

**SUPREME COURT OF KENTUCKY**

**JUNE 15, 2023 RULINGS**

**RELEASED: 10:00 A.M.**

49. KENTUCKY STATE UNIVERSITY V.  
DARWIN NATIONAL ASSURANCE  
COMPANY N/K/A ALLIED WORLD  
SPECIALTY INSURANCE COMPANY

[2021-SC-0130-DG](#)  
**TO BE PUBLISHED**

FRANKLIN

**OPINION OF THE COURT BY CHIEF  
JUSTICE VANMETER - AFFIRMING**

ALL SITTING. CONLEY, KELLER, AND  
NICKELL, JJ., CONCUR. LAMBERT, J.,  
CONCURS IN PART AND DISSENTS IN  
PART BY SEPARATE OPINION IN WHICH  
BISIG AND THOMPSON, JJ., JOIN.

**Questions Presented:**

Insurance. Claims-Made-and-Reported Policy.  
Notice of Claim. Notice Prejudice Doctrine. The  
issue in this case is whether the “notice prejudice”  
doctrine applies to claims-made-and-reported  
insurance policies.

50. DAVID MEGRONIGLE D/B/A  
ACCIDENT/INJURY CHIROPRACTIC, ET AL.  
V.  
ALLSTATE PROPERTY & CASUALTY  
INSURANCE COMPANY

[2021-SC-0196-DG](#)  
**TO BE PUBLISHED**

JEFFERSON

**OPINION OF THE COURT BY CHIEF  
JUSTICE VANMETER - REVERSING AND  
REMANDING**

VANMETER, C.J.; CONLEY, KELLER,  
LAMBERT, AND NICKELL, JJ., AND  
CHADWICK A. MCTIGHE, S.J., AND C.  
MICHAEL REYNOLDS, S.J., SITTING. ALL  
CONCUR. BISIG AND THOMPSON, JJ., NOT  
SITTING.

**Questions Presented:**

Civil Rules. Discovery Sanctions. CR 37.02(3).  
Attorney’s Fees. Issues include whether a non-  
party can be ordered to pay attorney’s fees under  
CR 37.03(3) when he fails to comply with the  
court’s discovery orders.

51. VIVIANE RENOT V.  
SECURA SUPREME INSURANCE COMPANY

[2021-SC-0281-DG](#)  
**TO BE PUBLISHED**

FAYETTE

**OPINION OF THE COURT BY JUSTICE NICKELL - AFFIRMING IN PART AND REVERSING IN PART AND REMANDING**

BISIG, CONLEY, KELLER, LAMBERT, NICKELL, AND THOMPSON, JJ., SITTING. BISIG, CONLEY, KELLER, AND LAMBERT, JJ., CONCUR. THOMPSON, J., DISSENTS BY SEPARATE OPINION. VANMETER, C.J., NOT SITTING.

**Questions Presented:**

Tort. Car Accidents. Insurance. Expert Testimony. Issues include whether the insurance company's biomechanical expert, who is not a medical doctor, was qualified to testify that the plaintiff's knee degeneration was not exacerbated by the injury she experienced in a low-speed car accident.

52. COMMONWEALTH OF KENTUCKY V.  
KAYLA MELTON

[2021-SC-0427-DG](#)  
**TO BE PUBLISHED**

SCOTT

**OPINION OF THE COURT BY JUSTICE NICKELL - REVERSING AND REMANDING**

VANMETER, C.J.; BISIG, CONLEY, KELLER, LAMBERT, AND NICKELL, JJ., SITTING. BISIG, CONLEY, AND LAMBERT, JJ., CONCUR. VANMETER, C.J., DISSENTS BY SEPARATE OPINION IN WHICH KELLER, J., JOINS. THOMPSON, J., NOT SITTING.

**Questions Presented:**

Criminal Law. Evidence. KRE 403. Guardianship vs. Custody. Issues include whether evidence showing that the victims' relative had an order making him legal guardian of a child was relevant and admissible when: (1) the child's mother was on trial for wanton endangerment, burglary, criminal mischief, and custodial interference; and (2) the mother's charges stemmed from a dispute with the guardian over physical possession of the child.

