

SUPREME COURT OF KENTUCKY

MINUTES

JUNE 25, 2009

RELEASED: 10:00 A.M.

138. JOHN R. WILSON, TRUSTEE FOR [2008-SC-000905-CL](#) U.S.
FRANKLIN CAREER SERVICES, LLC V. **TO BE PUBLISHED** BANKRUPTCY
DAVID B. PAINE, ET AL. COURT —
OPINION OF THE COURT WESTERN
BY JUSTICE CUNNINGHAM – DISTRICT OF
CERTIFYING THE LAW KENTUCKY
ALL SITTING. ALL CONCUR
- Questions Presented:**
Doctrine of adverse domination may operate to toll the statute of limitations under KRS 271B.8-330(3) and 271B.6-400 while directors, who are guilty of alleged misconduct, exercise control over a corporation.
139. FRANK RODGERS V. [2007-SC-000040-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT
BY JUSTICE ABRAMSON –
AFFIRMING
NOBLE, J., CONCURS IN PART, CONCURS IN RESULT IN PART, AND DISSENTS IN PART BY SEPARATE OPINION. SCOTT, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION.
- Questions Presented:**
First-degree manslaughter and second-degree persistent felony offender-20 year sentence. Use of co-defendants' redacted statements at joint trial. Substantive provisions of the 2006 Self-Defense Law apply prospectively only; immunity provision is procedural and applies retroactively.
140. BRENT CANTRELL V. [2007-SC-000218-MR](#) JOHNSON
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT
BY JUSTICE CUNNINGHAM –
AFFIRMING
ALL SITTING. ALL CONCUR.
- Questions Presented:**
Complicity to manufacture methamphetamine; complicity to possession of a controlled substance in the first degree; complicity to use/possession of drug paraphernalia; and second-degree persistent felony offender-50 year sentence. Sufficient evidence was presented to connect defendant to the trailer from which methamphetamine was seized and to prove his age at the time of a prior felony. Denial of continuance was harmless error. Commonwealth's "send a message" argument during closing arguments of the penalty phase was proper.

SUPREME COURT OF KENTUCKY

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RELEASED: 10:00 A.M.

141. LABOR READY, INC., ET AL. V. WANDA SUE JOHNSTON
OPINION OF THE COURT – AFFIRMING
ABRAMSON, J., NOT SITTING.
- [2007-SC-000419-DG](#) JEFFERSON
TO BE PUBLISHED

Questions Presented:
Workers' Compensation. Exclusive Remedy Immunity. Whether a contractor's permanent employee may maintain a tort action against a temporary labor service and its employee for an injury the "temp" caused while working for the contractor.

142. JAMES MALONE V. KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY
OPINION OF THE COURT BY JUSTICE ABRAMSON – AFFIRMING
CUNNINGHAM, J., DISSENTS BY SEPARATE OPINION IN WHICH SCHRODER AND SCOTT, JJ., JOIN.
- [2007-SC-000468-DG](#) MCCracken
TO BE PUBLISHED

Questions Presented:
Automobile Insurance. Underinsured Motorist Coverage. Settlements. Subrogation. Issues include whether notification to plaintiffs UIM carrier that plaintiff was "considering whether to accept" a specified offer of settlement and release by tortfeasor's liability insurer was sufficient to preserve plaintiffs UIM claim, where UIM carrier did not substitute payment of settlement amount within thirty days after notification and plaintiff proceeded to settle.

143. SHANNON GIBSON V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE VENTERS – AFFIRMING
CUNNINGHAM, J., CONCURS BY SEPARATE OPINION. SCOTT, J., CONCURS BY SEPARATE OPINION.
- [2007-SC-000481-DG](#) GRAYSON
TO BE PUBLISHED

Questions Presented:
Criminal Law. Indictments. Dismissal Without Prejudice. Where trial court granted Commonwealth's motion pursuant to RCr 9.64 to dismiss indictment without prejudice, and denied defendant's motion to make dismissal with prejudice, issues include the scope of trial court's discretion and whether discretion was abused.

