

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

151. MITCHELL JACKSON V. [2009-SC-000046-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE ABRAMSON

Questions Presented:
Criminal law. Parole revocation. Issues include whether appeal of order revoking probation and requiring defendant to serve twenty-year sentence should have been brought before Supreme Court or Court of Appeals; whether an order revoking probation is a “judgment of the Circuit Court imposing a sentence” as required by Section 110(2)(b) of the Kentucky constitution.

152. C. WESLEY COLLINS V. [2010-SC-000151-OA](#) IN SUPREME
HONORABLE SARA COMBS **TO BE PUBLISHED** COURT
CHIEF JUDGE, KENTUCKY
COURT OF APPEALS
MEMORANDUM OPINION OF THE
COURT –
DENYING WRIT OF MANDAMUS
SCHRODER, J., NOT SITTING.

Questions Presented:
Denied writ of mandamus with respect to Court of Appeals order prohibiting Collins from physically entering the Court of Appeals’ central or field offices but instructing the court’s clerk to accept pleadings from Collins by mail, fax, or e-mail.

153. KARU GENE WHITE V. [2010-SC-000280-OA](#) IN SUPREME
HON. GARY D. PAYNE (SPECIAL **TO BE PUBLISHED** COURT
JUDGE)
AND
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
JUSTICE VENTERS –
DENYING PETITION FOR WRIT
OF PROHIBITION

Questions Presented:
Denied writ of prohibition to prevent the respondent from enforcing a December 15, 2008 order requiring the movant to submit to a mental retardation evaluation conducted by the Kentucky Correctional Psychiatric Center.

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

154. ELAINE T. HENSON AND ST. PAUL FIRE AND MARINE INSURANCE COMPANY V. DAVID KLEIN
OPINION OF THE COURT BY JUSTICE VENTERS – AFFIRMING

[2007-SC-000795-DG](#)
[2008-SC-000204-DG](#)
TO BE PUBLISHED

IN SUPREME COURT

Questions Presented:
Torts. Sudden emergency doctrine. Whether doctrine is affected by adoption of comparative fault.

155. SHAWN WINDSOR V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE CUNNINGHAM – AFFIRMING
ABRAMSON AND VENTERS, JJ., CONCUR EXCEPT AS TO THE ISSUE OF WHETHER THE APPROPRIATENESS OF THE DEATH PENALTY MUST BE DETERMINED BEYOND A REASONABLE DOUBT. ON THAT ISSUE, ABRAMSON AND VENTERS, JJ., DISSENT FOR THE REASONS STATED IN JUSTICE ABRAMSON'S SEPARATE OPINION IN BROWN V. COMMONWEALTH, ___S.W.3^D___ (KY. JUNE 17, 2010), IN WHICH VENTERS, J., JOINED.

[2008-SC-000383-MR](#)
TO BE PUBLISHED

JEFFERSON

Questions Presented:
Criminal law. Issues include whether stated desire to plead guilty and accept death penalty creates reasonable ground, within meaning of KRS 504.100(1), to question defendant's competency; whether trial court failed to find beyond a reasonable doubt that death was appropriate punishment; whether KRS 532.030(4) or Section 11 of the Kentucky Constitution precludes defendant from waiving jury sentencing in capital case; whether KRS 532.075(1) requires review of death penalty case to be conducted on written transcript of the proceedings; and whether prosecution's refusal to consider sentence other than death requires sentence to be vacated under KRS 532.075(5)(b).

156. KENTUCKY RIVER MEDICAL CENTER; AND JACKSON HOSPITAL CORPORATION V. IRENE MCINTOSH
OPINION OF THE COURT BY JUSTICE NOBLE – AFFIRMING
SCHRODER, J., DISSENTS BY SEPARATE OPINION IN WHICH SCOTT, J., JOINS.

[2008-SC-000464-DG](#)
TO BE PUBLISHED

BREATHITT

Questions Presented:
Open and Obvious Doctrine. Slip and Fall. The issue is whether a hospital is liable for injuries to a paramedic who tripped over an unpainted curb while transporting a patient into the hospital.

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

157. COMMONWEALTH OF KENTUCKY V. [2008-SC-000600-MR](#) JOHNSON
LARRY JOE STAMBAUGH
AND
LARRY STAMBAUGH V. [2008-SC-000622-MR](#)
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
JUSTICE NOBLE – AFFIRMING
MINTON, C.J., DISSENTS BY
SEPARATE OPINION IN WHICH
CUNNINGHAM, J., JOINS.

Questions Presented:
Criminal law. Sentencing. Whether a defendant convicted of committing two or more felony sex crimes against two or more victims is subject to the statutory cap on sentences found in KRS 532.110(1)(c).

158. CHRISTOPHER SHILOH
GAMBLE V. [2008-SC-000669-DG](#) FAYETTE
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
JUSTICE SCHRODER – AFFIRMING
ABRAMSON, J., CONCURS BY
SEPARATE OPINION.

Questions Presented:
Criminal Law. Robbery, First-Degree. The issue is whether a defendant's written and verbal statements about having a gun, without brandishing it or pointing to unidentifiable bulges on the defendant's person constitutes Robbery, First-Degree.

159. FREDERICK JACKSON V. [2009-SC-000003-MR](#) MCCracken
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
AFFIRMING

Questions Presented:
Criminal law. Issues include whether trial court erred in finding defendant competent to stand trial; whether trial court impermissibly used prior misdemeanor marijuana trafficking offense to enhance felony cocaine trafficking conviction.

160. NORMAN GRAHAM V. [2009-SC-000069-MR](#) TODD
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
JUSTICE NOBLE – AFFIRMING

Questions Presented:
Criminal law. Whether lack of a *Daubert* hearing, juror misconduct, prosecutorial misconduct, and undue delay in prosecution warrant reversal.