53. MAURICE GASAWAY V.  
COMMONWEALTH OF KENTUCKY

[2021-SC-0457-DG](#)  
**TO BE PUBLISHED**

HARDIN

**OPINION OF THE COURT BY JUSTICE NICKELL - AFFIRMING IN PART AND REVERSING IN PART AND REMANDING**

ALL SITTING. CONLEY, LAMBERT, AND THOMPSON, JJ., CONCUR. VANMETER, C.J.; BISIG AND KELLER, JJ., CONCUR IN RESULT ONLY.

**Questions Presented:**

Criminal Law. Parolees. Fourth Amendment. KRE 404(b). Inextricably Intertwined. Issues include: (1) whether a warrantless, suspicionless search of a parolee's vehicle is permitted under the Fourth Amendment and Section 10 of the Kentucky Constitution; (2) whether evidence found in the defendant's vehicle is admissible in the defendant's trial for possession of heroin, which was found inside his workplace; and (3) whether the admission of testimony describing what grainy security footage showed was harmless.

54. TRAY C. SPALDING V.  
COMMONWEALTH OF KENTUCKY

[2021-SC-0503-MR](#)  
**TO BE PUBLISHED**

MARION

**OPINION OF THE COURT BY JUSTICE  
CONLEY - AFFIRMING**

ALL SITTING. ALL CONCUR.

**Questions Presented:**

Confrontation Clause. Chain of Custody.  
Consolidation of Indictments. In this matter of  
right criminal appeal, issues include whether it  
was error for the trial court to permit witnesses to  
testify about the chain of custody of evidence, and  
whether three indictments were properly  
consolidated for the purposes of trial.

55. MARK JOHNSON V.  
COMMONWEALTH OF KENTUCKY

[2021-SC-0541-MR](#)  
**TO BE PUBLISHED**

MUHLENBERG

**OPINION OF THE COURT BY JUSTICE  
CONLEY - AFFIRMING IN PART AND  
REVERSING IN PART AND REMANDING**

ALL SITTING. VANMETER, C.J.; BISIG,  
LAMBERT, AND NICKELL, JJ., CONCUR.  
KELLER, J., CONCURS IN PART AND  
CONCURS IN RESULT ONLY IN PART, BY  
SEPARATE OPINION IN WHICH  
THOMPSON, J., JOINS.

**Questions Presented:**

Unanimous Verdict. In this criminal matter of  
right appeal, issues include whether a jury  
instruction that did not specify which specific act  
it was meant to cover was erroneous where the  
proof at trial demonstrated multiple instances of a  
criminal offense, and whether inaccurate  
testimony about the prior convictions supporting a  
persistent felony offender charge was palpable  
error.

56. ESTATE OF LAHOMA SALYER BRAMBLE,  
ET AL. V.  
GREENWICH INSURANCE COMPANY

[2022-SC-0043-DG](#)  
**TO BE PUBLISHED**

MAGOFFIN

**OPINION OF THE COURT BY CHIEF  
JUSTICE VANMETER - REVERSING AND  
REMANDING**

VANMETER, C.J.; BISIG, CONLEY, KELLER,  
LAMBERT, AND NICKELL, JJ., SITTING.  
ALL CONCUR. THOMPSON, J., NOT  
SITTING.

**Questions Presented:**

Property. Insurance. Mineral rights. Trespass.  
Unfair Claims Settlement Practices Act.  
Settlement agreement. Issues include whether a  
third-party plaintiff must, before filing a claim  
under the Unfair Claims Settlement Practices Act,  
first file a declaratory judgment claim against a  
third-party insurer and proceed in such a way that  
the insurer has an immediate right to appeal a  
finding of coverage.

57. GUY FERRILL, III, AS EXECUTOR OF THE  
ESTATE OF WILLENA T. FERRILL, ET AL.  
V.  
STOCK YARDS BANK & TRUST COMPANY,  
TRUSTEE UNDER THE WILL OF MAY T.  
DOTY, DECEASED, ET AL.

[2022-SC-0056-DG](#)  
**TO BE PUBLISHED**

NELSON

**OPINION OF THE COURT BY CHIEF  
JUSTICE VANMETER - AFFIRMING IN  
PART AND REVERSING IN PART**

ALL SITTING. ALL CONCUR.

