

SUPREME COURT OF KENTUCKY

AUGUST 26, 2021 RULINGS

RELEASED: 10:00 A.M.

100. COMMONWEALTH OF KENTUCKY V.
BOBBIE COLLINSWORTH

[2019-SC-0132-DG](#)
TO BE PUBLISHED

KENTON

**OPINION OF THE COURT BY JUSTICE
VANMETER - VACATING AND
DISMISSING**

ALL SITTING. MINTON, C.J.; CONLEY,
KELLER, LAMBERT, AND NICKELL, JJ.,
CONCUR. HUGHES, J., CONCURS IN
RESULT ONLY.

Questions Presented:

Criminal Law. Probation Revocation. Consecutive Sentencing. Mootness. Consideration of whether case is moot where defendant has completed all probationary obligations, and whether *Brewer v. Commonwealth of Kentucky*, 922 S.W.2d 380 (Ky. 1996) sufficiently addresses the interplay between KRS 533.040(3) and KRS 533.060(2) on the imposition of consecutive sentence when a defendant serving a probated sentence is subsequently convicted of another felony.

101. CHRIS MEINHART, ADMINISTRATOR
OF THE ESTATE OF DEMETRA BOYD,
ET AL. V.
LOUISVILLE METRO GOVERNMENT,
ET AL.

[2019-SC-0237-DG](#)
TO BE PUBLISHED

JEFFERSON

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

ALL SITTING. ALL CONCUR.

Questions Presented:

Tort Law. Qualified Official Immunity. Police Chase. Whether a police officer is entitled to qualified official immunity from liability for the decision to initiate a police pursuit that ended in a fatal automobile accident.

102. CITY OF VILLA HILLS, KENTUCKY V.
KENTUCKY RETIREMENT SYSTEMS

[2019-SC-0434-DG](#)
TO BE PUBLISHED

FRANKLIN

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

CONLEY, HUGHES, KELLER, LAMBERT
AND VANMETER, JJ., SITTING. ALL
CONCUR. NICKELL, J., NOT SITTING.

Questions Presented:

Pension Spiking. Retroactive Application of KRS 61.598. Consideration of whether KRS 61.598 should be retroactively applied and whether the Movant met its burden of proof that the substantial increase in creditable compensation was due to a bona fide promotion or career advancement, or whether the increase was merely an increase in overtime pay.

103. LINDSEY WILSON V.
COMMONWEALTH OF KENTUCKY

[2019-SC-0454-DG](#)
TO BE PUBLISHED

FAYETTE

AND

CRAIG MILNER V.
COMMONWEALTH OF KENTUCKY

[2019-SC-0660-DG](#)
TO BE PUBLISHED

FAYETTE

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

ALL SITTING. ALL CONCUR.

Questions Presented:

Criminal Law. KRS 218 A.133 “Good Samaritan” Exemption. Issues include the application of “Medical Amnesty” statute that offers immunity from prosecution when medical treatment for an overdose is sought.

104. MICHAEL V. HAYES V.
COMMONWEALTH OF KENTUCKY

[2019-SC-0455-MR](#)
TO BE PUBLISHED

JEFFERSON

**OPINION OF THE COURT BY JUSTICE
HUGHES – AFFIRMING, AND
AFFIRMING AND REMANDING**

ALL SITTING. ALL CONCUR.

Questions Presented:

Matter of Right. Murder. Sentencing. A sentencing issue or illegal sentence does not arise when the trial court acknowledges the sentencing range available, and then, after hearing the evidence offered in mitigation, imposes upon the defendant a punishment within that statutory range.

105. TONYA FORD V.
COMMONWEALTH OF KENTUCKY

[2019-SC-0538-DG](#)
TO BE PUBLISHED

TAYLOR

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

ALL SITTING. MINTON, C.J.; HUGHES,
LAMBERT, NICKELL, AND VANMETER,
JJ., CONCUR. CONLEY, J., CONCURS IN
RESULT ONLY.

Questions Presented:

Criminal Law. RCr 11.42. Ineffective Assistance of Counsel. Discussion of the appropriate sanction for a violation of Kentucky Rule of Civil Procedure 76.12 on briefing and the application of the “manifest injustice” standard of review, and whether trial counsel provided ineffective assistance in failing to object to certain jury instructions.

