

SUPREME COURT OF KENTUCKY

AUGUST 25, 2011 MINUTES

RELEASED: 10:00 A.M.

118. COMMONWEALTH OF KENTUCKY V. [2009-SC-000229-DG](#) GRAVES
RANDY MARSHALL [2010-SC-000348-DG](#)
AND [2009-SC-000589-DG](#)
COMMONWEALTH OF KENTUCKY V. **TO BE PUBLISHED**
MARK JOHNSON
OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
AFFIRMING
ABRAMSON, NOBLE, AND SCHRODER,
JJ., CONCUR. CUNNINGHAM, J.,
DISSENTS BY SEPARATE OPINION
IN WHICH SCOTT AND VENTERS JJ.,
JOIN.
- Questions Presented:**
Flagrant nonsupport cases. Due process requires trial court to consider whether the probationer had made sufficient bona fide efforts to pay but has been unable to pay through no fault of his own and if so, to consider whether alternative forms of punishment might serve the interest of punishment and deterrence.
119. MADISON COUNTY FISCAL COURT, [2010-SC-000322-TG](#) FRANKLIN
ET AL. V. **TO BE PUBLISHED**
KENTUCKY LABOR CABINET, ETC.,
ET AL.
OPINION OF THE COURT BY
JUSTICE VENTERS –
AFFIRMING
ALL SITTING. ALL CONCUR.
- Questions Presented:**
In these cases, the Labor Cabinet has jurisdiction to assert claims to collect unpaid overtime. Municipalities are not immune from such claims.
120. JEFFREY GRAHAM V. [2010-SC-000676-WC](#) COURT OF
TSL, LTD; HONORABLE SCOTT R. **TO BE PUBLISHED** APPEALS
BORDERS, ACTING CHIEF
ADMINISTRATIVE LAW JUDGE;
AND WORKERS COMPENSATION
BOARD
OPINION OF THE COURT
AFFIRMING
ALL SITTING. ALL CONCUR.
- Questions Presented:**
Workers' Compensation. KRS 342.670(1)(b). Whether contract of hire was made by telephone in Kentucky or when various acts were completed subsequently in Missouri.

SUPREME COURT OF KENTUCKY

AUGUST 25, 2011 MINUTES

RELEASED: 10:00 A.M.

121. ABEL VERDON CONSTRUCTION, [2010-SC-000744-WC](#) FROM COURT
AND ACUITY INSURANCE V. **TO BE PUBLISHED** OF APPEALS
MIGUEL A. RIVERA, ET AL.
OPINION OF THE COURT
AFFIRMING
ALL SITTING. ALL CONCUR
SCOTT, J., CONCURS BY SEPARATE
OPINION WITH RESPECT TO KRS
342.640(1).
- Questions Presented:**
Workers' Compensation. Issues include whether the claimant was an employee for the purposes of Chapter 342; whether the Immigration Reform and Control Act of 1986 preempts the application of Chapter 342 to the claim of an "unauthorized alien;" and the adequacy of proof concerning average weekly wage, duration of temporary total disability, and alleged safety violation.
122. JAMES PETERS V. [2010-SC-000384-MR](#) LAUREL
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE SCHRODER –
AFFIRMING IN PART AND
REVERSING IN PART
ALL SITTING. ALL CONCUR.
- Questions Presented:**
Second-degree manslaughter, first degree fleeing or evading the police in the first degree, two misdemeanors and PFO II-20 years. Error in admission of lab reports did not constitute palpable error. Admission of rebuttal evidence was proper. Imposition of court costs and fines was erroneous where the defendant was indigent.
123. JAMES B. TURNER JR. V. [2010-SC-000391-MR](#) BOYLE
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE NOBLE –
AFFIRMING IN PART AND
REVERSING IN PART, AND
REMANDING.
ALL SITTING. ALL CONCUR.
- Questions Presented:**
First degree sexual abuse and incest-22 years. Venue right was waived when issue was not raised prior to trial. Conviction of first degree sexual abuse reversed where defective jury instruction was given.

SUPREME COURT OF KENTUCKY

AUGUST 25, 2011 MINUTES

RELEASED: 10:00 A.M.