**Questions Presented:**

Property. Life estate. Voluntary waste.  
Permissive waste. Statute of limitation. KRS  
381.350. Issues include whether the distinction  
between voluntary and permissive waste is  
retained.

58. ERIC ALDERSON V.  
COMMONWEALTH OF KENTUCKY

[2022-SC-0071-MR](#)  
**TO BE PUBLISHED**

BALLARD

**OPINION OF THE COURT BY JUSTICE THOMPSON - REVERSING AND REMANDING**

ALL SITTING. ALL CONCUR.

**Questions Presented:**

Victim Impact Statements. Directed Verdict. Joinder. In this matter of right criminal appeal, issues include whether it was error to permit testimony by the victim as to the impact of the crime during the merits phase as of the trial; whether the Commonwealth should have been permitted to amend the indictment following a directed verdict on the elements of a rape charge; whether it was unduly prejudicial to try cases involving separate victims at the same time; and whether the trial court properly ruled that introducing evidence as to prior inconsistent statements of the victims would open the door to other statements which would potentially be disadvantageous to the defendant.

59. MARTIN ANDREW STIERITZ V.  
COMMONWEALTH OF KENTUCKY

[2022-SC-0085-MR](#)  
**TO BE PUBLISHED**

KENTON

**OPINION OF THE COURT BY JUSTICE NICKELL - AFFIRMING**

ALL SITTING. VANMETER, C.J.; BISIG, CONLEY, AND LAMBERT, JJ., CONCUR. KELLER AND THOMPSON, JJ., CONCUR IN RESULT ONLY.

**Questions Presented:**

Directed Verdict. Unfair Surprise. Lesser-Included Offenses. Mitigation Evidence. In this criminal matter of right appeal, issues include whether the defendant was entitled to a directed verdict on complicity and tampering with evidence charges; whether it was unfair surprise to the defendant when evidence was introduced at trial regarding gunshot residue testing not previously disclosed during discovery; whether menacing should have been included as a lesser-included offense in jury instructions regarding complicity to attempted murder; and whether the trial court properly excluded evidence of the defendant's traumatic brain injury as irrelevant to mitigation.

60. ALEX RYAN PAYNE V.  
COMMONWEALTH OF KENTUCKY

[2022-SC-0120-MR](#)  
**TO BE PUBLISHED**

DAVIESS

**OPINION OF THE COURT BY JUSTICE  
NICKELL - AFFIRMING**

ALL SITTING. VANMETER, C.J.; BISIG,  
CONLEY, KELLER, AND LAMBERT, JJ.,  
CONCUR. THOMPSON, J., CONCURS IN  
RESULT ONLY.

**Questions Presented:**

Suppression of Evidence. Consecutive and Concurrent Sentences. In this matter of right appeal, issues include whether the trial court erred in denying the defendant's motion to suppress evidence seized from his cellphone, and whether the jury was properly instructed as to conflicting statutes requiring the imposition of consecutive sentences for multiple sexual felony offenses and the statutory cap on sentences in KRS 532.110(1)(c).

61. UNIVERSITY OF KENTUCKY V.  
PETER REGARD, ET AL.

[2022-SC-0129-DG](#)  
**TO BE PUBLISHED**

FRANKLIN

**OPINION OF THE COURT BY JUSTICE  
CONLEY - AFFIRMING**

ALL SITTING. VANMETER, C.J.; AND  
LAMBERT, J., CONCUR. THOMPSON, J.,  
CONCURS IN RESULT ONLY BY SEPARATE  
OPINION. BISIG, J., DISSENTS BY  
SEPARATE OPINION IN WHICH NICKELL  
JOINS AND KELLER, J., JOINS IN RESULT  
ONLY. NICKELL, J., DISSENTS BY  
SEPARATE OPINION IN WHICH BISIG  
JOINS, AND KELLER, J., JOINS IN RESULT  
ONLY.

**Questions Presented:**

Contracts. Tuition and fees. University facilities. Incorporation of other documents. Issues include whether the Student Financial Obligation University Kentucky students agreed to online to register for classes and/or other documents created a promise that on-campus students would have access to certain facilities and services.