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

161. ANTWAN LADALE HAYES V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE SCOTT – AFFIRMING**
- [2009-SC-000087-MR](#) HARDIN
TO BE PUBLISHED
- Questions Presented:**
Criminal law. Issues include whether addition of ten jurors from another division of the same circuit to the trial court’s panel compromised defendant’s right to randomly-selected jury; whether refusal to strike juror for cause constituted abuse of trial court’s discretion; and whether trial court committed reversible error by refusing to suppress evidence obtained via a search warrant that was based on an affidavit containing a material omission or intentionally or recklessly false statements.
162. CHARLES D. OAKES V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE NOBLE – AFFIRMING**
- [2009-SC-000186-MR](#) BULLITT
TO BE PUBLISHED
- Questions Presented:**
Criminal law. Issues involve trial court’s refusal to introduce the victim’s KASPER report; victim’s identification of defendant; and trial court’s refusal to give lesser-included offense instruction.
163. GENEVA MAHONEY, AS
EXECUTRIX OF THE ESTATE OF
LOUISE ROBERTS, DECEASED V.
HON. JUDITH MCDONALD-BURKMAN,
JUDGE, JEFFERSON CIRCUIT COURT,
DIVISION 9 AND
SANDEEP KAPOOR, M.D., ET AL.
**OPINION OF THE COURT BY
JUSTICE VENTERS – AFFIRMING**
- [2009-SC-000578-MR](#) JEFFERSON
TO BE PUBLISHED
- Questions Presented:**
Affirms denial of writ of mandamus.

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

164. HAROLD TURNER V. BLUEGRASS TIRE CO., INC.; ET AL.
OPINION OF THE COURT – AFFIRMING
- [2009-SC-000653-WC](#)
TO BE PUBLISHED
- FROM COURT OF APPEALS
- Questions Presented:**
Workers' Compensation. Showing of fraud, mistake, or newly-discovered evidence required for reopening.
165. HON. TAMRA GORMLEY, FAMILY COURT JUDGE, FOURTEENTH JUDICIAL CIRCUIT V. JUDICIAL CONDUCT COMMISSION
OPINION OF THE COURT BY JUSTICE SCHRODER – AFFIRMING
SCOTT, J., CONCURS IN RESULT ONLY WITHOUT SEPARATE OPINION.
NOBLE, J., NOT SITTING.
- [2009-SC-000736-RR](#)
[2010-SC-000010-RR](#)
TO BE PUBLISHED
- IN SUPREME COURT
- Questions Presented:**
Code of Judicial Conduct. Affirmed public reprimand and 45-day suspension without pay on two counts involving violations of judicial conduct code and affirmed public reprimand on a third count.
166. JESSIE C. GILBERT V. HONORABLE JUDITH E. MCDONALD-BURKMAN, JUDGE, JEFFERSON CIRCUIT COURT AND COMMONWEALTH OF KENTUCKY; AND CECIL E. NEW, II (REAL PARTIES IN INTEREST)
OPINION OF THE COURT BY JUSTICE NOBLE – AFFIRMING
- [2010-SC-000035-MR](#)
TO BE PUBLISHED
- JEFFERSON
- Questions Presented:**
Affirmed denial of a writ of mandamus.
167. AMERICAN GREETINGS CORPORATION V. SHEILA BUNCH; ET AL.
OPINION OF THE COURT – AFFIRMING
SCHRODER, J., DISSENTS WITHOUT OPINION.
- [2010-SC-000179-WC](#)
TO BE PUBLISHED
- FROM COURT OF APPEALS
- Questions Presented:**
Workers' Compensation. Standard of review applicable to Workers' Compensation Board's decision to reverse a finding that a workplace injury incurred while participating in a charitable fundraiser was not work-related.

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

168. ERNST & YOUNG, LLP, ET AL. V. [2007-SC-000770-TG](#) FRANKLIN
SHARON P. CLARK (IN HER OFFICIAL CAPACITY AS COMMISSIONER FOR THE KENTUCKY DEPARTMENT OF INSURANCE AND REHABILITATOR OF AIK COMP); ET AL. **TO BE PUBLISHED**
- AND**
ERNST & YOUNG, LLP V. [2007-SC-000936-TG](#) FRANKLIN
APPALACHIAN REGIONAL HEALTHCARDE, INC.; ET AL. **TO BE PUBLISHED**
OPINION OF THE COURT BY JUSTICE VENTERS – AFFIRMING IN PART AND REVERSING IN PART

Questions Presented:
KRS 304.33-010 to 304.33-600. Whether arbitration agreements in accounting firm's contracts with insurance carrier may be enforced against the Rehabilitator when the carrier becomes insolvent; whether the same arbitration agreements force the plaintiffs in a class action (*i.e.*, members of a workers' compensation self-insured group) to arbitrate their claims against the accounting firm.

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

169. TIM DAVIS, ET AL. V.
JOHN J. SCOTT, ET AL.
**OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
AFFIRMING IN PART AND
REVERSING IN PART**

[2009-SC-000159-DG](#)
[2009-SC-000391-DG](#)
TO BE PUBLISHED

FROM COURT
OF APPEALS

Questions Presented:

Assignment of proceeds from legal malpractice claim. Summary Judgment. The issues are: 1. whether Kentucky should allow parties to assign a portion of the proceeds from a legal malpractice claim; 2. whether the trial court properly grants summary judgment where the parties present conflicting evidence as to whether the assignment was an assignment of a legal malpractice claim or an assignment of a portion of the proceeds and who controls the litigation, and 3. even if a party cannot assign a portion of the proceeds from the claim, can the party proceed with the malpractice litigation? On cross-motion, Scott raised the following issues: 1. did the trial court err by denying summary judgment on "corrective" attorney's fees; 2. did the trial court err by failing to grant summary judgment on Davis's claim for emotional distress damages; 3. did the trial court err by failing to dismiss the case based on the fundamental disagreement between Davis's expert witnesses as to when and how Scott violated the standard of care, and 4. whether one of Davis's expert witnesses can testify Scott violated SCR 3.130 regarding competency.