106. UNIVERSITY MEDICAL CENTER, INC. [2019-SC-0641-DG](#) JEFFERSON
D/B/A JAMES GRAHAM BROWN **TO BE PUBLISHED**
CANCER CENTER, ET AL. V.
REAGAN BROOKE SHWAB, ET AL.

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

ALL SITTING. ALL CONCUR.

Questions Presented:
Medical Malpractice. Informed Consent. KRS 304.40-320. Issues involve the validity of an informed consent signed by the participant in a Phase I clinical trial.

107. SHAWN T. SUTTON V. [2019-SC-0648-MR](#) MCCRACKEN
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**

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

ALL SITTING. ALL CONCUR.

Questions Presented:
Matter of Right. Directed Verdict. Jury Instructions. Trial court properly denied defendant's motion for directed verdict as to burglary counts where testimony established that although a former tenant of the residence, he had moved out of state with no known intention of returning and defendant burst through the door with violent force rather than using a key. Trial court did not err in refusing to provide jury instructions on mistake of fact and self-protection or by permitting the jury to view body camera footage.

108. KEENELAND ASSOCIATION, INC. V. [2020-SC-0067-DG](#) FAYETTE
ROY J. PRATHER, ET AL. **TO BE PUBLISHED**

AND

SALLEE HORSE VANS, INC. V.
ROY J. PRATHER, ET AL.

[2020-SC-0075-DG](#) FAYETTE
TO BE PUBLISHED

**OPINION OF THE COURT BY
JUSTICE HUGHES - REVERSING**

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

Questions Presented:
Farm Animals Activity Act. KRS 247.4025. Immunity. Issues include the application of immunity afforded by the Farm Animals Activity Act applies to activities alleged to be "horse racing activity."

109. GLORIA DOWELL, WIDOW OF
WILLIAM BRUCE DOWELL V.
MATTHEWS CONTRACTING ET AL.

[2020-SC-0170-WC](#)
TO BE PUBLISHED

COURT OF
APPEALS

AND

TERRY ADAMS V.
EXCEL MINING, LLC, ET AL.

[2020-SC-0137-WC](#)
TO BE PUBLISHED

COURT OF
APPEALS

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

ALL SITTING. CONLEY, HUGHES,
KELLER, LAMBERT, AND VANMETER,
JJ., CONCUR. NICKELL, J.,
CONCURRING BY SEPARATE OPINION.

Questions Presented:

Workers' Compensation. KRS 342.730(4). Issues include whether the 2018 amendment to KRS 342.730(4) violates the Contracts Clause of the federal and state constitutions.

110. BILLY CHADWELL V.
COMMONWEALTH OF KENTUCKY

[2020-SC-0201-DG](#)
TO BE PUBLISHED

MADISON

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

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

Questions Presented:

Criminal Sentencing. Indigency. Court Costs. Whether trial court erred in imposing judgment 14 years after the original sentence requiring defendant represented by the public defender to pay court costs within six months of being released from custody.

111. JANE SMITH V. JOHN DOE, A MINOR
AND

[2020-SC-0211-DG](#)
TO BE PUBLISHED

JEFFERSON

JOHN DOE, A MINOR V.
JANE SMITH

[2020-SC-0305-DG](#)
TO BE PUBLISHED

JEFFERSON

**OPINION OF THE COURT BY
JUSTICE LAMBERT - AFFIRMING
AND REMANDING**

ALL SITTING. ALL CONCUR.

Questions Presented:

Interpersonal Protection Orders. KRS 456.030(6). Minors. Capacity. Consideration of whether the jurisdiction of a petition for an interpersonal protection order involving a minor should be in the juvenile division of the district court; also, whether minors have the capacity to represent themselves in the proceeding or whether they may be represented by a parent or legal guardian.

112. CHERYL CATES V. KROGER, ET AL. [2020-SC-0275-WC](#) COURT OF APPEALS
TO BE PUBLISHED

AND

RONNIE BEAN V. COLLIER ELECTRICAL SERVICE, ET AL. [2020-SC-0277-WC](#) COURT OF APPEALS
TO BE PUBLISHED

OPINION OF THE COURT BY CHIEF JUSTICE MINTON - AFFIRMING

ALL SITTING. CONLEY, HUGHES, KELLER, LAMBERT, AND VANMETER, JJ., CONCUR. NICKELL, J., CONCURRING IN PART AND DISSENTING IN PART BY SEPARATE OPINION.