124. COMMONWEALTH OF KENTUCKY V. [2010-SC-000091-DG](#) FROM COURT
RANDY LEINENBACH **TO BE PUBLISHED** OF APPEALS
- OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
REVERSING AND REMANDING**
- ABRAMSON, NOBLE, SCHRODER,
SCOTT AND VENTERS, JJ., CONCUR.
MINTON, C.J., NOT SITTING.
- Questions Presented:**
RCr 11.42. Failure to object to two
instructions given on one rape charge.
125. RONNIE LEE ANDERSON V. [2010-SC-000205-MR](#) MASON
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
- OPINION OF THE COURT BY
JUSTICE ABRAMSON –
REVERSING AND REMANDING**
- ALL SITTING. ALL CONCUR.
- Questions Presented:**
First degree assault and PFO II-20 years.
Proof did not support a conviction for assault
in the first degree. Motion to suppress
defendant's statements, due to his
intoxication, was properly denied by the trial
court.
126. BILLY FRANKLIN FIELDS V. [2009-SC-000435-MR](#) CHRISTIAN
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
AND
JIMMIE CRAMER V. [2009-SC-000457-MR](#) CHRISTIAN
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
AND
JEFFREY LEE BOYD V. [2009-SC-000732-TG](#) CHRISTIAN
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
- MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
- ALL SITTING. ALL CONCUR.
127. JESSE BRIAN CONNER V. [2009-SC-000490-MR](#) MADISON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
- MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
- ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

AUGUST 25, 2011 MINUTES

RELEASED: 10:00 A.M.

128. CHARLES WAYNE BUSSELL V. [2009-SC-000647-MR](#) CHRISTIAN
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, NOBLE, SCHRODER,
AND VENTERS, JJ., CONCUR.
SCOTT, J., NOT SITTING.
129. BENNY LEE HODGE V. [2009-SC-000791-MR](#) LETCHER
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.
130. MARTIN PHILLIP JACKSON V. [2009-SC-000836-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
MINTON, C.J.; ABRAMSON,
NOBLE, SCHRODER,
AND VENTERS, JJ., CONCUR.
CUNNINGHAM, J., CONCURS IN
RESULT BY SEPARATE OPINION
IN WHICH SCOTT, J., JOINS.
131. EARL STRANGE V. [2010-SC-000150-MR](#) POWELL
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.
132. WILLIAM COUCH, JR. V. [2010-SC-000697-WC](#) FROM COURT
BLEVINS LOGGING; HONORABLE **NOT TO BE PUBLISHED** OF APPEALS
DOUGLAS GOTT, ADMINISTRATIVE
LAW JUDGE; AND WORKERS'
COMPENSATION BOARD
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

AUGUST 25, 2011 MINUTES

RELEASED: 10:00 A.M.

133. PEABODY HOLDING, INC., N/K/A [2010-SC-000746-WC](#) FROM COURT
PATRIOT COAL COMPANY V. **NOT TO BE PUBLISHED** OF APPEALS
GREGORY MCGUIRE; HONORABLE
JOHN B. COLEMAN, ADMINISTRATIVE
LAW JUDGE; AND WORKERS'
COMPENSATION BOARD
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
134. BARRY BORDERS V. [2010-SC-000825-WC](#) FROM COURT
BUSH & BURCHETT; HONORABLE **NOT TO BE PUBLISHED** OF APPEALS
DOUGLAS GOTT, ADMINISTRATIVE
LAW JUDGE; AND WORKERS'
COMPENSATION BOARD
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
135. THOMAS MCPHERSON V. [2011-SC-000003-MR](#) UNION
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
136. TERRRY STEINROCK AND GLEN [2011-SC-000032-WC](#) FROM COURT
COKE, D/B/A GLEN COKE GENERAL **NOT TO BE PUBLISHED** OF APPEALS
CONTRACTING V.
HOWARD C. COOK; UNISURED
EMPLOYERS FUND; HONORABLE
LAWRENCE SMITH, ADMINISTRATIVE
LAW JUDGE; AND WORKERS'
COMPENSATION BOARD
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

AUGUST 25, 2011 MINUTES

RELEASED: 10:00 A.M.