170. BRANDON JAMOR BALLARD V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
AFFIRMING IN PART AND
REVERSING IN PART**

[2009-SC-000314-DG](#)
TO BE PUBLISHED

JEFFERSON

Questions Presented:

Criminal Law. Pretrial Diversion. Appeals. Where trial court ruled that it had lost jurisdiction to grant Commonwealth's motion to revoke pretrial diversion agreement with defendant because period of diversion had expired prior to hearing on motion – although motion had been filed prior to expiration – issues include whether Commonwealth's appeal should have been dismissed as interlocutory and, if not, whether trial court had jurisdiction to grant motion to revoke.

SUPREME COURT OF KENTUCKY

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RELEASED: 10:00 A.M.

171. LOUISVILLE METRO HEALTH DEPARTMENT V. HIGHVIEW MANOR ASSOCIATION, LLC, ET AL. [2008-SC-000599-DG](#) JEFFERSON
TO BE PUBLISHED

OPINION OF THE COURT BY JUSTICE SCHRODER – AFFIRMING IN PART, REVERSING IN PART AND REMANDING

Questions Presented:

Administrative Law. District Court's Jurisdiction. The issue involves the scope of the district court's authority to review a decision of a local code enforcement board pursuant to KRS 65.8831.

172. RICKY N. FRANCE V. COMMONWEALTH OF KENTUCKY [2009-SC-000249-MR](#) WARREN
TO BE PUBLISHED

OPINION OF THE COURT BY JUSTICE VENTERS – AFFIRMING IN PART, REVERSING IN PART & REMANDING

Questions Presented:

Criminal law. Issues include whether first-degree PFO conviction impermissibly based, in part, on same 1997 rape conviction (for a 1995 rape) that required appellant to be a sexual offender registrant; whether subjecting appellant to statutory revision of the registration statute, which occurred after 1995 rape and reclassified failure to register from a misdemeanor to a felony, violates ex post facto principles; and whether three jurors were struck impermissibly in violation of *Batson*.

173. CORDELLA BASTON V. COUNTY OF KENTON, KENTUCKY, EX REL. KENTON COUNTY AIRPORT BOARD, ET AL. [2008-SC-000319-DG](#) BOONE
TO BE PUBLISHED

OPINION OF THE COURT BY JUSTICE ABRAMSON – REVERSING SCHRODER, J., NOT SITTING.

Questions Presented:

Eminent Domain. Compensation. Evidence. Issues include whether trial court properly admitted condemnee's evidence regarding change in fair market value of condemned property pursuant to KRS 416.660(2), and whether condemnee presented sufficient evidence to permit jury to award compensation based upon potential industrial use of property.

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

174. THE PUBLIC SERVICE COMMISSION OF KENTUCKY V. COMMONWEALTH OF KENTUCKY AND DUKE ENERGY KENTUCKY, INC., F/K/A THE UNION LIGHT, HEAT AND POWER COMPANY, ET AL.

[2008-SC-000483-DG](#)
TO BE PUBLISHED

FRANKLIN

AND

THE UNION LIGHT, HEAT AND POWER COMPANY, N/K/A DUKE ENERGY KENTUCKY, INC., V. COMMONWEALTH OF KENTUCKY AND THE PUBLIC SERVICE COMMISSION OF KENTUCKY, ET AL.
OPINION OF THE COURT BY JUSTICE ABRAMSON – REVERSING

[2008-SC-000489-DG](#)
TO BE PUBLISHED

FRANKLIN

Questions Presented:

Utilities. Public Service Commission. Tariffs. Issues include whether economic-development riders to utility's rate schedule are lawful under KRS 278.170 and KRS 278.030.

175. COMMONWEALTH OF KENTUCKY V. NABRYAN MARSHALL
OPINION OF THE COURT BY JUSTICE SCOTT – REVERSING

[2008-SC-000894-DG](#)
TO BE PUBLISHED

FAYETTE

Questions Presented:

Criminal Law. Search and Seizure. Due Process. The issue is whether prior to arrest, subsequent to a Terry pat down, a police officer can partially remove a defendant's pants and underwear to retrieve what he believes are drugs.

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

176. MARY BETH CALOR, M.D. V. [2007-SC-000573-DG](#) BOYD
ASHLAND HOSPITAL CORPORATION, [2008-SC-000317-DG](#)
D/B/A KING'S DAUGHTERS MEDICAL **TO BE PUBLISHED**
CENTER; AND PAUL MCDOWELL
OPINION OF THE COURT BY
JUSTICE NOBLE – REVERSING
AND REMANDING
ABRAMSON, J., NOT SITTING.

Questions Presented:

Defamation. Qualified Privilege. Interference with Contractual Relations. Instructions. Golden Rule Argument. Damages. In this case involving claims of defamation and interference with contractual relations, issues include whether the "common-interest" qualified privilege was abused; whether defendants were entitled to judgment on grounds of "statements of opinion" and "statements of truth"; whether jury was improperly instructed; whether counsel engaged in improper "Golden Rule" argument to jury; and whether damages awarded were excessive.

177. LOUISVILLE GAS AND ELECTRIC COMPANY, ET AL. V. [2008-SC-000348-DG](#) FRANKLIN
HARDIN & MEADE COUNTY **TO BE PUBLISHED**
PROPERTY OWNERS FOR
CO-LOCATION, ET AL.
AND
KENTUCKY PUBLIC SERVICE [2008-SC-000354-DG](#) FRANKLIN
COMMISSION V. **TO BE PUBLISHED**
HARDIN & MEADE COUNTY
PROPERTY OWNERS FOR
CO-LOCATION, ET AL.
OPINION OF THE COURT BY
JUSTICE SCHRODER – REVERSING
AND REMANDING

Questions Presented:

Public Utilities. Civil Procedure. Issues include requirements for enlargement of ten-day time period for designation of record under KRS 278.420.