Questions Presented:

Workers' Compensation. KRS 342.730(4). Issues include whether KRS 342.730(4), which terminates workers' compensation benefits when the recipient reaches the age of 70 or four years from the date of injury or last injurious exposure, whichever event occurs last, is constitutional.

113. B.B. V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. [2020-SC-0488-DGE](#) FRANKLIN
TO BE PUBLISHED

OPINION OF THE COURT BY JUSTICE CONLEY - AFFIRMING

ALL SITTING. ALL CONCUR.

Questions Presented:

Family Law. Abuse or Neglect. Admissibility of Hearsay. Consideration of the admissibility of statements of a child victim to a therapist or physician while in treatment, and whether competency of the child victim is a prerequisite to the admissibility of the hearsay statements.

114. DOUGLAS IMHOFF, ET AL. V. OSCAR GAYLE HOUSE, ET AL. [2020-SC-0530-MR](#) CLAY
TO BE PUBLISHED

OPINION OF THE COURT BY JUSTICE VANMETER - AFFIRMING

ALL SITTING. ALL CONCUR.

Questions Presented:

Writ of Prohibition. Breach of Contract. Subject Matter Jurisdiction. Circuit Court was without subject matter jurisdiction where the plaintiffs did not meet the amount in controversy, either individually or as a group. Although a class action is maintained in circuit court, plaintiffs were not without remedy in district court.

115. DANIEL SMITH V. [2021-SC-0050-DGE](#) WARREN
JASON MCCOY **TO BE PUBLISHED**

**OPINION OF THE COURT BY
JUSTICE KELLER – REVERSING AND
REINSTATING**

ALL SITTING. ALL CONCUR.

Questions Presented:

Domestic Violence. Protective Orders. Findings of Fact. Trial court made sufficient findings of fact in support of a domestic violence protective order where the judge made findings in writing on the order form and explicitly incorporated their clear oral factual findings.

116. JAMES BRADLEY TOWNSEND V. [2019-SC-0566-MR](#) PULASKI
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**

**MEMORANDUM OPINION OF THE
COURT - REVERSING**

ALL SITTING. MINTON, C.J.; HUGHES, KELLER, LAMBERT, AND NICKELL, JJ., CONCUR. VANMETER J., CONCURRING IN PART AND DISSENTING IN PART BY SEPARATE OPINION IN WHICH CONLEY, J., JOINS.

117. MICHAEL CRAIG MOODY V. [2019-SC-0579-MR](#) HARDIN
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**

**MEMORANDUM OPINION OF THE
COURT - AFFIRMING**

ALL SITTING. ALL CONCUR.

118. ABDULLAH R. WHITE V. [2020-SC-0015-MR](#) LARUE
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**

**MEMORANDUM OPINION OF THE
COURT - AFFIRMING**

ALL SITTING. ALL CONCUR.

- | | | | |
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| 119. | CHRIS JAMES LOWE V.
COMMONWEALTH OF KENTUCKY

MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u>

ALL SITTING. ALL CONCUR. | 2020-SC-0126-MR
NOT TO BE PUBLISHED | WHITLEY |
| 120. | UNIVERSITY OF LOUISVILLE, ET AL. V.
HON. AUDRA J. ECKERLE, JUDGE,
JEFFERSON CIRCUIT COURT, ET AL.

MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u>

ALL SITTING. ALL CONCUR. | 2020-SC-0216-MR
NOT TO BE PUBLISHED | IN SUPREME COURT |
| 121. | CHAZRICO GIBSON V.
COMMONWEALTH OF KENTUCKY

MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u>

ALL SITTING. ALL CONCUR. | 2020-SC-0250-MR
NOT TO BE PUBLISHED | KENTON |
| 122. | JEREMY DEMAR V.
COMMONWEALTH OF KENTUCKY

MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u>

ALL SITTING. ALL CONCUR. | 2020-SC-0325-MR
NOT TO BE PUBLISHED | CHRISTIAN |
| 123. | HARPER SUB CLUB, LLC, ET AL. V.
HONORABLE JAMES R. SCHRAND, ET AL.

MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u>

ALL SITTING. MINTON, C.J.; CONLEY, HUGHES, LAMBERT, NICKELL, AND VANMETER, JJ., CONCUR. KELLER, J., CONCURS IN RESULT ONLY. | 2020-SC-0372-MR
NOT TO BE PUBLISHED | BOONE |

124. BETTY CAITLIN NICOLE SMITH V. [2020-SC-0526-MR](#) CHRISTIAN
HONORABLE JASON FLEMING, ET AL. **NOT TO BE PUBLISHED**

**MEMORANDUM OPINION OF THE
COURT - AFFIRMING**

ALL SITTING. ALL CONCUR.