62. PHOENIX AMERICAN ADMINISTRATORS,  
LLC, ET AL. V.  
CURTIS LEE

[2022-SC-0133-DG](#)  
**TO BE PUBLISHED**

JEFFERSON

**OPINION OF THE COURT BY CHIEF  
JUSTICE VANMETER - AFFIRMING**

VANMETER, C.J.; BISIG, CONLEY, KELLER,  
LAMBERT, AND NICKELL, JJ., SITTING.  
ALL CONCUR. THOMPSON, J., NOT  
SITTING.

**Questions Presented:**

Contract. Automobile Loans. GAP Insurance. Summary Judgment. Issues include: (1) whether the car owner made a timely claim for GAP coverage by informing the GAP contract's third-party administrator of his accident several weeks after it occurred; (2) whether the car owner's failure to provide the third-party administrator with all the documents listed in the contract's claim procedures bars the owner's claim; and (3) whether the car owner could sue the third-party administrator for breach of contract when the car owner and lender were the only parties who signed the contract.

63. STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY V.  
HONORABLE BRIAN C. EDWARDS, ET AL.

[2022-SC-0145-MR](#)  
**TO BE PUBLISHED**

JEFFERSON

**OPINION OF THE COURT BY JUSTICE  
KELLER - AFFIRMING**

ALL SITTING. ALL CONCUR.

**Questions Presented:**

Writ of Prohibition. Unfair Claims Settlement Practices Act. Bad Faith. Discovery. In an appeal from a Court of Appeals' order denying the issuance of a writ of prohibition, issues include the propriety of the trial court's ruling to permit discovery of the insurer's claims file where bad faith claims in the case involved the formation of an enforceable oral contract.

64. LETCHER COUNTY BOARD OF  
EDUCATION V.  
ROGER HALL, ET AL.

[2022-SC-0313-WC](#)  
**TO BE PUBLISHED**

COURT OF  
APPEALS

**OPINION OF THE COURT BY JUSTICE  
BISIG - AFFIRMING**

VANMETER, C.J.; BISIG, CONLEY, KELLER,  
LAMBERT, AND NICKELL, JJ., SITTING.  
ALL CONCUR. THOMPSON, J., NOT  
SITTING.

**Questions Presented:**

Workers' Compensation. Negligence. Jurisdiction of the Board of Claims. The sole issue on appeal is whether the Department of Workers' Claims had jurisdiction to hear claims involving work-related asbestos exposure and resulting injury, or if exclusive jurisdiction over a claim of negligence brought against a school district board of education lies with the Board of Claims.

65. ANTHONY BEASLEY V.  
COMMONWEALTH OF KENTUCKY

[2021-SC-0446-MR](#)  
**NOT TO BE PUBLISHED**

JEFFERSON

**MEMORANDUM OPINION OF THE  
COURT - AFFIRMING**

VANMETER, C.J.; CONLEY, KELLER,  
LAMBERT, NICKELL, AND THOMPSON, JJ.,  
SITTING. ALL CONCUR. BISIG, J., NOT  
SITTING.

66. ISHMAIL T. POWELL V.  
COMMONWEALTH OF KENTUCKY

[2021-SC-0480-MR](#)  
**NOT TO BE PUBLISHED**

BOONE

**MEMORANDUM OPINION OF THE  
COURT - AFFIRMING**

ALL SITTING. ALL CONCUR.

67. JOSEPH F. SMITH V.  
COMMONWEALTH OF KENTUCKY

[2021-SC-0539-MR](#)  
**NOT TO BE PUBLISHED**

MARION

**MEMORANDUM OPINION OF THE  
COURT - AFFIRMING**

ALL SITTING. ALL CONCUR.