SUPREME COURT OF KENTUCKY

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144. CHARLES ALLEN V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT
BY CHIEF JUSTICE MINTON –
AFFIRMING**
ALL SITTING. ALL CONCUR.
- [2008-SC-000009-MR](#) GREENUP
TO BE PUBLISHED
- Questions Presented:**
Wanton murder-20 year sentence. Display of message-bearing clothing was properly determined to be non-prejudicial. Police officer's testimony was not improper. Trial court's extraneous comments do not rise to the level of palpable error.
145. LARRY MCCLOUD V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT
BY CHIEF JUSTICE MINTON –
AFFIRMING**
ALL SITTING. ALL CONCUR.
- [2008-SC-000263-MR](#) JEFFERSON
TO BE PUBLISHED
- Questions Presented:**
Trafficking while in possession of a firearm; possession of drug paraphernalia while in possession of a firearm; and carrying a concealed deadly weapon-25 year sentence. Motion to suppress properly denied. Police officer's testimony and trial court's comment were not error.
146. VICTOR DEWAYNE TAYLOR V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT
BY JUSTICE NOBLE –
AFFIRMING**
ALL SITTING. ALL CONCUR.
- [2008-SC-000273-MR](#) FAYETTE
TO BE PUBLISHED
- Questions Presented:**
Trial court correctly dismissed petition for DNA testing and a hearing pursuant to KRS 422.285.

SUPREME COURT OF KENTUCKY

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147. DAYRON CASTELLANOS HIDALGO, [2008-SC-000429-MR](#) JEFFERSON
A/K/A DAYRON CASTELLANOS, **TO BE PUBLISHED**
REAL PARTY IN INTEREST V.
COMMONWEALTH OF KENTUCKY, ET AL.

AND

HON. A.C. MCCAY CHAUVIN, JUDGE [2008-SC-000518-MR](#) JEFFERSON
JEFFERSON CIRCUIT COURT V. **TO BE PUBLISHED**
COMMONWEALTH OF KENTUCKY, ET AL.

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

Questions Presented:
Circuit court is without authority to sua sponte
conduct a hearing on shock probation.

148. JAMES DARNELL GRAVES V. [2008-SC-000580-MR](#) FAYETTE
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
**OPINION OF THE COURT
BY JUSTICE NOBLE –
AFFIRMING**
ALL SITTING. ALL CONCUR.

Questions Presented:
Third-degree burglary; possession of burglary
tools; and first-degree persistent felony
offender-20 year sentence. Trial court did not
err in failing to grant a mistrial after a
prosecutor improperly bolstered a witness
during voir dire, where defendant sought no
further relief and the prosecutor “clarified.”

149. VACUUM DEPOSITING, INC. V. [2008-SC-000853-WC](#) FROM COURT
TAMATHA DEVER, ET AL. **TO BE PUBLISHED** OF APPEALS
**OPINION OF THE COURT –
AFFIRMING**
ALL SITTING. ALL CONCUR.

Questions Presented:
Workers' Compensation. Work-Related.
Whether employer's evidence rebutted
presumption that unexplained fall was work-
related and showed it to be idiopathic.

SUPREME COURT OF KENTUCKY

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150. SPEEDWAY/SUPER AMERICA V. MAZEN ELIAS, ET AL. [2008-SC-000873-WC](#) FROM COURT OF APPEALS
TO BE PUBLISHED
- OPINION OF THE COURT –**
AFFIRMING
ALL SITTING. ALL CONCUR.

Questions Presented:
Workers' Compensation. Medical Expenses. Issues include whether Forms 114 were "fully completed" and timely within the meaning of 803 KAR 25:096, §§ 11(1) and (3).