OPINION AND ORDERS - August 26, 2021

DAVID JOE PORTER V.
KENTUCKY BAR ASSOCIATION

[2018-SC-0115-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**OPINION AND ORDER GRANTING
MOTION TO IMPOSE PROBATED TERM
OF SUSPENSION**

ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V.
RYAN RICHARD STITH

[2021-SC-0149-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

OPINION AND ORDER SUSPENDING

ALL SITTING. ALL CONCUR.

**EXPEDITED ORDER GRANTING DISCRETIONARY REVIEW (NO ORAL ARGUMENT) -
August 18, 2021**

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

[2021-SC-0180-DGE](#)

BULLITT

ORDER GRANTING DISCRETIONARY REVIEW IN PART (ORAL ARGUMENT) - August 18, 2021

JOHNSON & JOHNSON V.
CYNTHIA HAYES, AS EXECUTRIX OF THE
ESTATE OF DONNA ANN HAYES

[2021-SC-0079-DG](#)

JEFFERSON

**THE MOTION FOR REVIEW OF THE
DECISION OF THE COURT OF APPEALS
IS GRANTED ONLY ON THE ISSUE OF
WHETHER, AND UNDER WHAT
CIRCUMSTANCES, A CORPORATE
REPRESENTATIVE MAY PROVIDE
TESTIMONY REGARDING PERSONAL
USE OF A PRODUCT OF THE
CORPORATION. THE MOTION FOR
DISCRETIONARY REVIEW IS DENIED
WITH RESPECT TO ALL OTHER ISSUES.**

ORDER GRANTING DISCRETIONARY REVIEW (ORAL ARGUMENT) – August 25, 2021

ASHLAND HOSPITAL CORPORATION D/B/A
KING’S DAUGHTERS MEDICAL CENTER, ET
AL. V.

[2020-SC-0260-DG](#)

BOYD

DARWIN SELECT INSURANCE CO. N/K/A
ALLIED WORLD SURPLUS LINES
INSURANCE CO., ET AL.

LAMBERT, J., NOT SITTING.

**ORDER GRANTING GRANTING CROSS MOTION FOR DISCRETIONARY REVIEW
(NO ORAL ARGUMENT) - August 18, 2021**

JAMES NEAL HENSLEY V.
COMMONWEALTH OF KENTUCKY

[2021-SC-0223-DG](#)

BOONE

ORDER GRANTING DISCRETIONARY REVIEW (NO ORAL ARGUMENT) - August 18, 2021

COMMONWEALTH OF KENTUCKY V. [2020-SC-0410-DG](#) JEFFERSON
CANON HARPER

GREGORY CRANDELL V. [2021-SC-0103-DG](#) BULLITT
COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH AND FAMILY
SERVICES EX REL. MARY J. DILKE

AARON JONES V. [2021-SC-0138-DG](#) JEFFERSON
RAY PINTER D/B/A RAY PINTER
CONSTRUCTION

ESTATE OF PHILLIS T. WORRALL BY [2021-SC-0166-DG](#) JEFFERSON
EXECUTOR JAMES WORRALL V.
J.P. MORGAN BANK, N.A., TRUSTEE OF THE
JAMES P. THOMPSON TRUST

OPINION AND ORDER GRANTING DISCRETIONARY REVIEW AND REMANDING - August 18, 2021

SCHNEIDER ELECTRIC USA, INC. F/K/A [2019-SC-0537-DG](#) FRANKLIN
SQUARE D COMPANY V. PAUL WILLIAMS,
ET AL.

**THE COURT OF APPEALS DECISION IS
VACATED AND THE CASE IS REMANDED
TO THE COURT OF APPEALS FOR
FURTHER CONSIDERATION IN LIGHT OF
THIS COURT'S RECENT DECISION IN
SHEETS V. FORD MOTOR COMPANY, 2019-
SC-0208-DG.**

NICKELL, J., NOT SITTING.

JOSE RAMIREZ GALVAN V. LOUISVILLE [2020-SC-0552-DG](#) TRIMBLE
GAS AND ELECTRIC COMPANY, ET AL.