178. EMMETT E. COOMER V. [2008-SC-000784-DG](#) PERRY
CSX TRANSPORTATION, INC. **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE SCHRODER – REVERSING
AND REMANDING

Questions Presented:

FELA. Res Judicata. Issue Preclusion. Issues include whether FELA claim is barred by virtue of plaintiff's prior FELA claim against same defendant where different injuries and different mechanisms of injury are asserted.

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

179. COMMONWEALTH OF KENTUCKY V. [2008-SC-000839-DG](#) FRANKLIN
E. JOHN REINHOLD (D/B/A AMERICAN EVANGELISTIC ASSOCIATION), ET AL. **TO BE PUBLISHED**

OPINION OF THE COURT BY JUSTICE VENTERS – REVERSING AND REMANDING
SCOTT, J., DISSENTS
BY SEPARATE OPINION IN WHICH CUNNINGHAM, J., JOINS.

Questions Presented:
Insurance. Does the "Medi-Share" plan constitute "insurance" as defined by KRS 304.1-030 and, if so, is it exempt as a KRS 304.1-120(7) "religious publication"?

180. RACING INVESTMENT FUND 2000, LLC V. [2009-SC-000007-DG](#) FAYETTE
TO BE PUBLISHED

OPINION OF THE COURT BY JUSTICE ABRAMSON – REVERSING AND REMANDING
NOBLE, J., NOT SITTING.

Questions Presented:
Contempt. Limited Liability Companies. Satisfaction of Judgment. Issues include the trial court's authority to use its contempt power to compel satisfaction of a judgment against an L.L.C., forcing the L.L.C.'s to make a capital call for the amount of the judgment per the Operating Agreement executed by the L.L.C. members.

181. KRISTY RENE LAWLESS V. COMMONWEALTH OF KENTUCKY [2009-SC-000032-MR](#) JEFFERSON
TO BE PUBLISHED

OPINION OF THE COURT BY JUSTICE ABRAMSON – REVERSING AND REMANDING
MINTON, C.J.; AND SCOTT, J., CONCUR IN RESULT ONLY.

Questions Presented:
Criminal law. Issues concern alleged flaws in jury instructions insofar as they included a first-degree robbery charge not supported by the evidence; included an unsupported theory of first-degree robbery and, thus, violated defendant's right to unanimous verdict; and failed to instruct on the lesser included offense of theft by unlawful taking and the affirmative defense of duress.

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

182. CAMERON HUNT V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE SCHRODER – REVERSING AND REMANDING
CUNNINGHAM, J., DISSENTS BY SEPARATE OPINION.

[2009-SC-000312-DG](#)

HICKMAN

TO BE PUBLISHED

Questions Presented:

Criminal Law. Probation Revocation. Due Process. The issues are 1. does the trial court deny the probationer due process of law by appointing counsel on the morning of the hearing and then proceeding with the hearing; 2. does the trial court deny due process of law by requiring the probationer to “show cause” why his probation should not be revoked, and 3. does the trial court deny the probationer due process and the right against self incrimination by failing to swear witnesses and requiring the probationer to answer direct questions?

183. E. DAVID MARSHALL, ET AL. V. HON. PAMELA R. GOODWINE, JUDGE, FAYETTE CIRCUIT COURT DIVISION FOUR, ET AL.
OPINION OF THE COURT BY JUSTICE ABRAMSON – REVERSING AND REMANDING

[2009-SC-000495-MR](#)

FAYETTE

TO BE PUBLISHED

Questions Presented:

Reverses denial of a writ of prohibition.

184. DAVID DRESSMAN V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT – AFFIRMING

[2006-SC-000684-MR](#)

SCOTT

NOT TO BE PUBLISHED

185. MARCUS JABAR PENMAN V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT – AFFIRMING

[2008-SC-000485-MR](#)

CHRISTIAN

NOT TO BE PUBLISHED

186. PAUL D. YORK, SR. V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT – AFFIRMING

[2008-SC-000804-MR](#)

BULLITT

NOT TO BE PUBLISHED

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

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| 187. | WILLIAM J. ROGERS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2009-SC-000241-MR
NOT TO BE PUBLISHED | CALDWELL |
| 188. | DOROTHY SENNINGER V.
KENTUCKY FARM BUREAU, ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2009-SC-000381-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 189. | JOHN MUNDY V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2009-SC-000449-MR
NOT TO BE PUBLISHED | HANCOCK |
| 190. | MARCUS R. BRITT V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2009-SC-000451-MR
NOT TO BE PUBLISHED | BARREN |
| 191. | STEVEN KEITH HALLMAN V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2009-SC-000472-MR
NOT TO BE PUBLISHED | BULLITT |
| 192. | MATTHEW WORTMAN V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2009-SC-000520-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 193. | RANGER CONTRACTING V.
BROCK MORLEY, ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2009-SC-000601-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 194. | WOLFORD & WETHINGTON
LUMBER V.
JOHNNY DERRINGER, ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2009-SC-000620-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