151. CHRISTIAN OMAR WALKER V. COMMONWEALTH OF KENTUCKY [2007-SC-000568-MR](#) JEFFERSON
TO BE PUBLISHED
- OPINION OF THE COURT**
BY JUSTICE SCOTT –
AFFIRMING IN PART AND
REVERSING IN PART
ALL SITTING. ALL CONCUR.

Questions Presented:
Complicity to murder; complicity to robbery; complicity to second-degree assault; and complicity to tampering with physical evidence-50 year sentence. Trial court did not err in failing to strike jurors or in excluding co-defendant's statement. Reinstatement of tampering with evidence charge was a violation of double jeopardy.

152. WILLIAM SANDERS V. COMMONWEALTH OF KENTUCKY [2008-SC-000118-MR](#) JESSAMINE
TO BE PUBLISHED
- OPINION OF THE COURT**
BY JUSTICE VENTERS –
AFFIRMING IN PART AND
REVERSING AND
REMANDING IN PART
SCOTT, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION.

Questions Presented:
First-degree robbery and first-degree persistent felony offender-22 year sentence. PFO sentence reversed because it was based on a violation of KRS 218A.500. Penalty phase verdict form must conform to decision in Renner.

153. MPM FINANCIAL GROUP, INC. V. MICHAEL P. MORTON [2007-SC-000652-DG](#) FAYETTE
TO BE PUBLISHED
- OPINION OF THE COURT**
BY JUSTICE VENTERS –
REVERSING AND REMANDING
ALL SITTING. ALL CONCUR.

Questions Presented:
Collections. Exemptions. Is the former "opt out" provision KRS 427.170, as amended in 2005, limited to exemptions desired by debtors filing bankruptcy proceedings?

SUPREME COURT OF KENTUCKY

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JUNE 25, 2009

RELEASED: 10:00 A.M.

154. LES BROWNLEE, ACTING SECRETARY, U.S. DEPARTMENT OF THE ARMY, ET AL. V. COMMONWEALTH OF KENTUCKY, KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION, ET AL. **OPINION OF THE COURT BY JUSTICE NOBLE – REVERSING**
ALL SITTING. ALL CONCUR.

[2007-SC-000126-DG](#)
TO BE PUBLISHED

HARDIN

Questions Presented:
Unemployment Compensation. Administrative Procedure. Issues include whether employees who chose voluntary early retirement, with lump sum payment and benefits, are entitled to unemployment benefits.

155. DAVID MORROW V. COMMONWEALTH OF KENTUCKY **OPINION OF THE COURT BY JUSTICE SCOTT – REVERSING**
ALL SITTING. ALL CONCUR.

[2007-SC-000505-DG](#)
TO BE PUBLISHED

MCCREARY

Questions Presented:
Criminal Law. Entrapment. Instructions. At issue is whether the defendant must admit to criminal conduct in order to receive an entrapment instruction.

156. CANEYVILLE VOLUNTEER FIRE DEPARTMENT, ET AL. V. GREEN'S MOTORCYCLE SALVAGE, INC., ET AL. **OPINION OF THE COURT BY JUSTICE SCOTT – REVERSING**
VENTERS, J., CONCURS BY SEPARATE OPINION. MINTON, C.J., CONCURS IN RESULT ONLY BY SEPARATE OPINION, IN WHICH CUNNINGHAM AND SCHRODER, JJ., JOIN. ABRAMSON, J., CONCURS IN RESULT ONLY BY SEPARATE OPINION. NOBLE J., CONCURS IN RESULT ONLY.

[2007-SC-000517-DG](#)
TO BE PUBLISHED

GRAYSON

Questions Presented:
Sovereign Immunity. Municipal Fire Departments. Issues include whether KRS 75.070 which extends sovereign immunity to municipal and volunteer fire departments and their personnel is unconstitutional.

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RELEASED: 10:00 A.M.