**THE COURT OF APPEALS DECISION IS
VACATED AND THE CASE IS REMANDED
TO THE COURT OF APPEALS FOR
FURTHER CONSIDERATION IN LIGHT OF
THIS COURT'S RECENT DECISION IN
SHEETS V. FORD MOTOR COMPANY, 2019-
SC-0208-DG.**

ORDER DENYING DISCRETIONARY REVIEW - August 18, 2021

THREE FORKS REGIONAL JAIL, ET AL. V. THE ESTATE OF RICKY COMBS, BY AND THROUGH CONNIE HOLLAN, ADMINISTRATRIX, ET AL.	2020-SC-0487-D	LEE
CITY OF HODGENVILLE, KENTUCKY, ET AL. V. DEE ANN SANDERS	2020-SC-0514-D	LARUE
THE OPINION OF THE COURT OF APPEALS IS ORDERED TO BE PUBLISHED.		
DANIEL LOUIS WEINEL V. SANITATION DISTRICT NO. 1	2020-SC-0518-D	CAMPBELL
BRENDA KILLIAN, ET AL. V. BARBARA REDNOUR, ET AL.	2020-SC-0558-D	LAUREL
DANIEL POPA, ET AL. V. LUCIA TIBERIA POPA, ET AL.	2020-SC-0564-D	JEFFERSON
LUCIA TIBERIA POPA, ET AL. V. DANIEL POPA, ET AL.	2020-SC-0565-D	JEFFERSON
PRESTRESS SERVICES INDUSTRIES, LLC V. STEVE D. HUBBARD	2020-SC-0575-D	FAYETTE
CONLEY, J., WOULD GRANT DISCRETIONARY REVIEW.		
CURTIS DAVIS V. BRYNN WARNOCK	2020-SC-0591-D	JEFFERSON

ORDER DENYING DISCRETIONARY REVIEW - August 18, 2021

BOWLIN GROUP, LLC V. CHRISTINA REBENNACK, ET AL.	<u>2020-SC-0596-D</u>	BOONE
BENJAMIN BUCKMAN V. COMMONWEALTH OF KENTUCKY	<u>2020-SC-0600-D</u>	MARION
IC BUS, LLC V. CHRIS TUTTLE, ET AL.	<u>2021-SC-0001-D</u>	CARROLL
KENTUCKY RETIREMENT SYSTEMS V. NANCY GAUZE	<u>2021-SC-0006-D</u>	FRANKLIN
KARIN J. STIENS V. BAUSCH & LOMB INCORPORATED	<u>2021-SC-0015-D</u>	FAYETTE
MARCIA EBBS, M.D. V. KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION, ET AL	<u>2021-SC-0024-D</u>	OLDHAM
CHRISTODULOS STAVENS, ET AL. V. FEDERAL INSURANCE COMPANY	<u>2021-SC-0037-D</u>	JEFFERSON
RALPH GENTRY V. JAMES DAVID GREEN, WARDEN OF EASTERN KENTUCKY CORRECTIONAL COMPLEX, ET AL.	<u>2021-SC-0057-D</u>	MORGAN
THOMAS R. ELZA, JR. V. COMMONWEALTH OF KENTUCKY	<u>2021-SC-0078-D</u>	LAUREL
KELLY SHAY NEAL V. KENTUCKY RETIREMENT SYSTEMS, ET AL.	<u>2021-SC-0080-D</u>	FRANKLIN

ORDER DENYING DISCRETIONARY REVIEW - August 18, 2021

ZACHARY TAYLOR V. COMMONWEALTH OF KENTUCKY	2021-SC-0085-D	WARREN
RIVERSIDE GENERATING COMPANY, LLC V. KENTUCKY PUBLIC SERVICE COMMISSION, ET AL.	2021-SC-0092-D	FRANKLIN
S.L.R. V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL.	2021-SC-0093-DE	FRANKLIN
NORTON HEALTHCARE, INC. V. ELAINE HUGHES	2021-SC-0095-D	JEFFERSON
DIANNA HULL PERAZZO, M.D., ET AL. V. MELANIE ROBBINS, BY AND THROUGH HER GUARDIAN AND FATHER, LARRY ROBBINS, ET AL. VANMETER, J., NOT SITTING.	2021-SC-0097-D	KENTON
ELAINE HUGHES V. NORTON HEALTHCARE, INC.	2021-SC-0098-D	JEFFERSON
ERIN MILTON V. NAOMA SUE CARTER	2021-SC-0102-D	EDMONSON
A.A., A MINOR, BY AND THROUGH HER MOTHER AND NEXT FRIEND, MARY AMES V. FAITH ASHTON, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY, ET AL.	2021-SC-0105-D	JEFFERSON
ELMO STEWART V. COMMONWEALTH OF KENTUCKY	2021-SC-0108-D	WARREN