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| 195. | MOUNTAIN AGGREGATES, INC. V.
GERALD SHANLEY, ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2009-SC-000654-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 196. | CHESTER DAVIS V.
WARRIOR COAL, LLC, ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2009-SC-000773-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 197. | LORA THACKER V.
MORGAN COUNTY ARH, ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2009-SC-000834-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 198. | CECIL O. SEAMAN V.
HON. PAUL F. ISAACS, JUDGE,
BOURBON CIRCUIT COURT, ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2010-SC-000063-MR
NOT TO BE PUBLISHED | BOURBON |
| 199. | RONNIE DRANE V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING IN PART,
REVERSING IN PART, AND
REMANDING</u> | 2008-SC-000933-MR
NOT TO BE PUBLISHED | FRANKLIN |
| 200. | STEVEN R. COX V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING IN PART,
REVERSING IN PART, AND
REMANDING</u> | 2009-SC-000432-MR
NOT TO BE PUBLISHED | HARDIN |
| 201. | ROBERT RAY DAVIS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>REVERSING</u>
SCOTT, J., DISSENTS BY SEPARATE
OPINION. | 2009-SC-000207-MR
NOT TO BE PUBLISHED | BOYD |

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

202.	VALERIAN VILLAGE V. MAUDIE THOMAS, ET AL. MEMORANDUM OPINION OF THE COURT – <u>REVERSING</u>	2009-SC-000637-WC NOT TO BE PUBLISHED	FROM COURT OF APPEALS
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OPINIONS AND ORDERS – AUGUST 18, 2010

COMMONWEALTH OF KENTUCKY V. RICKY ROYCE ORDER GRANTED DISCRETIONARY REVIEW, VACATED THE COURT OF APPEALS' OPINION AND REMANDED TO THE COURT OF APPEALS FOR FURTHER PROCEEDINGS.	2009-SC-000539-D	FAYETTE
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ANTHONY THOMAS GRIMES V. COMMONWEALTH OF KENTUCKY ORDER GRANTED DISCRETIONARY REVIEW, VACATED THE COURT OF APPEALS' OPINION AND REMANDED TO THE COURT OF APPEALS FOR FURTHER PROCEEDINGS.	2009-SC-000703-DG	DAVISS
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PHILIP O. DRIPCHAK, M.D.; ET AL. V. ROBERT A. JACOB, M.D. ORDER GRANTED DISCRETIONARY REVIEW, VACATED THE COURT OF APPEALS' OPINION AND REMANDED TO THE COURT OF APPEALS FOR FURTHER PROCEEDINGS.	2009-SC-000716-DG	JEFFERSON
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COMMONWEALTH OF KENTUCKY V. ANTHONY THOMAS GRIMES ORDER GRANTED DISCRETIONARY REVIEW, VACATED THE COURT OF APPEALS' OPINION AND REMANDED TO THE COURT OF APPEALS FOR FURTHER PROCEEDINGS.	2009-SC-000740-DG	DAVISS
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SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – AUGUST 26, 2010

LESTER H. BURNS, JR. V.
KENTUCKY BAR ASSOCIATION
**ORDER DENIED APPLICATION FOR
REINSTATEMENT.**
NOBLE AND VENTERS, JJ., NOT SITTING.

[2004-SC-000004-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

INQUIRY COMMISSION V.
DAVID ALAN FRIEDMAN
**ORDER TEMPORARILY SUSPENDED
RESPONDENT FROM THE PRACTICE
OF LAW, PENDING FURTHER ORDERS
FROM THIS COURT.**
ABRAMSON AND NOBLE, JJ., NOT SITTING.

[2009-SC-000801-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
CHARLES C. LEADINGHAM
**ORDER SUSPENDED RESPONDENT
FROM THE PRACTICE OF LAW FOR 181
DAYS TO BE SERVED CONSECUTIVE TO
ANY AND ALL SUSPENSIONS ORDERED
PRIOR TO, OR THE SAME DATE AS,
THIS SUSPENSION.**

[2009-SC-000815-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
IRWIN JAY KATZ
**ORDER SUSPENDED RESPONDENT
FROM THE PRACTICE OF LAW FOR 3
MONTHS FROM THE DATE OF ENTRY
OF THIS OPINION AND ORDER AND
UPON REINSTATEMENT SHALL BE
ON PROBATION FOR 1 YEAR
WITH CONDITIONS.**

[2010-SC-000092-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
JENNIFER SUE WHITLOCK
**ORDER SUSPENDED RESPONDENT
FROM THE PRACTICE OF LAW FOR
1 YEAR.**

[2010-SC-000238-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – AUGUST 26, 2010

**KENTUCKY BAR ASSOCIATION V.
MARC ASHLEY BRYANT
ORDER SUSPENDED RESPONDENT
FROM THE PRACTICE OF LAW
FOR 60 DAYS.**

**[2010-SC-000258-KB](#)
TO BE PUBLISHED**

**IN SUPREME
COURT**

**KENTUCKY BAR ASSOCIATION V.
CHARLES C. LEADINGHAM
ORDER SUSPENDED RESPONDENT
FROM THE PRACTICE OF LAW FOR 181
DAYS TO BE SERVED CONCURRENTLY
WITH ANY AND ALL SUSPENSIONS
ISSUED PRIOR TO THIS DATE.**

**[2010-SC-000262-KB](#)
TO BE PUBLISHED**

**IN SUPREME
COURT**

**MARC DOUGLAS DIETZ V.
KENTUCKY BAR ASSOCIATION
ORDER RESTORED MOVANT TO
THE PRACTICE OF LAW.**

2010-SC-000370-KB

**IN SUPREME
COURT**

**KENTUCKY BAR ASSOCIATION V.
JAMES B. GRAY
ORDER SUSPENDED RESPONDENT
FROM THE PRACTICE OF LAW FOR
5 YEARS, WITH 2 YEARS TO SERVE
FOLLOWED BY PROBATION FOR
THE REMAINING 3 YEARS WITH
CONDITIONS.**

**[2010-SC-000381-KB](#)
TO BE PUBLISHED**

**IN SUPREME
COURT**

**ERIC LAMAR EMERSON V.
KENTUCKY BAR ASSOCIATION
ORDER SUSPENDED MOVANT
FROM THE PRACTICE OF LAW FOR
AN ADDITIONAL 30 DAYS, BEGINNING
UPON EXPIRATION OF HIS 2010
TWO-YEAR SUSPENSION.**