157. DIRECTV, INC., ET AL. V. MARK TREESH, IN HIS OFFICIAL CAPACITY AS COMMISSIONER OF THE DEPARTMENT OF REVENUE, ET AL. **OPINION OF THE COURT BY JUSTICE ABRAMSON – REVERSING** ALL SITTING. ALL CONCUR.
- [2007-SC-000714-DG](#) FRANKLIN
TO BE PUBLISHED

Questions Presented:
Taxation. Federal Preemption. Issue is whether KRS 160.614 which authorizes local school districts to impose a tax on direct broadcast satellite providers is preempted by federal law which exempts such providers from any tax or fee imposed by a "local taxing jurisdiction," where tax is actually paid to the state and for the benefit of a "state concern."

158. RAYMOND KREPS V. COMMONWEALTH OF KENTUCKY **OPINION OF THE COURT BY JUSTICE ABRAMSON – REVERSING** ALL SITTING. ALL CONCUR.
- [2007-SC-000814-MR](#) GRAVES
TO BE PUBLISHED

Questions Presented:
Two counts of second-degree rape and two counts of third-degree rape-25years. Admission at trial of defendant's statement, made in the course of plea discussions, was reversible error. Prior allegation of abuse made by the victim against a person other than the defendant was properly deemed inadmissible.

159. QUINCY BAILEY V. COMMONWEALTH OF KENTUCKY **MEMORANDUM OPINION OF THE COURT – AFFIRMING** NOBLE AND SCOTT, JJ., CONCUR WITH THE MAJORITY OPINION ON ALL OTHER ISSUES, BUT CONCUR IN RESULT ONLY ON THE "NO DUTY TO RETREAT" ISSUE FOR REASONS IT IS NOT APPLICABLE SINCE APPELLANT ACCOSTED THE VICTIM HERE, NOT THE OTHER WAY AROUND.
- [2006-SC-000785-MR](#) MCCracken
NOT TO BE PUBLISHED

SUPREME COURT OF KENTUCKY

MINUTES

JUNE 25, 2009

RELEASED: 10:00 A.M.

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| 160. | HARVEY EDWARD SKAGGS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR | 2007-SC-000007-MR
NOT TO BE PUBLISHED | HARDIN |
| 161. | PHILLIP LEROY WINES V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
NOBLE, J., CONCURS IN PART,
CONCURS IN RESULT IN PART,
AND DISSENTS IN PART BY
SEPARATE OPINION. SCHRODER, J.,
CONCURS IN RESULT ONLY.
SCOTT, J., CONCURS IN RESULT
ONLY BY SEPARATE OPINION. | 2007-SC-000081-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 162. | BILL HARDY V.
HON. PAMELA GOODWINE
(JUDGE, FAYETTE CIRCUIT COURT),
ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ABRAMSON AND NOBLE, JJ.,
NOT SITTING. | 2007-SC-000284-MR
NOT TO BE PUBLISHED | FAYETTE |
| 163. | KENNETH MATTINGLY V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2007-SC-000498-MR
NOT TO BE PUBLISHED | NELSON |
| 164. | SHAWN BARNETT V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2008-SC-000101-MR
NOT TO BE PUBLISHED | JESSAMINE |

SUPREME COURT OF KENTUCKY

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| 165. | JIMMY DALE COLLETT V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2008-SC-000309-MR
NOT TO BE PUBLISHED | BELL |
| 166. | TAMARA PURDIE MCVARISH V.
HON. PAUL E. BRADEN, JUDGE,
WHITLEY CIRCUIT COURT, ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2008-SC-000428-MR
NOT TO BE PUBLISHED | WHITLEY |
| 167. | JOHN WILLIAM WHEAT V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2008-SC-000449-MR
NOT TO BE PUBLISHED | BARREN |
| 168. | LANNIE WAYNE MILLER V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2008-SC-000589-MR
NOT TO BE PUBLISHED | WARREN |
| 169. | CLARENCE HICKS V.
R & J WELL SERVICE, ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2008-SC-000767-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 170. | RONALD MYERS V.
PRIVATE INVESTIGATIONS AND
COUNTER INTELLIGENCE, INC., ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2008-SC-000778-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |

SUPREME COURT OF KENTUCKY

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JUNE 25, 2009

RELEASED: 10:00 A.M.