ORDER DENYING DISCRETIONARY REVIEW - August 18, 2021

MID SOUTH CAPITAL PARTNERS, LP V. BRYAN ADKINS, ET AL.	<u>2021-SC-0114-D</u>	BOYD
STEPHEN R. NUNN V. ESTATE OF DIANA ROSS, ET AL. VANMETER, J., NOT SITTING.	<u>2021-SC-0116-D</u>	FAYETTE
JAMES D. SERAPHINE, ET AL. V. BULLITT VENTURES, INC. D/B/A SHONEY'S RESTAURANTS OF KENTUCKY, ET AL.	<u>2021-SC-0117-D</u>	JEFFERSON
NICHOLAS CHARLES BREINER V. JON LEDFORD	<u>2021-SC-0119-D</u>	MONTGOMERY
WANDA CAMPBELL V. COMMONWEALTH OF KENTUCKY	<u>2021-SC-0120-D</u>	HICKMAN
ANGELIKA KASEY, ET AL. V. ANDREW BESHEAR, ET AL.	<u>2021-SC-0127-D</u>	FRANKLIN
RYAN PARLETT V. COMMONWEALTH OF KENTUCKY	<u>2021-SC-0141-D</u>	KENTON
RICHARD TURPIN V. COMMONWEALTH OF KENTUCKY	<u>2021-SC-0144-D</u>	HENDERSON
SHARON GINTER, ET AL. V. STEVEN ANTHONY COX, ET AL.	<u>2021-SC-0145-D</u>	FLEMING
ROBERT C. NAPIER V. COMMONWEALTH OF KENTUCKY LAMBERT, J., NOT SITTING.	<u>2021-SC-0148-D</u>	ROCKCASTLE

ORDER DENYING DISCRETIONARY REVIEW - August 18, 2021

ALEXANDER L. RUFF V. [2021-SC-0158-D](#) JEFFERSON
COMMONWEALTH OF KENTUCKY

LARRY J. CHRISTAIN V. [2021-SC-0172-D](#) PIKE
APPALACHIAN REGIONAL HEALTHCARE,
INC.

DESHAWN HOWARD V. [2021-SC-0174-D](#) FAYETTE
COMMONWEALTH OF KENTUCKY

M.K.B., ET AL. V. [2021-SC-0189-DE](#) CAMPBELL
C.S.R.

BRANDON HARRIS V. [2021-SC-0199-D](#) CHRISTIAN
COMMONWEALTH OF KENTUCKY

ORDER GRANTING DISCRETIONARY REVIEW AND REMANDING - August 26, 2021

HOLLY COMBS V. [2020-SC-0560-DG](#) FRANKLIN
COMMONWEALTH OF KENTUCKY

**THE COURT OF APPEALS DECISION IS
VACATED AND THE CASE IS REMANDED
TO THE COURT OF APPEALS FOR
FURTHER CONSIDERATION IN LIGHT OF
THIS COURT'S RECENT DECISION IN
COMMONWEALTH V. MCCARTHY, 2019-
SC-0380-DG.**

ORDER DENYING DISCRETIONARY REVIEW - August 26, 2021

BETTY CAITLIN NICOLE SMITH V. [2021-SC-0110-D](#) CALLOWAY
ZACHARY TAYLOR DANIEL

ORDER DENYING TRANSFER - August 26, 2021

THE FAMILY TRUST FOUNDATION OF KENTUCKY, INC. D/B/A THE FAMILY FOUNDATION V. THE KENTUCKY HORSE RACING COMMISSION, ET AL.	2021-SC-0136-T	FRANKLIN
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PETITION FOR REHEARING DENIED - August 26, 2021