137. RAYMOND O. POYNTER V. [2011-SC-000044-WC](#) FROM COURT
BARREN-METCALFE AMBULANCE **NOT TO BE PUBLISHED** OF APPEALS
SERVICE; HONORABLE CHRIS DAVIS,
ADMINISTRATIVE LAW JUDGE;
WORKERS' COMPENSATION BOARD;
DR. MICHAEL CASSARO; DR. AMELIA
KISER; AND THE LASER SPINE
INSTITUTE
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
138. STEPHEN P. GILMORE V. [2011-SC-000048-MR](#) FROM COURT
HONORABLE LISA OSBORNE- **NOT TO BE PUBLISHED** OF APPEALS
BUSHELMAN, (JUDGE, KENTON
CIRCUIT COURT), ET AL.
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
MINTON, C.J.; CUNNINGHAM, NOBLE,
SCHRODER, SCOTT, AND VENTERS,
JJ., CONCUR. ABRAMSON, J.,
CONCURS IN RESULT ONLY.
139. LAURA HUDSON (NOW STANBERY) V. [2011-SC-000091-DGE](#) FROM COURT
DONALD HUDSON **NOT TO BE PUBLISHED** OF APPEALS
**MEMORANDUM OPINION OF
THE COURT – REVERSING AND
REMANDING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, SCHRODER,
SCOTT, AND VENTERS, JJ., CONCUR.
NOBLE, J., DISSENTS HEREIN FOR
THE REASONS STATED IN HER DISSENT
IN ARTRIP V. NOE.

OPINIONS AND ORDERS – AUGUST 25, 2011

- KENTUCKY BAR ASSOCIATION V. [2011-SC-000168-KB](#) IN SUPREME
JIMMIE GREEN ORR, JR. **TO BE PUBLISHED** COURT
**ORDER SUSPENDED RESPONDENT
FROM THE PRACTICE OF LAW FOR 61 DAYS.**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

AUGUST 25, 2011 MINUTES

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – AUGUST 25, 2011

KENTUCKY BAR ASSOCIATION V. LUANN GLIDEWELL ORDER SUSPENDED RESPONDENT FROM THE PRACTICE OF LAW FOR THREE YEARS WITH CONDITIONS. ALL SITTING. ALL CONCUR.	2011-SC-000206-KB TO BE PUBLISHED	IN SUPREME COURT
SAMUEL FIELDS V. HONORABLE JOHN DAVID CAUDILL, JUDGE, FLOYD CIRCUIT COURT AND COMMONWEALTH OF KENTUCKY, REAL PARTY IN INTEREST ORDER DENIED PETITION FOR WRIT OF MANDAMUS. MINTON, C.J.; ABRAMSON, CUNNINGHAM, NOBLE, SCHRODER AND VENTERS, JJ., CONCUR. SCOTT, J., NOT SITTING.	2011-SC-000252-OA NOT TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. WILLIAM A. MITCHELL ORDER SUSPENDED RESPONDENT FROM THE PRACTICE OF LAW FOR ONE YEAR. ALL SITTING. ALL CONCUR.	2011-SC-000300-KB TO BE PUBLISHED	IN SUPREME COURT
ROBERT W. RILEY V. KENTUCKY BAR ASSOCIATION ORDER PUBLICLY REPRIMANDED MOVANT. ALL SITTING. ALL CONCUR.	2011-SC-000309-KB TO BE PUBLISHED	IN SUPREME COURT
JOHN F. RAMPULLA, III. V. KENTUCKY BAR ASSOCIATION ORDER SUSPENDED MOVANT FROM THE PRACTICE OF LAW FOR 181 DAYS, WITH 91 DAYS PROBATED FOR 3 YEARS, WITH CONDITIONS. ALL SITTING. ALL CONCUR.	2011-SC-000310-KB TO BE PUBLISHED	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

AUGUST 25, 2011 MINUTES

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – AUGUST 25, 2011

**DAVID A. BAKER V.
KENTUCKY BAR ASSOCIATION
ORDER RESTORED MOVANT TO
THE PRACTICE OF LAW WITH CONDITIONS.
ALL SITTING. ALL CONCUR.**

[2011-SC-000328-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**AN UNNAMED ATTORNEY V.
KENTUCKY BAR ASSOCIATION
ORDER PRIVATELY REPRIMANDED
MOVANT WITH CONDITIONS.
ALL SITTING. ALL CONCUR.**

[2011-SC-000333-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 17, 2011**

**CHRISTOPHER TUCKER, AS
ADMINISTRATOR OF THE ESTATE OF
MINDI TUCKER, DECEASED, ET AL. V.
WOMEN'S CARE PHYSICIANS OF LOUISVILLE
P.S.C., ET AL.**