171. WILLIAM CAMPBELL V. [2007-SC-000146-MR](#) KENTON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT –
AFFIRMING IN PART AND
REVERSING IN PART
CUNNINGHAM, J., DISSENTS
BY SEPARATE OPINION
172. TIMOTHY LEE SIMPSON V. [2007-SC-000253-MR](#) BOYD
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART,
VACATING AND REMANDING IN PART
ALL SITTING. ALL CONCUR.
173. JONATHAN E. HODES, M.D. V. [2006-SC-000890-DG](#) JEFFERSON
DEBRA IRELAND **NOT TO BE PUBLISHED**
AND
DEBRA IRELAND [2007-SC-000823-DG](#) JEFFERSON
JONATHAN E. HODES, M.D. **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – REVERSING
ALL SITTING. ALL CONCUR

OPINIONS AND ORDERS – JUNE 17, 2009

- THE BOARD OF TRUSTEES OF [2008-SC-000356-D](#) FRANKLIN
KENTUCKY RETIREMENT SYSTEMS V.
PATTY JEAN CLAXON
ORDER GRANTED MOTION FOR
DISCRETIONARY REVIEW, VACATED
AND REMANDED COURT OF APPEALS.

SUPREME COURT OF KENTUCKY

MINUTES

JUNE 25, 2009

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OPINIONS AND ORDERS – JUNE 25, 2009

RANDALL V. HEAD V. KENTUCKY BAR ASSOCIATION ORDER APPROVED REINSTATEMENT TO THE PRACTICE OF LAW	2002-SC-000164-KB TO BE PUBLISHED	IN SUPREME COURT
JONATHAN PHILLIP WRIGHT V. KENTUCKY BAR ASSOCIATION ORDER GRANTED RESTORATION.	2009-SC-000126-KB	IN SUPREME COURT
MICHAEL STEPHEN WADE V. KENTUCKY BAR ASSOCIATION ORDER GRANTED REINSTATEMENT.	2009-SC-000145-KB	IN SUPREME COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
JUNE 17, 2009**

CORDELLA BASTON V. COUNTY OF KENTON, KENTUCKY, EX REL. KENTON COUNTY AIRPORT BOARD, ET AL.	2008-SC-000319-DG	BOONE
COMMONWEALTH OF KENTUCKY V. LESLIE PRIDE	2008-SC-000730-DG	UNION
MICHAEL SCHNUERLE, ET AL. V. INSIGHT COMMUNICATIONS COMPANY, L.P., ET AL.	2008-SC-000789-DG	JEFFERSON
BLACKSTONE MINING COMPANY V. TRAVELERS INSURANCE COMPANY	2009-SC-000015-DG	PIKE
COMMONWEALTH OF KENTUCKY V. WANDA COMBS	2009-SC-000143-DG	BREATHITT
TIM DAVIS; AND TIM DAVIS & ASSOCIATES, INC. V. JOHN J. SCOTT; AND WHITLOW & SCOTT	2009-SC-000159-DG	HARDIN