EUGENE PHILLIPS, ET AL. V. JOHN ROSQUIST, ET AL.	2018-SC-0671-DG	SCOTT
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COMMONWEALTH OF KENTUCKY V. JARED MCCARTHY	2019-SC-0380-DG	DAVIESS
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KAREN C. BRITT V. UNIVERSITY OF LOUISVILLE, ET AL.	2019-SC-0399-DG	FRANKLIN
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CHRISTOPHER ALEXANDER POPE V. COMMONWEALTH OF KENTUCKY	2019-SC-0522-MR	LINCOLN
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DAWAN Q. MULAZIM V. COMMONWEALTH OF KENTUCKY	2020-SC-0087-MR	FAYETTE
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DIANE ANDERSON V. MOUNTAIN COMPREHENSIVE HEALTH CORPORATION, ET AL.	2020-SC-0133-WC	COURT OF APPEALS
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PETITION FOR REHEARING DENIED WITH ORDER MODIFYING OPINION - August 26, 2021

COMMONWEALTH OF KENTUCKY V. ERIN HESS	2019-SC-0130-DG	CAMPBELL
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ORDER DISMISSING - August 13, 2021

RICHARD FESSLER V.
COMMONWEALTH OF KENTUCKY

[2020-SC-0601-MR](#)

CAMPBELL

APPELLANT RICHARD FESSLER'S MOTION TO DISMISS THE ABOVE-STYLED APPEAL IS GRANTED, AND THE APPEAL IS HEREBY DISMISSED

HUGHES, LAMBERT, NICKELL, VANMETER, JJ., SITTING. ALL CONCUR.

C. H. V.
J. H., ET AL.

[2021-SC-0038-MR](#)

OWSLEY

THE COURT, HAVING REVIEWED THE CINCINNATI ENQUIRER'S RESPONSE TO THE COURT'S APRIL 5, 2021 SHOW CAUSE ORDER, HEREBY DISMISSES THIS ACTION AS AN APPEAL THAT MAY NOT BE PURSUED AS OF RIGHT UNDER CR 73.01.

HUGHES, LAMBERT, NICKELL, VANMETER, JJ., SITTING. ALL CONCUR.

JOSEPH S. GONCLAVES, JR. V.
DAVID GREEN

[2021-SC-0083-DE](#)

MORGAN

THE CLERK HAVING ADVISED THE COURT THAT THE MOVANT DID NOT TIMELY RESPOND TO DEFICIENT FILING NOTICE ISSUED ON MARCH 4, 2021 IN THE ABOVE-STYLED MATTER, IT IS ORDERED THAT THIS MATTER IS HEREBY DISMISSED.

HUGHES, LAMBERT, NICKELL, AND VANMETER, JJ., SITTING. ALL CONCUR.

ORDER DISMISSING - August 13, 2021

PAUL TAYLOR V.
HERACIO NAVARRO GARCIA, ET AL.

[2021-SC-0133-D](#)

JEFFERSON

THE CLERK HAVING ADVISED THE COURT THAT THE MOVANT DID NOT TIMELY RESPOND TO ALL DEFICIENCIES IDENTIFIED IN THE DEFICIENT FILING NOTICE ISSUED ON APRIL 21, 2021 IN THE ABOVE-STYLED MATTER, INCLUDING SPECIFICALLY FAILURE TO PAY FILING FEE, IT IS ORDERED THAT THIS MATTER IS HEREBY DISMISSED.

HUGHES, LAMBERT, NICKELL, AND
VANMETER, JJ., SITTING. ALL CONCUR.

LOUISVILLE/JEFFERSON COUNTY METRO
GOVERNMENT V.
JILL HUME

[2021-SC-0200-D](#)

JEFFERSON

MOVANT LOUISVILLE/JEFFERSON METRO COUNTY GOVERNMENT'S MOTION FOR AN ENLARGEMENT OF TIME TO FILE A MOTION FOR DISCRETIONARY REVIEW IS DENIED PURSUANT TO CR 73.02(2) AND CR 76.20(2)(C), AND THE ABOVE-STYLED MATTER IS HEREBY DISMISSED.

HUGHES, LAMBERT, NICKELL, VANMETER,
JJ., SITTING. ALL CONCUR.

ORDER DISMISSING - August 13, 2021

JEFFERY ALLEN MORRIS V.
COMMONWEALTH OF KENTUCKY

[2021-SC-0219-D](#)

PULASKI

**MOVANT JEFFREY ALLEN MORRIS'S
MOTION FOR EXTENSION OF TIME TO
FILE MOTION FOR DISCRETIONARY
REVIEW IS DENIED, AND THEREBY, THE
MATTER IS DISMISSED.**

MINTON, C.J., HUGHES, NICKELL,
VANMETER, JJ., SITTING. ALL CONCUR.