2010-SC-000466-D

JEFFERSON

**KEITH EDWARD MEYERS V.
COMMONWEALTH OF KENTUCKY**

2010-SC-000515-D

HICKMAN

**DANIELLE N. BIDWELL V.
SHELTER MUTUAL INSURANCE COMPANY**

2010-SC-000560-D

KENTON

**COMMONWEALTH OF KENTUCKY V.
KENTUCKY RETIREMENT SYSTEMS, ET AL.**

2010-SC-000809-D

FRANKLIN

**NORTON HOSPITALS, INC., D/B/A NORTON
SUBURBAN HOSPITAL V.
BRANDI PEYTON**

2010-SC-000818-D

JEFFERSON

**AND
NEONATAL INTENSIVE CARE EXPERTS
II, PLLC, AND KETAN MEHTA, M.D. V.
BRANDI PEYTON**

2010-SC-000819-D

JEFFERSON

**ELMER DAVID MILLER V.
COMMONWEALTH OF KENTUCKY**

2011-SC-000030-D

LINCOLN

SUPREME COURT OF KENTUCKY

AUGUST 25, 2011 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 17, 2011**

RICKY L. BARNARD V. KENTUCKY DEPARTMENT OF CORRECTIONS, ET AL.	2009-SC-000407-D	OLDHAM
JAMES D. LAWSON V. JOHN HUNT, OFFICER, ET AL.	2010-SC-000428-D	PIKE
LEAMON LORNE OLIVER V. SUN LIFE FINANCIAL DISTRIBUTORS, INC., ETC.	2010-SC-000439-D	JEFFERSON
ALVIN C. GIST V. COMMONWEALTH OF KENTUCKY	2010-SC-000450-D	JEFFERSON
ADAM PHIPPS V. COMMONWEALTH OF KENTUCKY	2010-SC-000462-D	ADAIR
JOHN GERSTAL PERKINS V. INTERSTATE FIRE AND CASUALTY COMPANY, ET AL.	2010-SC-000463-D	MCCREARY
PATRICIA THOMPSON V. CITY OF CALHOUN, KENTUCKY	2010-SC-000480-D	MCLEAN
JOSEPH E. FLOCK V. BROWN-FORMAN CORPORATION	2010-SC-000497-D	JEFFERSON
KENNETH EASTRIDGE V. COURIER-JOURNAL, INC., ET AL. VENTERS, J., WOULD GRANT.	2010-SC-000528-D	JEFFERSON
JOHNSON FAMILY COAL COMPANY, ET AL. V. MILLICENT MAY, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2010-SC-000535-D	PIKE

SUPREME COURT OF KENTUCKY

AUGUST 25, 2011 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 17, 2011**

FIVE STAR LODGING, INC. V. GEORGE CONSTRUCTION, ET AL.	2010-SC-000574-D	FAYETTE
PAUL PRICE, ET AL. V. CITY OF HILLVIEW, ET AL.	2010-SC-000580-D	BULLITT
RICKY FERRELL, ET AL. V. PAUL DAVIS RESTORATION, INC., ETC.	2010-SC-000623-D	WARREN
BENNY R. PILKINGTON V. CIRCLE K	2010-SC-000628-D	JEFFERSON
DONALD OWENS, JR., ET AL. V. SAMUEL E. DAVIES, ET AL.	2010-SC-000629-D	KNOX
MARONIAKA CORNETT V. BRICE BAKER, ET AL.	2010-SC-000644-D	LETCHER
SHAWN M. SMITH, ADMINISTRATOR, OF THE ESTATE OF MICHAEL SMITH V. LOUISVILLE AND JEFFERSON CO. METROPOLITAN SEWER DISTRICT, ET AL.	2010-SC-000704-D	JEFFERSON
RANDY A. COBURN V. CSX TRANSPORTATION, INC.	2010-SC-000705-D	GREENUP
RONALD SALYER V. COMMONWEALTH OF KENTUCKY	2010-SC-000725-D	JEFFERSON
GARRY MARRS COMER V. SUSAN BARRETT COMER	2010-SC-000740-D	WARREN
COMMONWEALTH OF KENTUCKY V. BARBARA SCHAMBON, ET AL.	2010-SC-000743-D	WARREN
JOSH BROUGHTON, ET AL. V. TOMMY RUSSELL	2010-SC-000771-D	FRANKLIN