**[2010-SC-000398-KB](#)
TO BE PUBLISHED**

**IN SUPREME
COURT**

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – AUGUST 26, 2010

KENTUCKY BAR ASSOCIATION V.
CHARLES C. LEADINGHAM
**ORDER SUSPENDED RESPONDENT
FROM THE PRACTICE OF LAW FOR 3
YEARS TO BE SERVED CONSECUTIVE TO
ANY AND ALL SUSPENSIONS ORDERED
PRIOR TO, OR THE SAME DATE AS,
THIS SUSPENSION.**

[2010-SC-000420-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 18, 2010**

GERALD BARKER V.
COMMONWEALTH OF KENTUCKY

2010-SC-000116-DG

GRAVES

RANDY MARSHALL V.
COMMONWEALTH OF KENTUCKY

2010-SC-000348-DG

GRAVES

C. C. V.
CABINET FOR HEALTH AND
FAMILY SERVICES, COMMONWEALTH
OF KENTUCKY, ET AL.

2010-SC-000395-DGE

LEWIS

ST. LUKE HOSPITAL, INC.; ET AL. V.
SHANNON STRAUB

2009-SC-000027-DG

CAMPBELL

WHITNEY JONES, M.D.; ET AL. V.
GERALYN GAES

2009-SC-000780-DGE

JEFFERSON

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 24, 2010**

D. G. R. AND T. B. H. V.
COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH
AND FAMILY SERVICES

2010-SC-000100-DGE

CALDWELL

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 18, 2010**

COMMONWEALTH OF KENTUCKY, EX REL. DEPARTMENT OF REVENUE V. NORTH ATLANTIC OPERATING CO., INC., ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2009-SC-000234-D	FRANKLIN
FLAGSTAR BANK, FSB V. WILLIAM H. RILEY; ET AL.	2009-SC-000386-D	WHITLEY
LM ENTERTAINMENT, INC., D/B/A 110 VIDEO V. CITY OF MT. STERLING, KENTUCKY	2009-SC-000496-D	MONTGOMERY
CHRISTOPHER BLEVINS V. COMMONWEALTH OF KENTUCKY	2009-SC-000565-D	BOYD
HELEN CHURCH V. DONALD OSBORNE	2009-SC-000611-D	LAWRENCE
BRENSON DANIEL V. METROPOLITAN DIRECT PROPERTY & CASUALTY INSURANCE COMPANY	2009-SC-000651-D	JEFFERSON
MARK D. BAIZE V. J. DAVID DONAHUE, WARDEN, KENTUCKY STATE REFORMATORY	2009-SC-000655-D	OLDHAM
KENTUCKY RETIREMENT SYSTEMS V. DEBRA FRYREAR	2009-SC-000668-D	FRANKLIN
EARL RAY COMBS V. DENZIL MULLINS, JR., ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2009-SC-000674-D	PERRY

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 18, 2010**

MARK S. LEBLANC V. JOSEPH M. DORTEN THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2009-SC-000678-D	FAYETTE
BILLY REED V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2009-SC-000680-D	PIKE
TERESA GRAY, FORMERLY EADS V. FIRST STATE FINANCIAL, INC.; AND CHARLES BISHOP THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2009-SC-000686-D	BELL
HARLAN FUEL COMPANY, LLC V. SIGMON COAL COMPANY, INC.; AND DAVID ROBINSON	2009-SC-000733-D	HARLAN
WALTER A. NOLAND V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2009-SC-000734-D	HARDIN
PHILIP C. KIMBALL V. COURIER-JOURNAL, INC. AND ANDREW WOLFSON	2009-SC-000743-D	JEFFERSON
TERESA YVETTE SHANNON V. COMMONWEALTH OF KENTUCKY	2009-SC-000746-D	MCCRACKEN

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 18, 2010**

DERRICK D'KEITH AKINS V.
COMMONWEALTH OF KENTUCKY
**THE OPINION OF THE COURT OF
APPEALS IS ORDERED NOT TO BE
PUBLISHED.**

2009-SC-000747-D

HARDIN

BEVERLY HEALTH AND REHABILITATION
SERVICES, INC. D/B/A MT. HOLLY
NURSING CENTER; ET AL. V.
LUCY SMITH, AS ADMINISTRATRIX OF
ESTATE OF SYLVESTER SMITH, JR.
DECEASED
**THE OPINION OF THE COURT OF
APPEALS IS ORDERED NOT TO BE
PUBLISHED.**

2009-SC-000759-D

JEFFERSON

JENNIFER RENEE SAPP V.
COMMONWEALTH OF KENTUCKY

2009-SC-000760-D

WARREN

ANTHONY ADDISON V.
TERRY GREENE, AS PARENT,
GUARDIAN AND NEXT FRIEND OF
TARA GREENE; ET AL.

2009-SC-000772-D

TODD

DONNA POWERS V.
LEXINGTON-FAYETTE URBAN COUNTY
GOVERNMENT
**THE OPINION OF THE COURT OF
APPEALS IS ORDERED NOT TO BE
PUBLISHED.**

2009-SC-000778-D

FAYETTE

RUSSELL MOORE, ET AL. V.
SAINT JOSEPH HEALTHCARE
D/B/A SAINT JOSEPH HOSPITAL
**THE OPINION OF THE COURT OF
APPEALS IS ORDERED NOT TO BE
PUBLISHED.**

