.	<u>2019-SC-000110-KB</u> TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. RICHARD GRAHAM KENNISTON ORDER OF PERMANENT DISBARMENT. ALL SITTING. ALL CONCUR.	<u>2019-SC-000124-KB</u> TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. CORY SCOTT ROBINS ORDER OF SUSPENSION FROM THE PRACTICE OF LAW FOR 5 YEARS. ALL SITTING. ALL CONCUR.	<u>2019-SC-000152-KB</u> TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. JASON PIERCE MAC IAIN ORDER OF INDEFINITE SUSPENSION. ALL SITTING. ALL CONCUR.	<u>2019-SC-000194-KB</u> TO BE PUBLISHED	IN SUPREME COURT
FRANKLIN S. YUDKIN V. KENTUCKY BAR ASSOCIATION ORDER TO GRANT RESTORATION. ALL SITTING. ALL CONCUR	<u>2019-SC-000206-KB</u> TO BE PUBLISHED	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

JUNE 13, 2019 MINUTES

RELEASED: 10:00 A.M.

OPINION AND ORDERS – JUNE 13, 2019

JOSEPH BARON HAMMONS V.
KENTUCKY BAR ASSOCIATION
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 181 DAYS WITH
CONDITIONS.**
ALL SITTING. ALL CONCUR.

[2019-SC-000228-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

MARY PORTER PARSONS V.
KENTUCKY BAR ASSOCIATION
ORDER TO GRANT RESTORATION.
ALL SITTING. ALL CONCUR

[2019-SC-000266-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
JUNE 5, 2019**

DENNIS THOMAS, ADMINISTRATOR OF THE
ESTATE OF GLENDA THOMAS, DECEASED,
ET AL. V.
UNIVERSITY MEDICAL CENTER, ETC., ET AL.
LAMBERT, J., NOT SITTING.

2018-SC-000454-DG

JEFFERSON

ABBOTT, INC. V.
SAMUEL GUIRGUIS, ET AL.
LAMBERT, J., NOT SITTING.

2018-SC-000577-DG

HOPKINS

KENTON COUNTY BOARD OF ADJUSTMENT,
ET AL. V.
IAN MEITZEN, ET AL.
**KELLER, J., WOULD GRANT THE MOTION TO
FILE COMMENT.**
LAMBERT, J., NOT SITTING.

2018-SC-000677-DG

KENTON

MICHAEL LEE BARNETT V.
CENTRAL KENTUCKY HAULING, LLC.
LAMBERT, J., NOT SITTING.

2019-SC-000064-DG

FAYETTE

HARRY W. HAUBER, III, ET AL. V.
JOHN HAUBER, ET AL.

2019-SC-000154-DG

JEFFERSON

SUPREME COURT OF KENTUCKY

JUNE 13, 2019 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
JUNE 5, 2019**

LOUISVILLE METRO GOVERNMENT, ET AL. V.
A. H., THE MINOR CHILD OF JAMES HATCHER
ETC., ET AL. 2019-SC-000158-DG JEFFERSON

STARS INTERACTIVE HOLDINGS (IOM) LTD.,
ETC., ET AL. V. COMMONWEALTH OF KENTUCKY EX REL.
JOHN TILLEY, SECRETARY OF THE JUSTICE
AND PUBLIC SAFETY CABINET 2019-SC-000209-DG FRANKLIN

KENNETH R. PATTON, ADMINSTRATOR OF
THE ESTATE OF TOMMY ROBERT PATTON V.
LP LOUISVILLE EAST, LLC., ETC., ET AL. 2019-SC-000211-DG JEFFERSON

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 5, 2019**

ALICE UPCHURCH V.
WILLARD UPCHRUCH
**WRIGHT, J., WOULD GRANT. LAMBERT, J.,
NOT SITTING.** 2018-SC-000270-D WAYNE

PATRICK HARDY V.
DAVID BEACH
LAMBERT, J., NOT SITTING. 2018-SC-000331-D JEFFERSON

MICHELLE OUTLAW PHILLIPS V.
ESTATE OF EDDIE D. TAPP, ET AL.
LAMBERT, J., NOT SITTING. 2018-SC-000349-D HOPKINS

SENADA NIKOLOVSKI V.
KENTUCKY RETIREMENT SYSTEM
**KELLER AND WRIGHT, JJ., WOULD GRANT.
LAMBERT, J., NOT SITTING.** 2018-SC-000354-D FRANKLIN