SUPREME COURT OF KENTUCKY

MINUTES

JUNE 25, 2009

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 17, 2009**

CENTRAL PAVING COMPANY OF PADUCAH V. NATHAN HACK; KRISTIE HACK; AND LONE OAK DEVELOPMENT, INC. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2008-SC-000496-D	MCCRACKEN
LONE OAK DEVELOPMENT, INC. V. NATHAN HACK; KRISTIE HACK; AND CENTRAL PAVING COMPANY OF PADUCAH. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2008-SC-000497-D	MCCRACKEN
LAFE WARD, JR. V. COMMONWEALTH OF KENTUCKY	2008-SC-000585-D	PIKE
SHERMAN L. TOWNSEND V. COMMONWEALTH OF KENTUCKY	2008-SC-000591-D	CASEY
LEE ROY BREWER V. COMMONWEALTH OF KENTUCKY	2008-SC-000658-D	OWEN
CECILIA ANN RITCHIE V. SHELBY EUGENE RITCHIE	2008-SC-000662-D	PERRY
FRED FURNISH V. COMMONWEALTH OF KENTUCKY	2008-SC-000713-D	KENTON
SAMUEL BOONE V. KENTUCKY RETIREMENT SYSTEMS	2008-SC-000715-D	FRANKLIN

SUPREME COURT OF KENTUCKY

MINUTES

JUNE 25, 2009

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 17, 2009**

WILLIAM LEGRAND, ET AL. V. WINSLOW BAKER, IN HIS OFFICIAL CAPACITY AS GALLATIN COUNTY ZONING ENFORCEMENT OFFICER AND ZONING ADMINISTRATOR, ET AL.	2008-SC-000722-D	GALLATIN
JEAN ACTON V. J. D. ACTON AND LOWELL ACTON	2008-SC-000744-D	PULASKI
JOEY HOWARD GRAY V. COMMONWEALTH OF KENTUCKY	2008-SC-000755-D	MUHLENBERG
MARY EITEL V. LAFAYETTE G. OWEN	2008-SC-000771-D	JEFFERSON
TERESA DOWDY, AS ADMINISTRATRIX OF THE ESTATE OF ALBERT WAYNE DOWDY, (DECEASED); AND AS NEXT FRIEND OF HER MINOR CHILDREN, NATHAN WAYNE DOWDY AND AARON WAYNE DOWDY V. DINESH SHAH, M.D., ET AL.	2008-SC-000794-D	GRAVES
MAREN MITCHELL FEHR V. RALPH EDWARD FEHR	2008-SC-000812-D	OLDHAM
MIKE BROWN V. COMMONWEALTH OF KENTUCKY	2008-SC-000816-D	CLINTON
TIMOTHY CARNES, ET AL. V. RUSSELL COUNTY BOARD OF EDUCATION (BY AND THROUGH ITS SUPERINTENDENT, SCOTT PIERCE); ET AL.	2008-SC-000843-D	RUSSELL

SUPREME COURT OF KENTUCKY

MINUTES

JUNE 25, 2009

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 17, 2009**

MILDRED JONES, ET AL. V. BAPTIST HEALTHCARE SYSTEM, INC., ET AL.	2008-SC-000848-D	JEFFERSON
CONNIE ELISE BUCKLEY, A/K/A ET AL. V. JOCELYN MORGAN, ET AL.	2008-SC-000867-D	FAYETTE
ROBERT L. FIELDS V. COMMONWEALTH OF KENTUCKY	2008-SC-000868-D	LETCHER
DAVID LLOYD LUCAS V. COMMONWEALTH OF KENTUCKY	2008-SC-000869-D	LETCHER
MICHAEL TERRANCE FUGATE V. COMMONWEALTH OF KENTUCKY	2008-SC-000870-D	LETCHER
MARY ANN MILLS, ET AL. V. BRADLEY S. MILLS, ET AL.	2008-SC-000874-D	GRAVES
RONALD MYERS V. BLUE DIAMOND COAL COMPANY AND JAMES RIVER COAL COMPANY	2008-SC-000875-D	PERRY
KIM HOLLOWAY, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF CHRIS HOLLOWAY, DECEASED V. SARAH HOLLOWAY, ET AL.	2008-SC-000879-D	MCCRACKEN
EVELYN CLEARY V. COMMONWEALTH OF KENTUCKY	2008-SC-000882-D	KNOTT
PRAMCO IV, LLC V. BLUE STREAK MOTORS, INC. AND LON WESLEY CONLEY	2008-SC-000885-D	BOYD