SUPREME COURT OF KENTUCKY

AUGUST 25, 2011 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 17, 2011**

ROCKY CHAD MCENTIRE V. COMMONWEALTH OF KENTUCKY	2010-SC-000795-D	JEFFERSON
KENNY D. HOLLAND V. COMMONWEALTH OF KENTUCKY	2010-SC-000806-D	WEBSTER
BILLY HOOKER V. COMMONWEALTH OF KENTUCKY	2010-SC-000807-D	KNOX
EVERETT H. CARDWELL, JR. V. NICOLE G. CARDWELL	2010-SC-000823-D	UNION
CLIFTON GERALD BRISTOL V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2010-SC-000831-D	HARDIN
JEFFREY ALLEN MORRIS V. COMMONWEALTH OF KENTUCKY VENTERS, J., NOT SITTING.	2011-SC-000004-D	PULASKI
NANCY FLEMING, ET AL. V. GARY JESSEY, ET AL.	2011-SC-000019-D	LETCHER
KENTUCKY ASSOCIATION OF FIRE CHIEFS, INC., ET AL. V. KENTUCKY BOARD OF HOUSING, BUILDINGS AND CONSTRUCTION, ET AL. SCOTT, J., WOULD GRANT.	2011-SC-000021-D	FRANKLIN
KAREN STEVENSON, EXECUTRIX, ETC., ET AL. V. CLARK REGIONAL MEDICAL CENTER, INC., ET AL. VENTERS, J., WOULD GRANT.	2011-SC-000024-D	CLARK

SUPREME COURT OF KENTUCKY

AUGUST 25, 2011 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 17, 2011**

PATRICIA RENEE VALANDINGHAM V. COMMONWEALTH OF KENTUCKY	2011-SC-000028-D	CARTER
TIMOTHY SHOCKLEY V. COMMONWEALTH OF KENTUCKY	2011-SC-000037-D	JEFFERSON
AUTO OWNERS INSURANCE COMPANY, ET AL. V. THE ELITE AGENCY, INC.	2011-SC-000050-D	LAWRENCE
EMORY HUDSON V. COMMONWEALTH OF KENTUCKY	2011-SC-000061-D	MONTGOMERY
COMMONWEALTH OF KENTUCKY V. ANTHONY RUSTIN THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2011-SC-000066-D	CALDWELL
N.H. V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES EX REL, K.M.F. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. SCOTT, J., WOULD GRANT.	2011-SC-00070-DE	SIMPSON
DOMINIC ANDRE GALES V. COMMONWEALTH OF KENTUCKY CUNNINGHAM AND SCOTT, JJ., WOULD GRANT.	2011-SC-000075-D	CHRISTIAN
CALVIN ANDREW MCKINNEY V. COMMONWEALTH OF KENTUCKY	2011-SC-000080-D	WARREN
WILLIAM A. YEAGLE V. COMMONWEALTH OF KENTUCKY	2011-SC-000101-D	DAVISS
GARY HAGER V. CHARLES MILLS	2011-SC-000139-D	MARTIN

SUPREME COURT OF KENTUCKY

AUGUST 25, 2011 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 17, 2011**

COMMONWEALTH OF KENTUCKY V. BARRIE LESLIE MATLOCK	2011-SC-000147-D	CHRISTIAN
BONNIE KEMPER, ETC. V. PAUL KEMPER, ET AL.	2011-SC-000152-D	CUMBERLAND
JAMES HARRISON V. COMMONWEALTH OF KENTUCKY	2011-SC-000162-D	OLDHAM
JAMES HARRISON V. SGT. ESCOBEDO	2011-SC-000163-D	OLDHAM
JAMES HARRISON V. TARA WILKINS	2011-SC-000164-D	OLDHAM
JAMES HARRISON V. CLARK TAYLOR, (WARDEN)	2011-SC-000165-D	OLDHAM
JAMES HARRISON V. LT. TIM FORGEY	2011-SC-000166-D	OLDHAM
SHANNON HEACOCK V. JOHN DRAPER, ET AL.	2011-SC-000190-DE	BARREN
KENNETH STARRETT V. CRYSTAL DUNN	2011-SC-000198-DE	JEFFERSON
JO ANN CROSBY, ET AL. V. MASON COUNTY FISCAL COURT, ET AL.	2011-SC-000223-D	MASON
RONALD EARL WILLIANMS, JR. V. COMMONWEALTH OF KENTUCKY	2011-SC-000234-D	JEFFERSON
JOHN G. WAGNER (REVOCABLE LIVING TRUST) V. EDWARD A. WILSON, ET AL.	2011-SC-000244-D	MARION