2009-SC-000795-D

FAYETTE

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 18, 2010**

ASWORTH CORPORATION, N/K/A ASWORTH, LLC, ET AL. V. REVENUE CABINET, ETC. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2009-SC-000816-D	FRANKLIN
BETTY MACKEY; ET AL. V. GREG HINSON, CO-EXECUTOR OF THE ESTATE OF DIANNE HILL, DECEASED; ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2009-SC-000829-D	CAMPBELL
JAMES K. CAMPBELL V. COMMONWEALTH OF KENTUCKY	2009-SC-000833-D	FAYETTE
MARK TIMBERLAKE V. CYNTHIA FRENCH	2010-SC-000002-D	HARDIN
COMMUNITY TRUST BANK, INC., ET AL. V. PHILLIP BARNETT AND KATHY LOVELY, ET AL. V. PHILLIP BARNETT THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2010-SC-000034-D	FAYETTE
TROY D. GARDNER V. COMMONWEALTH OF KENTUCKY	2010-SC-000051-D	FAYETTE
JOHNNY WILLHITE V. CHARLES SWEATT ESTATE, ET AL.	2010-SC-000096-D	LOGAN
TIMOTHY FRAZER V. COMMONWEALTH OF KENTUCKY	2010-SC-000097-D	BOONE

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 18, 2010**

JEREMY WILLIAMS V. COMMONWEALTH OF KENTUCKY	2010-SC-000109-D	HARDIN
KATHY CARUTHERS, HEIR OF G. W. SMITH, ET AL. V. JOHN B. GOFF LAND COMPANY; ET AL.	2010-SC-000112-D	PIKE
CHARLES DWIGHT HUBER; ET AL. V. CHARLES HERMAN HUBER	2010-SC-000121-D	MARION
COMMONWEALTH OF KENTUCKY V. WADE MCNABB	2010-SC-000164-D	LEWIS
CHANNING HARDIN V. COMMONWEALTH OF KENTUCKY	2010-SC-000208-D	JEFFERSON
FLOYD MALONE V. COMMONWEALTH OF KENTUCKY	2010-SC-000230-D	KENTON
LAWRENCE R. RIDDLE; RUTH S. SAMS; ET AL. V. LOUISVILLE/JEFFERSON COUNTY METRO PLANNING COMMISSION; ET AL.	2010-SC-000271-D	JEFFERSON
S. N. L. V. K. A. V., R. V., JR. ET AL.	2010-SC-000281-DE	FAYETTE
PAUL GLENN WATKINS V. OLIE WATKINS, NOW DECEASED; ET AL.	2010-SC-000291-D	BREATHITT
J. W., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY	2010-SC-000344-D	FRANKLIN
CAROL P. WORRILL (NOW PURDY) V. CHARLES C. WORRILL	2010-SC-000358-DE	HARDIN

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE
MOTION FOR DISCRETIONARY REVIEW – JUNE 17, 2010**

ROCKY SCOTT V. 2010-SC-000272-MR MCCracken
COMMONWEALTH OF KENTUCKY

COURT ORDERS GRANTING MOTION TO TRANSFER – AUGUST 26, 2010

MADISON COUNTY FISCAL COURT, ET AL. V. 2010-SC-000322-TG FRANKLIN
KENTUCKY LABOR CABINET, ET AL.

COURT ORDERS DENYING MOTION TO TRANSFER – JUNE 17, 2010

BRIAN FERGUSON V. 2010-SC-000038-MR GRAVES
COMMONWEALTH OF KENTUCKY

COURT ORDERS GRANTING PETITION FOR REHEARING – AUGUST 26, 2010

RUSSELL WINSTEAD V. [2007-SC-000829-MR](#) HOPKINS
COMMONWEALTH OF KENTUCKY

AND
RUSSELL WINSTEAD V. [2008-SC-000446-TG](#) HOPKINS
COMMONWEALTH OF KENTUCKY

**ORDER DENIED PETITION FOR
MODIFICATION AND
GRANTED PETITION
FOR REHEARING.**

COURT ORDERS DENYING PETITION FOR REHEARING – AUGUST 26, 2010

TOYOTA MOTOR MANUFACTURING, [2007-SC-000647-MR](#) SCOTT
KENTUCKY, INC. V.
HONORABLE ROBERT G. JOHNSON,
JUDGE, SCOTT CIRCUIT COURT
AND JEFF SERGENT

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – AUGUST 26, 2010

BLUE MOVIES, INC., D/B/A LOVE BOUTIQUE, ET AL. V. LOUISVILLE/ JEFFERSON COUNTY METRO GOVERNMENT	2007-SC-000812-DG	JEFFERSON
KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY V. JAMES O. YOUNG, ET AL.	2008-SC-000333-DG	UNION
ARMINTA JANE MULLINS V. PHYLLIS DIANNE PICKLESIMER ORDER MODIFIED THE OPINION OF THE COURT BY JUSTICE SCHRODER RENDERED JANUARY 21, 2010, BY SUBSTITUTION OF NEW OPINION.	2008-SC-000484-DGE	GARRARD
RONALD CRABTREE V. COMMONWEALTH OF KENTUCKY ORDER MODIFIED THE MEMORANDUM OPINION OF THE COURT RENDERED MARCH 18, 2010, BY SUBSTITUTION OF PAGE 18.	2008-SC-000551-MR	MADISON
JAMES BARNETT V. COMMONWEALTH OF KENTUCKY	2008-SC-000615-MR	MONTGOMERY
LUTHER WILBERT SEXTON V. COMMONWEALTH OF KENTUCKY	2008-SC-000731-MR	PULASKI
COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES V. L.J.P, M.J.P., AND D.J.P. (A CHILD)	2008-SC-000950-DGE	KENTON
VIRGINIA G. FOX V. TREY GRAYSON, IN HIS OFFICIAL CAPACITY AS SECRETARY OF STATE OF THE COMMONWEALTH OF KENTUCKY; ET AL.	2009-SC-000066-TG	FRANKLIN