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|-----|--|---|---------------------|
| 68. | DELVIN BULLOCK V.<br>COMMONWEALTH OF KENTUCKY<br><br><b>MEMORANDUM OPINION OF THE<br/>         COURT - <u>AFFIRMING</u></b><br><br>ALL SITTING. ALL CONCUR.  | <a href="#">2022-SC-0014-MR</a><br><b>NOT TO BE PUBLISHED</b> | JEFFERSON           |
| 69. | JAMES A. SANDERS V.<br>COMMONWEALTH OF KENTUCKY<br><br><b>MEMORANDUM OPINION OF THE<br/>         COURT - <u>AFFIRMING</u></b><br><br>ALL SITTING. ALL CONCUR.  | <a href="#">2022-SC-0084-MR</a><br><b>NOT TO BE PUBLISHED</b> | OHIO                |
| 70. | TREYVON M. DOWNS V.<br>COMMONWEALTH OF KENTUCKY<br><br><b>MEMORANDUM OPINION OF THE<br/>         COURT - <u>AFFIRMING</u></b><br><br>ALL SITTING. ALL CONCUR.  | <a href="#">2022-SC-0098-MR</a><br><b>NOT TO BE PUBLISHED</b> | MARION              |
| 71. | KENTUCKY EMPLOYERS MUTUAL<br>INSURANCE V.<br>JUSTIN THELE, ET AL.<br><br><b>AND</b><br><br>JUSTIN THELE V.<br>KENTUCKY EMPLOYERS MUTUAL<br>INSURANCE, ET AL.<br><br><b>MEMORANDUM OPINION OF THE<br/>         COURT - <u>AFFIRMING</u></b><br><br>ALL SITTING. ALL CONCUR. | <a href="#">2022-SC-0154-WC</a><br><b>NOT TO BE PUBLISHED</b> | COURT OF<br>APPEALS |
|     |  | <a href="#">2022-SC-0172-WC</a><br><b>NOT TO BE PUBLISHED</b> | COURT OF<br>APPEALS |

72. ARAYA KESSLER V. [2022-SC-0210-MR](#) BULLITT  
HONORABLE RODNEY BURRESS, ET AL. **NOT TO BE PUBLISHED**
- MEMORANDUM OPINION OF THE COURT - AFFIRMING**
- ALL SITTING. BISIG, CONLEY, LAMBERT, AND THOMPSON, JJ., CONCUR. VANMETER, C.J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION IN WHICH KELLER AND NICKELL, JJ., JOIN.
73. CARLSON ENVIRONMENT CONSULTANTS V. [2022-SC-0364-WC](#) COURT OF APPEALS  
JEFFEREY LANE, ET AL. **NOT TO BE PUBLISHED**
- MEMORANDUM OPINION OF THE COURT - AFFIRMING**
- ALL SITTING. ALL CONCUR.
74. M. L. S. V. [2022-SC-0365-MR](#) JEFFERSON  
HONORABLE BRIAN C. EDWARDS, ET AL. **NOT TO BE PUBLISHED**
- MEMORANDUM OPINION OF THE COURT - AFFIRMING**
- ALL SITTING. ALL CONCUR.
75. JULINA M. WINLAND, ET AL. V. [2022-SC-0421-DGE](#) HARLAN  
MYKAL L. RINGSTAFF **NOT TO BE PUBLISHED**
- MEMORANDUM OPINION OF THE COURT - AFFIRMING**
- ALL SITTING. ALL CONCUR.

76. RICHARD COLE V. [2022-SC-0427-WC](#) COURT OF  
KY FUELS CORP, ET AL. **NOT TO BE PUBLISHED** APPEALS

**MEMORANDUM OPINION OF THE  
COURT - AFFIRMING**

VANMETER, C.J.; BISIG, CONLEY, KELLER,  
LAMBERT, AND NICKELL, JJ., SITTING.  
ALL CONCUR. THOMPSON, J., NOT  
SITTING.

**OPINION AND ORDERS - June 15, 2023**

INQUIRY COMMISSION V.  
RONNIE LEE GOLDY, JR.

[2022-SC-0289-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**OPINION AND ORDER DISSOLVING  
TEMPORARY SUSPENSION**

ALL SITTING. CONLEY, KELLER,  
LAMBERT, NICKELL, AND THOMPSON, JJ.,  
CONCUR. VANMETER, C.J., AND BISIG, J.,  
DISSENT WITHOUT SEPARATE OPINION.

KENTUCKY BAR ASSOCIATION V.  
RICHARD BOLING

[2023-SC-0104-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**OPINION AND ORDER SUSPENDING FOR  
5 YEARS**

ALL SITTING. VANMETER, C.J.; BISIG,  
CONLEY, KELLER, LAMBERT AND  
NICKELL, JJ., CONCUR. THOMPSON, J.,  
CONCURS IN PART AND DISSENTS IN  
PART BY SEPARATE OPINION.