JAMES MAY V.
COMMONWEALTH OF KENTUCKY
LAMBERT, J., NOT SITTING. 2018-SC-000365-D MERCER

SUPREME COURT OF KENTUCKY

JUNE 13, 2019 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 5, 2019**

CYNTHIA CHILDRESS, EXECUTRIX OF THE ESTATE OF JOSEPH L. CHILDRESS, ET AL. V. RONALD POSTLEWAIT, ET AL. LAMBERT, J., NOT SITTING.	2018-SC-000369-D	JEFFERSON
ANNALEE NICHOLAS V. RUTH ANN SMITH LAMBERT, J., NOT SITTING.	2018-SC-000432-D	PIKE
DANNY TODD KEYS V. ALLSTATE INSURANCE COMPANY	2018-SC-000473-D	FAYETTE
MING WEN CHEN, ET AL. V. MICHAEL PAWUL	2018-SC-000493-D	JEFFERSON
KEVIN BOOKER V. KENTUCKY DEPARTMENT OF WORKERS' CLAIMS	2018-SC-000499-D	FRANKLIN
MADISONVILLE POLICE DEPARTMENT, ET AL. V. MARY CLAIR KRIETEMEYER VANMETER, J., WOULD GRANT. LAMBERT, J., NOT SITTING.	2018-SC-000541-D	HOPKINS
JETH NELSON V. COMMONWEALTH OF KENTUCKY LAMBERT, J., NOT SITTING.	2018-SC-000545-D	MCCRACKEN
JAMES R. MARTIN V. KENTUCKY INDIVIDUAL SELF-INSURANCE GUARANTY FUND, ET AL. LAMBERT, J., NOT SITTING.	2018-SC-000552-D	FRANKLIN
PEGGY MUDD V. COMMUNITY CAPITAL CORP. ETC., ET AL. LAMBERT, J., NOT SITTING.	2018-SC-000555-D	JEFFERSON

SUPREME COURT OF KENTUCKY

JUNE 13, 2019 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 5, 2019**

ROGER RAFFERTY V. COMMONWEALTH OF KENTUCKY LAMBERT, J., NOT SITTING.	2018-SC-000561-D	DAVISS
PAULA AL JAWHAR V. LIBERTY MUTUAL INSURANCE COMPANY	2018-SC-000566-D	JEFFERSON
TIMOTHY WARD V. COMMONWEALTH OF KENTUCKY LAMBERT, J., NOT SITTING.	2018-SC-000573-D	HARDIN
YUSUF MURAD V. GEICO INDEMNITY COMPANY LAMBERT, J., WOULD GRANT.	2018-SC-000622-D	JEFFERSON
GARIS PRUITT V. DAVID T. REYNOLDS II, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. WRIGHT, J., WOULD PUBLISH THE OPINION OF THE COURT OF APPEALS. LAMBERT, J., NOT SITTING.	2018-SC-000634-D	BOYD
WAYNE COUNTY HOSPITAL, INC., ETC. V. WELLCARE HEALTH INSURANCE COMPANY OF KENTUCKY, D/B/A WELLCARE OF KENTUCKY, INC. LAMBERT, J., NOT SITTING.	2018-SC-000662-D	JEFFERSON
COMMONWEALTH OF KENTUCKY V. TERRENCE HOLT THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. VANMETER, J., WOULD GRANT. LAMBERT, J., NOT SITTING.	2018-SC-000674-D	JEFFERSON
MICHAEL M. SHEPHERD V. COMMONWEALTH OF KENTUCKY	2018-SC-000679-D	FAYETTE