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – AUGUST 26, 2010

COMMONWEALTH OF KENTUCKY V. [2009-SC-000143-DG](#) BREATHITT
WANDA COMBS

GARRETT ADAMS V. [2009-SC-000296-MR](#) MADISON
COMMONWEALTH OF KENTUCKY

COURT ORDERS DISMISSING

AMERICAN INTERNATIONAL SPECIALTY 2007-SC-000246-MR PIKE
LINES INSURANCE COMPANY V.
HON. EDDY COLEMAN, JUDGE,
PIKE CIRCUIT COURT, ET AL.
ENTERED: AUGUST 23, 2010

CSX TRANSPORTATION, INC. V. 2008-SC-000595-D JEFFERSON
TERRY WILLIAMS
ENTERED: AUGUST 24, 2010

MITCHELL JACKSON V. 2009-SC-000046-MR JEFFERSON
COMMONWEALTH OF KENTUCKY
ENTERED: AUGUST 26, 2010

JANET STEWART V. 2010-SC-000059-WC FROM COURT
T. J. MAXX, ET AL. OF APPEALS
ENTERED: JUNE 16, 2010

RHODA TERESA BUNCH V. 2010-SC-000136-D FROM COURT
COMMONWEALTH OF KENTUCKY OF APPEALS
ENTERED: JUNE 17, 2010

WILLIAM MUCKER V. 2010-SC-000071-MR JEFFERSON
COMMONWEALTH OF KENTUCKY
ENTERED: JUNE 23, 2010

LARRELL JARVOR PORTER V. 2010-SC-000189-MR MARION
COMMONWEALTH OF KENTUCKY
ENTERED: JUNE 23, 2010

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

DAVID HASSIE V.
HIGHLEY MOTORS, INC., ET AL
AUGUST 3, 2010

2010-SC-000285-WC

FROM COURT
OF APPEALS

TERRY RILEY V.
COMMONWEALTH OF KENTUCKY
AUGUST 3, 2010

2010-SC-000297-MR

LAUREL

COURT ORDERS

ANTHONY MCMAHAN V.
COMMONWEALTH OF KENTUCKY
**ORDER GRANTED MOTION TO RECONSIDER
THIS COURT'S ORDER DISMISSING APPEAL.
ENTERED: JULY 8, 2010**

2010-SC-000162-MR

TAYLOR

COMMONWEALTH OF KENTUCKY V.
JOHN DAVID GILBERT
**THE ORDER GRANTING DISCRETIONARY
REVIEW IN THIS MATTER IS HEREBY
VACATED HAVING DETERMINED
DISCRETIONARY REVIEW WAS
IMPROVIDENTLY GRANTED. THE COURT
OF APPEALS OPINION IS ORDERED NOT
TO BE PUBLISHED.
ENTERED: AUGUST 18, 2010**

2007-SC-000085-DG

TODD

KENTUCKY BAR ASSOCIATION V.
MELBOURNE MILLS
**ORDER GRANTED MOTION TO
RECONSIDER AND MODIFIED OPINION
AND ORDER DATED MAY 20, 2010,
BY SUBSTITUTION OF PAGES 4 AND 5
IN LIEU OF ORIGINAL PAGES 4 AND 5.
ENTERED: AUGUST 26, 2010**

[2010-SC-000148-KB](#)

IN SUPREME
COURT

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS

WINDSTREAM KENTUCKY WEST, LLC, ET AL. V. KENTUCKY PUBLIC SERVICE COMMISSION, ET AL. ORDER DENIED MOTION TO VACATE OR MODIFY THE ORDER OF THE COURT OF APPEALS ENTERED NOVEMBER 10, 2009, PURSUANT TO CR 65.09. ENTERED: AUGUST 26, 2010.	2010-SC-000400-I	FRANKLIN
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**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE
KENTUCKY BAR ASSOCIATION**

IN RE: DAVID J. LEIBSON V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 21, 2010	2010-SC-000405-KB	IN SUPREME COURT
IN RE: TARA A. KLEE V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 2, 2010	2010-SC-000437-KB	IN SUPREME COURT
IN RE: RICHARD LIVINGSTON DUNCAN V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 15, 2010	2010-SC-000455-KB	IN SUPREME COURT
IN RE: JOHN W. HOAG III V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 15, 2010	2010-SC-000456-KB	IN SUPREME COURT
IN RE: DANA C. STINSON V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 28, 2010	2010-SC-000492-KB	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

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

IN RE: PATRICIA ANN MCPHERSON SHELLER V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 20, 2010	2010-SC-000541-KB	IN SUPREME COURT
IN RE: HAROLD A. COHN V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 20, 2010	2010-SC-000542-KB	IN SUPREME COURT
IN RE: JON KARL DALAGER V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 20, 2010	2010-SC-000543-KB	IN SUPREME COURT
IN RE: ELAINE RUTH COSTELLO V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 20, 2010	2010-SC-000544-KB	IN SUPREME COURT
IN RE: VALERIE CATLETT TIMMONS V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 20, 2010	2010-SC-000545-KB	IN SUPREME COURT
IN RE: CAROLYN MARTIN KENNEDY V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 20, 2010	2010-SC-000546-KB	IN SUPREME COURT
IN RE: ELIZABETH SCHOFIELD BROWN V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 20, 2010	2010-SC-000547-KB	IN SUPREME COURT
IN RE: ROSE ANN WILLENBRINK V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 24, 2010	2010-SC-000552-KB	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

AUGUST 26, 2010 MINUTES

RELEASED: 10:00 A.M.

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

IN RE: DANIEL SCOTT BOWLING V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 24, 2010	2010-SC-000553-KB	IN SUPREME COURT
IN RE: THOMAS J. WOOD V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 24, 2010	2010-SC-000555-KB	IN SUPREME COURT
IN RE: DAVID COVINGTON FOWLER V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 24, 2010	2010-SC-000556-KB	IN SUPREME COURT