**OPINION AND ORDERS - June 15, 2023**

KENTUCKY BAR ASSOCIATION V.  
KAREEM SHAHIR HAMDIYAH

[2023-SC-0206-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**AND**

KENTUCKY BAR ASSOCIATION V.  
KAREEM SHAHIR HAMDIYAH

[2023-SC-0207-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**AND**

KENTUCKY BAR ASSOCIATION V.  
KAREEM SHAHIR HAMDIYAH

[2023-SC-0208-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**OPINION AND ORDER INDEFINITELY  
SUSPENDING**

ALL SITTING. ALL CONCUR.

**ORDER GRANTING DISCRETIONARY REVIEW (ORAL ARGUMENT) - June 07, 2023**

CAMPBELL COUNTY BOARD OF  
EDUCATION V.  
CITY OF COLD SPRING

[2023-SC-0027-DG](#)

CAMPBELL

JAY PICARD V.  
KATHERINE KNIGHT

[2023-SC-0043-DG](#)

PULASKI

T & J LAND CO., LLC V.  
DAKOTA MILLER

[2023-SC-0051-DG](#)

KNOX

CLEVELAND ASKEW, JR. V.  
TROOPER EDWARD WHITWORTH

[2023-SC-0070-DG](#)

JEFFERSON

BISIG, J., NOT SITTING.

LOUISVILLE & JEFFERSON COUNTY  
METROPOLITAN SEWER DISTRICT V.  
JENNIFER ALBRIGHT, INDIVIDUALLY AND  
AS ADMINISTRATRIX OF THE ESTATE OF  
DAVID K. ALBRIGHT

[2023-SC-0079-DG](#)

JEFFERSON

**ORDER GRANTING DISCRETIONARY REVIEW (ORAL ARGUMENT) - June 07, 2023**

BLAKE JEFFREYS V. [2023-SC-0086-DG](#) JEFFERSON  
COMMONWEALTH OF KENTUCKY

TYLER STORY V. [2023-SC-0106-DG](#) CAMPBELL  
COMMONWEALTH OF KENTUCKY

COMMONWEALTH OF KENTUCKY V. [2023-SC-0188-DG](#) BOONE  
DONNA WARFIELD

**ORDER GRANTING DISCRETIONARY REVIEW (ORAL ARGUMENT) - June 12, 2023**

DIANNA LYNN DAVENPORT, IN HER [2023-SC-0039-DG](#) JEFFERSON  
CAPACITY AS PERSONAL  
REPRESENTATIVE OF THE ESTATE OF  
PENNY ANN SIMMONS V.  
KINDRED HOSPITALS LIMITED  
PARTNERSHIP D/B/A KINDRED HOSPITAL -  
LOUISVILLE, ET AL.  
THOMPSON, J., NOT SITTING.

**ORDER GRANTING DISCRETIONARY REVIEW (NO ORAL ARGUMENT) - June 07, 2023**

MARK HANDY V. [2023-SC-0044-DG](#) JEFFERSON  
LOUISVILLE/JEFFERSON COUNTY METRO  
GOVERNMENT

COMMONWEALTH OF KENTUCKY V. [2023-SC-0101-DG](#) KENTON  
KEVIN MASTER

**ORDER DENYING DISCRETIONARY REVIEW - June 07, 2023**

MICHAEL D. SMITH V. [2022-SC-0458-D](#) GARRARD  
DEREK GORDON, ET AL.

**ORDER DENYING DISCRETIONARY REVIEW - June 07, 2023**

ORLUNDO HOLLOWAY V. COMMONWEALTH OF KENTUCKY	<a href="#">2022-SC-0468-D</a>	FULTON
RICKY LEE WELCH V. COMMONWEALTH OF KENTUCKY	<a href="#">2023-SC-0023-D</a>	CARROLL
AARON COPASS V. COMMONWEALTH OF KENTUCKY	<a href="#">2023-SC-0056-D</a>	FAYETTE
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT V. CPL. MARY GLADDEN, ET AL.	<a href="#">2023-SC-0057-D</a>	FAYETTE
EASTERN KENTUCKY UNIVERSITY V. OHIO VALLEY CONFERENCE	<a href="#">2023-SC-0065-D</a>	FRANKLIN
COMMONWEALTH OF KENTUCKY V. DAVID SCOTT TATE  BISIG AND CONLEY, JJ., WOULD GRANT DISCRETIONARY REVIEW.	<a href="#">2023-SC-0071-D</a>	MENIFEE
CABINET FOR HEALTH AND FAMILY SERVICES V. D.B., ET AL.  BISIG AND THOMPSON, JJ., WOULD GRANT DISCRETIONARY REVIEW.	<a href="#">2023-SC-0074-DE</a>	JEFFERSON
STEPHANIE GASTAUER V. ROBERT A. MUSE, III, AS EXECUTOR OF THE ESTATE OF GARY L. MUSE	<a href="#">2023-SC-0081-D</a>	MASON
STEPHEN WILLIAM BARALT V. MELISSA MITCHELL BARALT	<a href="#">2023-SC-0082-D</a>	SPENCER