SUPREME COURT OF KENTUCKY

AUGUST 25, 2011 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 17, 2011**

TIMOTHY NOLAN, ET AL. V. CAMPBELL COUNTY FISCAL COURT, ET AL.	2011-SC-000245-D	CAMPBELL
MARY COWAN V. BOARD OF TRUSTEES OF THE UNIVERSITY OF KENTUCKY, ET AL.	2011-SC-000251-D	FAYETTE
KINDRED NURSING CENTERS LIMITED PARTNERSHIP (D/B/A/ BASHFORD EAST HEALTH CARE), ET AL. V. TERESA BROWN (AS GUARDIAN OF MAURICE CHILDRESS, AN INCAPACITATED PERSON)	2011-SC-000256-D	JEFFERSON
PERCY DEWAYNE BROWN V. COMMONWEALTH OF KENTUCKY	2011-SC-000267-D	JEFFERSON
JERRY WELLS V. THE CITY OF BOWLING GREEN	2011-SC-000273-D	WARREN
R.G.H. V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL.	2011-SC-000274-DE	BELL
THERESA BALLARD WILLOUGHBY V. ANTHONY WILLOUGHBY	2011-SC-000284-DE	FRANKLIN
DAVID GAINES ROOFING, LLC. V. KENTUCKY OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION, ET AL.	2011-SC-000292-D	FRANKLIN
WILLIAM NATHAN WALLS V. LORI WYNN WALLS (NOW CONGER) SCOTT, J., WOULD GRANT. CUNNINGHAM, J., NOT SITTING.	2011-SC-000363-DE	CALDWELL

SUPREME COURT OF KENTUCKY

AUGUST 25, 2011 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 18, 2011**

JOHNNY COWHERD V.
COMMONWEALTH OF KENTUCKY

2011-SC-000078-D

FAYETTE

WILLIAM DAUGHERTY V.
COMMONWEALTH OF KENTUCKY

2011-SC-000114-D

JEFFERSON

JEREMY LAWRENCE V.
COMMONWEALTH OF KENTUCKY

2011-SC-000125-D

MCCRACKEN

KELLY WAYNE GREENWELL V.
COMMONWEALTH OF KENTUCKY

2011-SC-000156-D

NELSON

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

COREY MCKINLEY V.
COMMONWEALTH OF KENTUCKY
ENTERED: JUNE 2, 2011

2011-SC-000197-D

JEFFERSON

LARRY REARDON V.
COMMONWEALTH OF KENTUCKY
**CUNNINGHAM, NOBLE, SCHRODER,
AND VENTERS JJ., SITTING. ALL CONCUR.
ENTERED: JUNE 10, 2011**

2011-SC-000218-D

MARION

THOMAS M. ROBERTS V.
COMMONWEALTH OF KENTUCKY
ENTERED: JULY 27, 2011

2011-SC-000260-D

FAYETTE

SUPREME COURT OF KENTUCKY

AUGUST 25, 2011 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS GRANTING PETITION FOR REHEARING – AUGUST 25, 2011

MICHAEL SCHNUERLE, AMY GILBERT LANCE GILBERT AND ROBIN WOLFF V. INSIGHT COMMUNICATIONS COMPANY, LP. AND INSIGHT COMMUNICATIONS MIDWEST, LLC. AND	2008-SC-000789-DG	JEFFERSON
INSIGHT COMMUNICATIONS COMPANY, LP. AND INSIGHT COMMUNICATIONS MIDWEST, LLC. V. MICHAEL SCHNUERLE, AMY GILBERT LANCE GILBERT AND ROBIN WOLFF	2009-SC-000390-DG	JEFFERSON
MICHAEL ALLEN HALLUM V. COMMONWEALTH OF KENTUCKY AND	2009-SC-000762-DG	LOGAN
JOE B. JONES V. COMMONWEALTH OF KENTUCKY ORDER GRANTED PETITION FOR MODIFICATION OF OPINION RENDERED APRIL 21, 2011 AND SUBSTITUTED PAGES 1 AND 8.	2010-SC-000049-DG	MARION

SUPREME COURT OF KENTUCKY

AUGUST 25, 2011 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – AUGUST 25, 2011