SUPREME COURT OF KENTUCKY

MINUTES

JUNE 25, 2009

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 17, 2009**

MICHAEL P. BRIZENDINE V. COMMONWEALTH OF KENTUCKY	2008-SC-000922-D	JEFFERSON
PATRICIA GERMANY V. G. W. CHANDLER, ET AL.	2008-SC-000959-D	BULLITT
KEVIN JAY CLAXTON V. COMMONWEALTH OF KENTUCKY	2009-SC-000020-D	WHITLEY
SHYAMASHREE SINHA, M.D. V. UNIVERSITY OF KENTUCKY	2009-SC-000022-D	FAYETTE
ROBER ROSE V. COMMONWEALTH OF KENTUCKY	2009-SC-000057-D	JEFFERSON
DARRELL ANDERSON V. COMMONWEALTH OF KENTUCKY	2009-SC-000072-D	MONROE
WILLIAM PORTER, ET AL. V. SHELBYVILLE CEMETERY CO.; A/K/A GROVE HILL CEMETERY CO.	2009-SC-000080-D	SHELBY
WALLACE R. BOLIN, ADMINISTRATOR AND PERSONAL REPRESENTATIVE OF THE ESTATE OF CHRISTOPHER R. BOLIN, DECEASED V. THOMAS TODD DAVIS, PUBLIC ADMINISTRATOR OF THE ESTATE OF PLOMER C. WILSON, JR.	2009-SC-000105-D	SHELBY
ACCEPTANCE INDEMNITY INSURANCE COMPANY V. LIBERTY MUTUAL INSURANCE COMPANY	2009-SC-000120-D	CLAY

SUPREME COURT OF KENTUCKY

MINUTES

JUNE 25, 2009

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 17, 2009**

ALPHONZO BAILEY V. COMMONWEALTH OF KENTUCKY	2009-SC-000125-D	JEFFERSON
WANDA W. BELL V. JOHN R. BELL, ET AL.	2009-SC-000157-D	FAYETTE
MARK DIXON V. COMMONWEALTH OF KENTUCKY	2009-SC-000179-D	FAYETTE
ROB ROBINSON V. SANDRA STEELE	2009-SC-000213-DE	CAMPBELL

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE
MOTION FOR DISCRETIONARY REVIEW – JUNE 22, 2009**

MICHAEL GAINES V. KENTUCKY PAROLE BOARD, JUSTICE AND PUBLIC SAFETY CABINET	2009-SC-000257-D	FRANKLIN
STEPHON D. BECKAM V. COMMONWEALTH OF KENTUCKY	2009-SC-000321-D	MEADE

COURT ORDERS GRANTING MOTION TO TRANSFER – JUNE 25, 2009

RONNIE LEE BOWLING V. TOM SIMPSON, WARDEN	2008-SC-000245-TG	LYON
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COURT ORDERS DENYING MOTION TO TRANSFER – JUNE 25, 2009

GARLOCK SEALING TECHNOLOGIES, LLC V. DOLORES ANN ROBERTSON (INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF THOMAS E. ROBERTSON)	2009-SC-000177-T	JEFFERSON
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SUPREME COURT OF KENTUCKY