**ORDER DENYING DISCRETIONARY REVIEW - June 07, 2023**

PRESTON R. WRIGHT V. COMMONWEALTH OF KENTUCKY	<a href="#">2023-SC-0087-D</a>	BARREN
RAYMOND WEATHERLY V. COMMONWEALTH OF KENTUCKY	<a href="#">2023-SC-0088-D</a>	FULTON
FEODIS BEAL V. COMMONWEALTH OF KENTUCKY	<a href="#">2023-SC-0092-D</a>	KENTON
KRISTIAN G. LITTLE (NOW CHILDERS) V. JAMIE A. LITTLE	<a href="#">2023-SC-0093-D</a>	MADISON
ESTATE OF LOLA SCHWERSINKSKE BY AND THROUGH EXECUTOR, ELMER NORMAN WINSTEAD V. MELISSA WINSTEAD (NOW BUCHANAN) THOMPSON, J., NOT SITTING.	<a href="#">2023-SC-0095-D</a>	WEBSTER
PHILLIP E. EDMONDSON V. DAX R. WOMACK, ET AL.	<a href="#">2023-SC-0100-D</a>	UNION
DAVID KHAZAI V. ANITA AHMADI BISIG, J., NOT SITTING.	<a href="#">2023-SC-0114-DE</a>	JEFFERSON
J.E.K. V. J.M.F.H., NATURAL MOTHER, ET AL.	<a href="#">2023-SC-0116-DE</a>	ROWAN
JOHN L. COVERT, II V. SARAH K. DRAKE	<a href="#">2023-SC-0123-D</a>	OLDHAM
JEREMY EDWARD DEVERS V. COMMONWEALTH OF KENTUCKY	<a href="#">2023-SC-0154-D</a>	JEFFERSON

**ORDER DENYING DISCRETIONARY REVIEW - June 07, 2023**

KENNETH SCOTT HIGGINS V. [2023-SC-0168-DE](#) FAYETTE  
ELLIE SCORSONE-STOVALL

**ORDER DENYING DISCRETIONARY REVIEW - June 12, 2023**

SAZERAC NORTH AMERICA, INC., ET AL. [2023-SC-0059-D](#) JEFFERSON  
V.  
ESTATE OF TAYLOR COLE, BY CARLA  
MCDONOUGH, ADMINISTRATRIX, ET AL.

**AND**

TAYLOR BAREFOOT, ET AL. V. [2023-SC-0063-D](#) JEFFERSON  
ESTATE OF TAYLOR COLE, BY CARLA  
MCDONOUGH, ADMINISTRATRIX, ET AL.

**AND**

NAKED BY SUNDAY, LLC V. [2023-SC-0064-D](#) JEFFERSON  
ESTATE OF TAYLOR COLE, BY CARLA  
MCDONOUGH, ADMINISTRATRIX, ET AL.  
THOMPSON, J., NOT SITTING.

**ORDER DENYING DISCRETIONARY REVIEW AND DEPUBLISHING - June 07, 2023**

HOPE WHITE V. [2023-SC-0032-D](#) WAYNE  
COMMONWEALTH OF KENTUCKY

**PETITION FOR REHEARING DENIED - June 15, 2023**

WALMART, INC., ET AL. V. [2021-SC-0288-DG](#) FAYETTE  
LEIGH ANN REEVES

BISIG, CONLEY, KELLER, LAMBERT,  
NICKELL, AND THOMPSON, JJ., SITTING.  
ALL CONCUR. VANMETER, C.J., NOT  
SITTING.