WELLS FARGO BANK, MINNESOTA,
N.A. **V.**

[2008-SC-000419-DG](#)

BULLITT

COMMONWEALTH OF KENTUCKY,
FINANCE AND ADMINISTRATION CABINET,
DEPARTMENT OF REVENUE (F/K/A
REVENUE CABINET)

AND

CENTRAL BANK OF JEFFERSON COUNTY,
INC. (F/K/A FIRST BANK, INC.) **V.**
COMMONWEALTH OF KENTUCKY, FINANCE
AND ADMINISTRATION CABINET,
DEPARTMENT OF REVENUE
(F.K.A REVENUE CABINET)

[2008-SC-000427-DG](#)

JEFFERSON

**ORDER DENIED PETITION FOR REHEARING
AND CORRECTED THE OPINION OF THE
COURT ENTERED APRIL 21, 2011 BY
SUBSTITUTION OF PAGES 1 AND 12 IN
LIEU OF PAGES 1 AND 12 OF THE
OPINION.**

ENTERED: AUGUST 25, 2011

COURT ORDERS DENYING PETITION FOR REHEARING – AUGUST 25, 2011

SHERI LYNN REINSTEDLER **V.**
DANIEL THOMAS REINSTEDLER

2009-SC-000088-DG

JEFFERSON

PAUL NASH, ET AL. **V.**
CAMPBELL COUNTY FISCAL COURT, ET AL.

2009-SC-000152-DG

CAMPBELL

JONATHAN LEVI JOHNSON **V.**
COMMONWEALTH OF KENTUCKY

2009-SC-000727-MR

JEFFERSON

SUPREME COURT OF KENTUCKY

AUGUST 25, 2011 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

DANIEL L. AULL, INDIVIDUALLY, ETC.,
ET AL. V.
JOHN T. HOUSTON, M.D., ET AL.
**ORDER GRANTED MOVANT'S MOTION
TO DISMISS THE MOTION FOR
DISCRETIONARY REVIEW.**
ENTERED: AUGUST 17, 2011

2010-SC-000701-D

DAVISS

RICKY ALLEN V.
COMMONWEALTH OF KENTUCKY
ENTERED JUNE 14, 2011

2011-SC-000132- MR

LAUREL

AMANDA LEIGH BOGGS V.
LARRY JACKSON BOGGS
**ORDER GRANTED APPELLANT'S
MOTION TO DISMISS THE MOTION FOR
DISCRETIONARY REVIEW.**
ENTERED: AUGUST 17, 2011

2011-SC-000161- D

CARTER

COURT ORDERS

CINCINNATI INSURANCE COMPANY V.
MOTORISTS MUTUAL INSURANCE
COMPANY
**ORDER CORRECTED OPINION
ENTERED MARCH 18, 2010, AND
SUBSTITUTED PAGES 1 AND 10.**
ENTERED: JULY 19, 2011

[2008-SC-000293-DG](#)

FROM COURT
OF APPEALS

KENNETH M. BOGGS V.
KENTUCKY BAR ASSOCIATION
**ORDER MODIFIED OPINION AND ORDER
RENDERED MARCH 24, 2011, BY
SUBSTITUTION OF PAGE 1.**
ENTERED: AUGUST 25, 2011

[2011-SC-000073- KB](#)

IN SUPREME
COURT

SUPREME COURT OF KENTUCKY

AUGUST 25, 2011 MINUTES

RELEASED: 10:00 A.M.

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

EUGENE D. ATTKISSON V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 29, 2011	2011-SC-000377-KB	IN SUPREME COURT
JAMES FRANK LUMMANICK V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 14, 2011	2011-SC-000404-KB	IN SUPREME COURT
MELISSA ANN PRESSER V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 14, 2011	2011-SC-000405-KB	IN SUPREME COURT
STUART DANIEL BAKER V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 14, 2011	2011-SC-000406-KB	IN SUPREME COURT
STEPHANIE HAWKINS SMITH V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 26, 2011	2011-SC-000427-KB	IN SUPREME COURT
BRUCE LEE KLEINSCHMIDT V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 26, 2011	2011-SC-000429-KB	IN SUPREME COURT
HENRY C. GERMANN V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 26, 2011	2011-SC-000430-KB	IN SUPREME COURT
ANDREW J. PALMER III V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 26, 2011	2011-SC-000432-KB	IN SUPREME COURT