JEFFREY S. BRADFORD V. KAREN L.
BRADFORD

[2021-SC-0143-D](#)

UNION

**MOVANT'S MOTION FOR REMAND OF
MOTION FOR DISCRETIONARY REVIEW,
FILED BECAUSE OF SETTLEMENT
BETWEEN THE PARTIES IS GRANTED AND
THE MATTER IS DISMISSED.**

ERIC C. DETERS V.
KENTUCKY BAR ASSOCIATION

[2019-SC-0334-KB](#)

IN SUPREME
COURT

**APPELLANT'S NOTICE TO WITHDRAW
MOTION TO RECONSIDER, TREATED AS A
MOTION FOR PURPOSES OF FILING, IS
GRANTED. THE APPELLANT'S MOTION TO
RECONSIDER IS DENIED AS MOOT.**

HUGHES, LAMBERT, NICKELL, VANMETER,
JJ., SITTING. ALL CONCUR.

PERCY HARGROVE III V.
COMMONWEALTH OF KENTUCKY

[2021-SC-0129-MR](#)

CLARK

**APPELLANT PERCY HARGROVE'S MOTION
TO FOR A BELATED APPEAL IS DENIED,
AND THE ABOVE-STYLED CASE IS
HEREBY DISMISSED.**

HUGHES, LAMBERT, NICKELL, VANMETER,
JJ., SITTING. ALL CONCUR.

ORDER DENYING AND DISMISSING – August 13, 2021

JOHN DAVID GRAVES V. COMMONWEALTH OF KENTUCKY [2021-SC-0140-D](#) MONROE

MOVANT’S MOTIONS FOR EXTENSION TO FILE MOTION FOR DISCRETIONARY REVIEW AND MOTION TO APPOINT COUNSEL ARE DENIED AND THE MATTER IS HEREBY DISMISSED.

ORDER WITHDRAWING FROM THE KENTUCKY BAR ASSOCIATION - August 04, 2021

DAVID TODD LITTLEFIELD V. KENTUCKY BAR ASSOCIATION [2021-SC-0296-KB](#) IN SUPREME COURT

DONALD SCOTT GURNEY V. KENTUCKY BAR ASSOCIATION [2021-SC-0297-KB](#) IN SUPREME COURT

GREGORY DANIEL STIEFVATER V. KENTUCKY BAR ASSOCIATION [2021-SC-0299-KB](#) IN SUPREME COURT

ORDER WITHDRAWING FROM THE KENTUCKY BAR ASSOCIATION - August 10, 2021

WALTER RAY LUTTRULL, III V. KENTUCKY BAR ASSOCIATION [2021-SC-0298-KB](#) IN SUPREME COURT

ORDER WITHDRAWING FROM THE KENTUCKY BAR ASSOCIATION - August 12, 2021

ROBERT FREDERICK BARRON, II V. KENTUCKY BAR ASSOCIATION [2021-SC-0307-KB](#) IN SUPREME COURT

BETH LEA LONG V. KENTUCKY BAR ASSOCIATION [2021-SC-0308-KB](#) IN SUPREME COURT

ORDER WITHDRAWING FROM THE KENTUCKY BAR ASSOCIATION - August 19, 2021

NEIL JEROME ROTH V. KENTUCKY BAR ASSOCIATION [2021-SC-0324-KB](#) IN SUPREME COURT

ORDER WITHDRAWING FROM THE KENTUCKY BAR ASSOCIATION - August 19, 2021

ROCK CHRISTOPHER LEE V.
KENTUCKY BAR ASSOCIATION

[2021-SC-0325-KB](#)

IN SUPREME
COURT

BRIAN BERNARD BORELLIS V.
KENTUCKY BAR ASSOCIATION

[2021-SC-0326-KB](#)

IN SUPREME
COURT

ETHAN ROBERT EVANS V.
KENTUCKY BAR ASSOCIATION

[2021-SC-0327-KB](#)

IN SUPREME
COURT

KEVIN LEE MECHLER V.
KENTUCKY BAR ASSOCIATION

[2021-SC-0328-KB](#)

IN SUPREME
COURT

KRISTI LYNN MURPHY V.
KENTUCKY BAR ASSOCIATION

[2021-SC-0329-KB](#)

IN SUPREME
COURT