SUPREME COURT OF KENTUCKY

JUNE 13, 2019 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 5, 2019**

ERIN EMILIE BAAS V. EDWARD BAAS THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. LAMBERT, J., NOT SITTING.	2018-SC-000684-D	CAMPBELL
CHRISTOPHER APPEGATE V. COMMONWEALTH OF KENTUCKY	2019-SC-000011-D	CAMPBELL
DESHAWN PAYNE V. COMMONWEALTH OF KENTUCKY LAMBERT, J., NOT SITTING.	2019-SC-000013-D	JEFFERSON
A. S. V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. LAMBERT, J., NOT SITTING.	2019-SC-000017-DE	JEFFERSON
CHRISTOPHER GENE SLOAS V. COMMONWEALTH OF KENTUCKY MINTON, C.J., BUCKINGHAM, HUGHES, KELLER, AND VANMETER, JJ., AND SCOTT MARLOW WEBSTER AND GENE SMALLWOOD, JR., SPECIAL JUSTICES, SITTING. LAMBERT AND WRIGHT, JJ., NOT SITTING.	2019-SC-000039-DE	LETCHER
RAY STIDHAM V. COMMONWEALTH OF KENTUCKY LAMBERT, J., NOT SITTING.	2019-SC-000055-D	TRIGG
ANDREW IREDALE V. COMMONWEALTH OF KENTUCKY LAMBERT, J., NOT SITTING.	2019-SC-000056-D	JEFFERSON
KENTUCKY DEPARTMENT OF CORRECTIONS, ET AL. V. MARK CROSSLAND LAMBERT, J., NOT SITTING.	2019-SC-000057-D	OLDHAM

SUPREME COURT OF KENTUCKY

JUNE 13, 2019 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 5, 2019**

GIOVANNI WRIGHT V. COMMONWEALTH OF KENTUCKY	2019-SC-000060-D	KENTON
JIMMIE DALE CRAMER V. COMMONWEALTH OF KENTUCKY LAMBERT, J., WOULD GRANT.	2019-SC-000061-D	CHRISTIAN
RICKY A. BARNES V. LEXMACK LEASING, LLC, ET AL.	2019-SC-000103-D	FAYETTE
GREG HICKS, JR., ET AL. V. GEORGE YOUNG, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. LAMBERT, J., NOT SITTING.	2019-SC-000116-D	JEFFERSON
TRAVIS BROCKMAN V. AMBER BROCKMAN THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2019-SC-000131-DE	WASHINGTON
ALI AL-MAQABLH V. COMMONWEALTH OF KENTUCKY	2019-SC-000140-D	TRIMBLE
ARACELI SPIVEY V. CABINET FOR HEALTH AND FAMILY SERVICES, COMMONWEALTH OF KENTUCKY	2019-SC-000162-DE	FAYETTE
BRANDON GOLDY V. DARLA DELLAPENTA LAMBERT, J., NOT SITTING.	2019-SC-000169-DE	BATH
CALLY MARIE SIMPSON, FORMERLY KNOWN AS CALLY SIMPSON JONES V. TREVOR HARRIS JONES	2019-SC-000190-DE	FAYETTE

SUPREME COURT OF KENTUCKY

JUNE 13, 2019 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDER DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 6, 2019**

LYNDSEY WHITE V. 2018-SC-000641-DE JEFFERSON
JAMES ALLEN GRIDER
**BUCKINGHAM, KELLER AND VANMETER, JJ.,
WOULD GRANT. LAMBERT, J., NOT SITTING.**

COURT ORDERS GRANTING MOTION TO TRANSFER

THE FAMILY TRUST FOUNDATION OF 2018-SC-000630-TG FRANKLIN
KENTUCKY, INC., ETC. V.
THE KENTUCKY HORSE RACING COMMISSION,
ET AL.
ALL SITTING. ALL CONCUR.
ENTERED: JUNE 13, 2019

WILLARD FLYNN V. 2019-SC-000106-MR OWEN
COMMONWEALTH OF KENTUCKY 2019-SC-000150-TG
ENTERED: APRIL 16, 2019

COMMONWEALTH OF KENTUCKY V. 2019-SC-000238-TG FAYETTE
ADRIAN L. DUNN
AND

COMMONWEALTH OF KENTUCKY V. 2019-SC-000239-TG FAYETTE
MARQUIS DWAYNE THURMAN
ENTERED: JUNE 7, 2019

COURT ORDER DENYING PETITION FOR REHEARING – JUNE 13, 2019

COMMONWEALTH OF KENTUCKY V. 2017-SC-000483-DG FAYETTE
JAMES E. RIKER, JR.
**MINTON, C.J.; BUCKINGHAM, HUGHES,
KELLER, VANMETER AND WRIGHT, JJ.,
SITTING. MINTON, C.J.; BUCKINGHAM,
HUGHES, KELLER, VANMETER AND
WRIGHT, JJ., CONCUR. LAMBERT, J., NOT
SITTING.**

SUPREME COURT OF KENTUCKY

JUNE 13, 2019 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

KEVIN RAY WELLS, SR. V. CATHOLIC HEALTH INITIATIVES, INC., ET AL. WRIGHT, BUCKINGHAM, KELLER, AND LAMBERT, JJ., SITTING. ALL CONCUR. ENTERED: JUNE 6, 2019	2018-SC-000490-DG	LAUREL
MARK BOLTON, ET AL. V. PAUL CORNELIUS LAMBERT, J., NOT SITTING. ENTERED: MAY 15, 2019	2019-SC-000015-D	JEFFERSON
PHARO WILSON V. COMMONWEALTH OF KENTUCKY WRIGHT, BUCKINGHAM, KELLER, AND LAMBERT, JJ., SITTING. ALL CONCUR. ENTERED: JUNE 6, 2019	2019-SC-000081-D	KENTON
MARK YARMEY V. COMMONWEALTH OF KENTUCKY ENTERED: APRIL 23, 2019	2019-SC-000084-D	JEFFERSON
RAYON MORRIS V. COMMONWEALTH OF KENTUCKY ENTERED: MAY 9, 2019	2019-SC-000133-D	CHRISTIAN

COURT ORDERS

JOHN B. BAUGHMAN V. COMMONWEALTH OF KENTUCKY, ETC., ET AL. ORDER CORRECTED THE OPINION OF THE COURT RENDERED APRIL 18, 2019, BY SUBSTITUTION OF THIS OPINION IN LIEU OF THE ORIGINAL OPINION. ENTERED: MAY 13, 2019	2018-SC-000104-DG TO BE PUBLISHED	FRANKLIN
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SUPREME COURT OF KENTUCKY

JUNE 13, 2019 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS

KENTUCKY BAR ASSOCIATION V. CHRISTY HANLEY SHIRCLIFF ORDER DENIED MOTION TO TERMINATE INDEFINITE SUSPENSION. ALL SITTING. ALL CONCUR. ENTERED: JUNE 13, 2019	2018-SC-000607-KB TO BE PUBLISHED	IN SUPREME COURT
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**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE
KENTUCKY BAR ASSOCIATION**

DANNY P. DYER V. KENTUCKY BAR ASSOCIATION ENTERED: MAY 6, 2019	2019-SC-000245-KB	IN SUPREME COURT
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JASON LEE WILLIAMS V. KENTUCKY BAR ASSOCIATION ENTERED: MAY 16, 2019	2019-SC-000265-KB	IN SUPREME COURT
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LESLIE ANN FURCHES V. KENTUCKY BAR ASSOCIATION ENTERED: MAY 29, 2019	2019-SC-000280-KB	IN SUPREME COURT
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JEFFREY CHARLES BORDEN V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 4, 2019	2019-SC-000291-KB	IN SUPREME COURT
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LEONARD LEE TOBBE V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 4, 2019	2019-SC-000292-KB	IN SUPREME COURT
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ELIZABETH HULL WATTS V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 4, 2019	2019-SC-000293-KB	IN SUPREME COURT
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KIMBERLIN ROXANNE WILDMAN V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 4, 2019	2019-SC-000294-KB	IN SUPREME COURT
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SUPREME COURT OF KENTUCKY

JUNE 13, 2019 MINUTES

RELEASED: 10:00 A.M.

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

**SARAH ASHLEY HESTER V.
KENTUCKY BAR ASSOCIATION
ENTERED: JUNE 4, 2019**

2019-SC-000296-KB

**IN SUPREME
COURT**

**SUSAN B. SCHUMACHER V.
KENTUCKY BAR ASSOCIATION
ENTERED: JUNE 11, 2019**

2019-SC-000307-KB

**IN SUPREME
COURT**