**PETITION FOR REHEARING DENIED - June 15, 2023**

RICO L. CAVANAUGH V.  
COMMONWEALTH OF KENTUCKY

[2021-SC-0441-MR](#)

TRIGG

ALL SITTING. ALL CONCUR.

**ORDER DISMISSING - May 5, 2023**

RHONDA LAWSON V.  
MARK KLEINMAN

[2023-SC-0109-D](#)

FAYETTE

**ORDER DENYING MOTION FOR  
ENLARGEMENT OF TIME AND  
DISMISSING**

CONLEY, KELLER, NICKELL, THOMPSON,  
JJ., SITTING. ALL CONCUR.

DANIEL CAMERON, AS ATTORNEY  
GENERAL OF THE COMMONWEALTH OF  
KENTUCKY V.  
HONORABLE GLENN E. ACREE, ET AL.

[2022-SC-0266-OA](#)

COURT OF  
APPEALS

**ORDER GRANTING MOTION TO DISMISS  
AS MOOT**

CONLEY, KELLER, NICKELL, THOMPSON,  
JJ., SITTING. ALL CONCUR.

EMW WOMEN'S SURGICAL CENTER, P.S.C.,  
ET V.  
HONORABLE GLENN E. ACREE, ET AL.

[2022-SC-0326-I](#)

JEFFERSON

**ORDER STATISTICALLY DISMISSING**

CONLEY, KELLER, NICKELL, THOMPSON,  
JJ., SITTING. ALL CONCUR.

**ORDER DISMISSING – May 5, 2023**

R.A.R. V.  
HONORABLE BRUCE PETRIE, SPECIAL  
JUDGE, FRANKLIN CIRCUIT COURT, ET AL.

[2022-SC-0277-MR](#)

FRANKLIN

**ORDER DISMISSING AS MOOT**

CONLEY, KELLER, NICKELL, THOMPSON,  
JJ., SITTING. ALL CONCUR.

**ORDER DISMISSING - June 06, 2023**

MICHAEL VAUGHAN V.  
JERRY CROSBY, II ET. AL.

[2022-SC-0549-MR](#)

OLDHAM

**ORDER DISMISSING**

BISIG, CONLEY, NICKELL, THOMPSON, JJ.,  
SITTING. ALL CONCUR.

FLORENCE OWNER 1, LLC, ET AL. V.  
DUKE ENERGY KENTUCKY, INC.

[2023-SC-0031-D](#)

BOONE

**ORDER GRANTING JOINT MOTION TO  
DISMISS**

BISIG, CONLEY, NICKELL, THOMPSON, JJ.,  
SITTING. ALL CONCUR.

TIMOTHY HUTCHINSON V.  
COMMONWEALTH OF KENTUCKY

[2023-SC-0054-D](#)

GRAVES

**ORDER DISMISSING**

BISIG, CONLEY, NICKELL, THOMPSON, JJ.,  
SITTING. ALL CONCUR.

**ORDER GRANTING - June 13, 2023**

WILLIAM DAVID RYE V.  
KENTUCKY BAR ASSOCIATION

[2021-SC-0419-KB](#)

IN SUPREME  
COURT

**ORDER IMPOSING PROBATED  
SUSPENSION**

ALL SITTING. ALL CONCUR.

**ORDER WITHDRAWING FROM KENTUCKY BAR ASSOCIATION - June 06, 2023**

RYAN DOUGLAS KIRZNER V.  
KENTUCKY BAR ASSOCIATION

[2023-SC-0242-KB](#)

IN SUPREME  
COURT

**ORDER WITHDRAWING FROM KENTUCKY BAR ASSOCIATION - June 08, 2023**

JENNIFER PAYNE LO V.  
KENTUCKY BAR ASSOCIATION

[2023-SC-0255-KB](#)

IN SUPREME  
COURT

KRISTEN MICHELLE MCMAINS V.  
KENTUCKY BAR ASSOCIATION

[2023-SC-0256-KB](#)

IN SUPREME  
COURT

WEST DOUGLAS IMBODEN V.  
KENTUCKY BAR ASSOCIATION

[2023-SC-0257-KB](#)

IN SUPREME  
COURT