MINUTES

JUNE 25, 2009

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – JUNE 25, 2009

COMMONWEALTH OF KENTUCKY V. BOBBY A. JONES	2006-SC-000650-DG	MONTGOMERY
EDDIE CARDINE V. COMMONWEALTH OF KENTUCKY AND MICHAEL CURRY V. COMMONWEALTH OF KENTUCKY	2006-SC-000677-MR 2006-SC-000680-MR	JEFFERSON JEFFERSON
DON EARL SMITH V. COMMONWEALTH OF KENTUCKY	2006-SC-000896-MR	MCCRACKEN
DRASHAWN BARTLETT V. COMMONWEALTH OF KENTUCKY	2007-SC-000293-MR	JEFFERSON
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT V. TDC GROUP, LLC, D/B/A MOLLY MALONE'S AND ALCOHOLIC BEVERAGE CONTROL BOARD, COMMONWEALTH OF KENTUCKY	2007-SC-000315-DG 2007-SC-000581-DG	FRANKLIN
MICHAEL R. PARRISH V. COMMONWEALTH OF KENTUCKY	2007-SC-000782-DG	FRANKLIN
METHODIST HOSPITAL OF KENTUCKY, INC. V. WESLEY GILLIAM	2007-SC-000817-DG	PIKE
CHRYSALIS HOUSE, INC. V. KENNETH TACKETT; ET AL.	2008-SC-000221-WC	FROM COURT OF APPEALS
KRM TRUCKING, INC. V. HON. JAMES C. BRANTLEY, JUDGE, HOPKINS CIRCUIT COURT; ET AL.	2008-SC-000461-MR	HOPKINS

SUPREME COURT OF KENTUCKY

MINUTES

JUNE 25, 2009

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

NORMAN GRAHAM V. 2009-SC-000069-MR TODD
COMMONWEALTH OF KENTUCKY
ENTERED: MAY 26, 2009

DAVID L. WILLIAMS, PRESIDENT OF THE 2009-SC-000237-T FRANKLIN
KENTUCKY STATE SENATE, ET AL. V.
ERWIN W. LEWIS, ET AL.
ENTERED: JUNE 1, 2009

COMMONWEALTH OF KENTUCKY, 2009-SC-000259 HARDIN
UNINSURED EMPLOYERS' FUND V.
HON. MARK K. EASTON, JUDGE DIVISION
THREE HARDIN CIRCUIT COURT, ET AL.
ENTERED: JUNE 23, 2009

COURT ORDERS

BRAVO DEVELOPMENT, INC. V. [2007-SC-000769-DG](#) CAMPBELL
SCOT SINGLETON
**ORDER CORRECTED MEMORANDUM
OPINION OF THE COURT RENDERED
MAY 21, 2009, BY SUBSTITUTION OF
OPINION IN LIEU OF THE ORIGINAL
OPINION.**
ENTERED: JUNE 11, 2009

NELLIE MEECE, ET AL. V, [2007-SC-000785-DG](#) PULASKI
FELDMAN LUMBER COMPANY
TO BE PUBLISHED
**ORDER CORRECTED OPINION
OF THE COURT RENDERED MAY 21, 2009,
BY SUBSTITUTION OF PAGES 1 AND 13
IN LIEU OF PAGES 1 AND 13 OF THE
ORIGINAL OPINION.**
ENTERED: JUNE 22, 2009

SUPREME COURT OF KENTUCKY

MINUTES

JUNE 25, 2009

RELEASED: 10:00 A.M.

COURT ORDERS

MICHAEL JACKSON V. 2009-SC-000005-DG FULTON
COMMONWEALTH OF KENTUCKY
**ORDER GRANTED MOTION FOR
DISCRETIONARY REVIEW AND
REMANDED TO FULTON CIRCUIT
COURT FOR APPOINTMENT OF
COUNSEL.**
ENTERED: JUNE 17, 2009

KENTUCKY BAR ASSOCIATION V. 2009-SC-000271-KB IN SUPREME
JOHN SAMPSON BROOKING COURT
**ORDER DENIED MOVANTS
PETITION FOR RECIPROCAL
DISCIPLINE.**
ENTERED: JUNE 25, 2009

**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE
KENTUCKY BAR ASSOCIATION – JUNE 3, 2009**

DAVID EDWARD VELETA V. 2009-SC-000325-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT

**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE
KENTUCKY BAR ASSOCIATION – JUNE 19, 2009**

CARL HOUSTON EBERT V. 2009-SC-000367-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT

DONALD PAUL WAGNER V. 2009-SC-000368-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT

ANNE DOOLING CLARKE V. 2009-SC-000370-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT