

SUPREME COURT OF KENTUCKY

SEPTEMBER 28, 2017 MINUTES

RELEASED: 10:00 A.M.

116. LONNIE CONYERS V. [2015-SC-000655-MR](#) CAMPBELL  
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**  
**AND**  
ROY EDWARD TUCKER V. [2015-SC-000687-MR](#) CAMPBELL  
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**  
**AND**  
JOSEPH HARDY V. [2016-SC-000340-MR](#) CAMPBELL  
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE HUGHES –**  
**AFFIRMING**  
ALL SITTING. ALL CONCUR.

**Questions Presented:**

Burglary, first-degree (two counts); PFO I – 20 years. Juror Misconduct. Evidence showed that defendants were armed with deadly weapons, during both robberies and that they were complicitors. Receiving stolen property is not an “included” offense of burglary. Witness’ inadvertent encounter in a courthouse elevator with some of the jurors and communication with victims did not require a mistrial. Evidence did not support a voluntary intoxication instruction. Trial court did not err by allowing the use of a 2004 felony marijuana-trafficking conviction in the PFO portion of the case.

117. BOARD OF TRUSTEES OF THE [2015-SC-000664-TG](#) FRANKLIN  
KENTUCKY SCHOOL BOARDS **TO BE PUBLISHED**  
INSURANCE TRUST V.  
JOSEPH N. POPE, JR., ETC., ET AL.  
**OPINION OF THE COURT BY**  
**JUSTICE VENTERS –**  
**AFFIRMING**  
ALL SITTING. ALL CONCUR

**Questions Presented:**

Denial of Summary Judgment. Claim of Governmental Immunity of tort claims.

SUPREME COURT OF KENTUCKY

SEPTEMBER 28, 2017 MINUTES

RELEASED: 10:00 A.M.

118. JOHN FAIRLEY III V.  
COMMONWEALTH OF KENTUCKY  
**OPINION OF THE COURT BY  
JUSTICE HUGHES –  
AFFIRMING**  
ALL SITTING. ALL CONCUR.

[2016-SC-000021-MR](#)  
**TO BE PUBLISHED**

CHRISTIAN

**Questions Presented:**  
Robbery, first degree; Receiving Stolen Property (firearm), Possession of a Controlled Substance (while armed), and Possession of Marijuana (while armed)-20 years. Victim's inability to identify the defendant from a photographic lineup did not bar his in-court identification. *Biggers* not extended to in-court identifications. Request for instruction for the lesser included offense of facilitation to first-degree robbery was not supported by the evidence.

119. UNINSURED EMPLOYERS FUND V.  
JOSE ACAHUA, ET AL.  
**OPINION OF THE COURT BY  
JUSTICE KELLER –  
AFFIRMING**  
MINTON, C.J.; CUNNINGHAM, HUGHES,  
KELLER, AND VENTERS, JJ., CONCUR.  
WRIGHT, J., DISSENTS BY  
SEPARATE OPINION. VANMETER,  
J., NOT SITTING.

[2016-SC-000252-WC](#)  
**TO BE PUBLISHED**

FROM COURT  
OF APPEALS

**Questions Presented:**  
Workers' Compensation. Notice. KRS 342.135. Service of a claim upon an employer.

120. WILLIAM HARRY MEECE V.  
COMMONWEALTH OF KENTUCKY  
**OPINION OF THE COURT BY  
JUSTICE KELLER –  
AFFIRMING**  
ALL SITTING. ALL CONCUR.

[2016-SC-000326-MR](#)  
**TO BE PUBLISHED**

WARREN

**Questions Presented:**  
CR 60.02. Habeas Corpus Motion. Murder (three counts); Burglary, first degree; and Robbery, first degree - Death Penalty.

SUPREME COURT OF KENTUCKY

SEPTEMBER 28, 2017 MINUTES

RELEASED: 10:00 A.M.

121. BROWN-FORMAN CORPORATION,  
ET AL. V.  
GEORGE MILLER  
**OPINION OF THE COURT BY  
JUSTICE WRIGHT –  
AFFIRMING IN PART AND  
REVERSING AND REMANDING IN  
PART**  
ALL SITTING. ALL CONCUR.

[2014-SC-000717-DG](#)  
**TO BE PUBLISHED**

JEFFERSON

**Questions Presented:**  
Nuisance. Trespass. Injunctive Relief. State  
Law Tort Claims. Preemption.

122. BOARD OF COMMISSIONERS OF  
THE CITY OF DANVILLE,  
KENTUCKY V.  
ADVOCATE COMMUNICATIONS,  
INC., ETC.  
**OPINION OF THE COURT BY  
JUSTICE VANMETER –  
AFFIRMING IN PART AND  
VACATING IN PART**  
ALL SITTING. ALL CONCUR

[2016-SC-000280-DG](#)  
**TO BE PUBLISHED**

BOYLE

**Questions Presented:**  
Open Meetings. Issues include applicability of  
the KRS 61.810(1)(b) exception regarding  
“deliberations on the future acquisition . . . of  
real property” in circumstances involving  
bidding at public auction.

123. COMMONWEALTH OF KENTUCKY V.  
JOSHUA DEANTE JACKSON  
**AND**  
COMMONWEALTH OF KENTUCKY V.  
TELLY SAVALAS DENSON  
**OPINION OF THE COURT BY  
JUSTICE VENTERS –  
REVERSING**  
ALL SITTING. ALL CONCUR.

[2016-SC-000530-TG](#)  
**TO BE PUBLISHED**

WARREN

[2016-SC-000531-TG](#)  
**TO BE PUBLISHED**

WARREN

**Questions Presented:**  
Enhanced “Look-Back” Provision to DUI  
Statute. Plea Agreement. SB 56 amended  
KRS 189A.010(5), the statute that provides  
substantially enhanced penalties for  
subsequent DUI offenses committed within a  
specific time frame, to increase the “look-  
back” period from 5 to 10 years. Convictions  
exceeding the former five year “look-back”  
period but falling within the new ten year  
period created by the new statute can be  
used to elevate current DUI charges.

SUPREME COURT OF KENTUCKY

SEPTEMBER 28, 2017 MINUTES

RELEASED: 10:00 A.M.

124. STEPHEN MARCHESE V.  
ALLISON AEBERSOLD  
**OPINION OF THE COURT BY  
JUSTICE VENTERS–  
REVERSING**  
ALL SITTING. ALL CONCUR.
- [2016-SC-000644-DGE](#) JEFFERSON  
**TO BE PUBLISHED**

**Questions Presented:**  
Family Law. Domestic Violence Orders. Extrajudicial Information. Respondent in a domestic violence case was denied a fair hearing when the family court considered extrajudicial information in support of its decision to enter a DVO.

125. ROBERT MORRISON V.  
COMMONWEALTH OF KENTUCKY  
**OPINION OF THE COURT BY  
JUSTICE WRIGHT –  
REVERSING AND REMANDING**  
ALL SITTING. ALL CONCUR.
- [2015-SC-000712-DG](#) HICKMAN  
**TO BE PUBLISHED**

**Questions Presented:**  
Criminal Law. Jury selection. Strikes for cause. Familial relation to county attorney. Potential juror who is the mother of the county attorney who had conducted the preliminary hearing in this case should have been stricken.

126. MAJESTIC OAKS HOMEOWNERS  
ASSOCIATION, INC. V.  
MAJESTIC OAKS FARMS, INC.,  
ET AL.  
**OPINION OF THE COURT BY  
CHIEF JUSTICE MINTON –  
REVERSING AND REMANDING**  
MINTON, C.J.; CUNNINGHAM,  
HUGHES, KELLER, VENTERS, AND  
WRIGHT, JJ., SITTING. ALL CONCUR.  
VANMETER, J., NOT SITTING.
- [2016-SC-000213-DG](#) SHELBY  
**TO BE PUBLISHED**

**Questions Presented:**  
Defeasible Easements. Expiration of easement. The original roadway easement given to the developer of property was extinguished automatically after conveyance of developer's lots and after conveyance of the common areas to the homeowners' association, such that the developer was denied access to another property owned by the developer via roadways in the original development.

SUPREME COURT OF KENTUCKY

SEPTEMBER 28, 2017 MINUTES

RELEASED: 10:00 A.M.

127. AEP INDUSTRIES, INC. V. [2014-SC-000512-DG](#) WARREN  
B.G. PROPERTIES, INC. **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE VENTERS–**  
**VACATING AND REMANDING**  
ALL SITTING. ALL CONCUR.

**Questions Presented:**  
Contracts. Specific Performance. Option to Purchase. Non-Binding Appraisal. Material Breach. Property owner’s execution and delivery of a general warranty deed without an express reservation of rights and its acceptance of the stated consideration foreclosed its option to further challenge the enforcement of the Option Agreement.

128. ERIC R. RIVERA V. [2016-SC-000090-MR](#) KENTON  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF**  
**THE COURT – AFFIRMING**  
ALL SITTING. ALL CONCUR.

129. MICHAEL TAYLOR V. [2016-SC-000119-MR](#) ADAIR  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF**  
**THE COURT – AFFIRMING**  
ALL SITTING. ALL CONCUR.

130. LLOYD BANDY V. [2016-SC-000489-MR](#) BUTLER  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF**  
**THE COURT – AFFIRMING**  
MINTON, C.J.; CUNNINGHAM,  
HUGHES, KELLER, VANMETER,  
VENTERS, AND WRIGHT, JJ.,  
SITTING. MINTON, C.J.; CUNNINGHAM,  
KELLER, VANMETER, VENTERS, AND  
WRIGHT, JJ., CONCUR. HUGHES, J.,  
CONCURS IN RESULT ONLY.

SUPREME COURT OF KENTUCKY

SEPTEMBER 28, 2017 MINUTES

RELEASED: 10:00 A.M.

- |      |  |   |                          |
|------|--|---|--------------------------|
| 31.  | SHAWN WILSON V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>MINTON, C.J.; CUNNINGHAM,<br>HUGHES, KELLER, VANMETER,<br>VENTERS, AND WRIGHT, JJ.,<br>SITTING. MINTON, C.J.; CUNNINGHAM,<br>HUGHES, VANMETER, VENTERS, AND<br>WRIGHT, JJ., CONCUR. KELLER, J.,<br>CONCURS IN RESULT ONLY. | <a href="#">2016-SC-000650-MR</a><br><b>NOT TO BE PUBLISHED</b> | HENDERSON                |
| 132. | ERIC TURNER V.<br>FORD MOTOR COMPANY, ET AL.<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>ALL SITTING. ALL CONCUR.  | <a href="#">2017-SC-000086-WC</a><br><b>NOT TO BE PUBLISHED</b> | FROM COURT<br>OF APPEALS |
| 133. | DARYL WAYNE LIGGETT V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>ALL SITTING. ALL CONCUR.  | <a href="#">2017-SC-000300-TG</a><br><b>NOT TO BE PUBLISHED</b> | KENTON                   |
| 134. | IRVING MATERIALS, INC. V.<br>RAYMOND TUNGETT, ET AL.<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>REVERSING</u></b><br>ALL SITTING. ALL CONCUR.  | <a href="#">2016-SC-000454-WC</a><br><b>NOT TO BE PUBLISHED</b> | FROM COURT<br>OF APPEALS |
| 135. | BRADLEY RIFFE V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT AND ORDER –<br/><u>DISMISSING</u></b><br>ALL SITTING. ALL CONCUR.   | <a href="#">2016-SC-000219-DG</a><br><b>NOT TO BE PUBLISHED</b> | FAYETTE                  |

SUPREME COURT OF KENTUCKY

SEPTEMBER 28, 2017 MINUTES

RELEASED: 10:00 A.M.

OPINION AND ORDERS – SEPTEMBER 28, 2017

KENTUCKY BAR ASSOCIATION V. DELBERT KEITH PRUITT <b>ORDER OF SUSPENSION FROM THE PRACTICE OF LAW FOR 181 DAYS WITH CONDITIONS.</b> MINTON, C.J.; HUGHES, KELLER, VANMETER, VENTERS, AND WRIGHT, JJ., CONCUR. CUNNINGHAM, J., NOT SITTING.	<a href="#">2017-SC-000141-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. JAMES GRANT KING <b>AND</b> JAMES GRANT KING V. KENTUCKY BAR ASSOCIATION <b>ORDER OF PERMANENT DISBARMENT.</b> ALL SITTING. ALL CONCUR.	<a href="#">2017-SC-000142-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. KENNETH JOSEPH BADER <b>ORDER OF SUSPENSION FROM THE PRACTICE OF LAW FOR 30 DAYS.</b> ALL SITTING. ALL CONCUR.	<a href="#">2017-SC-000204-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. CHRISTY SMITH GRAYSON <b>ORDER OF INDEFINITE SUSPENSION.</b> ALL SITTING. ALL CONCUR.	<a href="#">2017-SC-000240-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. LAUREN M. THOMPSON <b>ORDER OF SUSPENSION FROM THE PRACTICE OF LAW FOR 3 MONTHS WITH CONDITIONS.</b> ALL SITTING. ALL CONCUR.	<a href="#">2017-SC-000255-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. ROBERT HANSFORD HOSKINS <b>ORDER OF PERMANENT DISBARMENT.</b> ALL SITTING. ALL CONCUR.	<a href="#">2017-SC-000266-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT

**SUPREME COURT OF KENTUCKY**

**SEPTEMBER 28, 2017 MINUTES**

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

**OPINION AND ORDERS – SEPTEMBER 28, 2017**

KENTUCKY BAR ASSOCIATION V.  
ALAN RICHARD STEWART  
**ORDER OF SUSPENSION FROM THE  
PRACTICE OF LAW FOR 9 MONTHS.**  
ALL SITTING. ALL CONCUR.

[2017-SC-000297-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

KENTUCKY BAR ASSOCIATION V.  
JERRY L. ULRICH  
**ORDER OF SUSPENSION FROM THE  
PRACTICE OF LAW FOR 6 MONTHS,  
PROBATED FOR 2 YEARS.**  
ALL SITTING. ALL CONCUR.

[2017-SC-000365-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

JOSEPH DELANO WIBBELS, JR. V.  
KENTUCKY BAR ASSOCIATION  
**ORDER OF SUSPENSION FROM THE  
PRACTICE OF LAW FOR 181 DAYS WITH  
30 DAYS TO SERVE, AND THE REMAINDER  
PROBATED FOR 5 YEARS, WITH CONDITIONS.**  
ALL SITTING. ALL CONCUR.

[2017-SC-000387-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 20, 2017**

SAMEENA AZMAT, AS MOTHER AND NEXT  
FRIEND OF NAUSHER AZMAT V.  
GEORGE W. BAUER, M.D., III, ET AL.

2016-SC-000560-DG

HARDIN

COMMONWEALTH OF KENTUCKY V.  
JOHNNIE DOUGLAS

2017-SC-000024-DG

JEFFERSON

BETH LEWIS MAZE, ET AL. V.  
BOARD OF DIRECTORS FOR THE  
COMMONWEALTH POSTSECONDARY  
EDUCATION PREPAID TUITION TRUST FUND,  
ET AL.  
**CUNNINGHAM, J., NOT SITTING.**

2017-SC-000233-DG

FRANKLIN

CINDY MUNCIE, ET AL. V.  
PATRICIA WEISEMAN

2017-SC-000235-DG

OLDHAM



**SUPREME COURT OF KENTUCKY**

**SEPTEMBER 28, 2017 MINUTES**

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

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 20, 2017**

PHYLLIS ROACH V. KENTUCKY PAROLE BOARD, ET AL.	2017-SC-000250-DG	FRANKLIN
KENTUCKY BOARD OF MEDICAL LICENSURE V. JON M. STRAUSS, M.D.	2017-SC-000260-DG	JEFFERSON
KAREN MARTIN DOYLE, N/K/A KAREN MARTIN BRADLEY V. JAMES SAMUEL DOYLE, A/K/A SAM DOYLE	2017-SC-000358-DGE	KNOTT
LAURA FAYE SMITH V. JIMMY HOWARD MCGILL, JR.	2017-SC-000395-DGE	JEFFERSON

**COURT ORDER GRANTING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 21, 2017**

THE TRAVELERS INDEMNITY COMPANY V. CHARLES ARMSTRONG, ADMINISTRATOR, ETC. <b>AND</b> MARTIN CADILLAC, INC., ETC. V. CHARLES ARMSTRONG, ADMINISTRATOR, ETC. <b>MINTON, C.J.; CUNNINGHAM, KELLER, VENTERS, WRIGHT, JJ., AND DAVID ROYSE AND JUSTIN D. CLARK, SPECIAL JUSTICES, SITTING. HUGHES AND VANMETER, JJ., NOT SITTING.</b>	2017-SC-000041-DG	WARREN
	2017-SC-000042-DG	WARREN

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 20, 2017**

DONNELL PERRY V. DON BOTTOM, WARDEN, NORTHPOINT TRAINING CENTER	2016-SC-000240-D	BOYLE
RONNY D. WALKER V. COMMONWEALTH OF KENTUCKY VANMETER, J., NOT SITTING.	2016-SC-000670-D	MORGAN

SUPREME COURT OF KENTUCKY

SEPTEMBER 28, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 20, 2017**

COMMONWEALTH OF KENTUCKY V. WILLIAM SMITH <b>VANMETER, J., WOULD GRANT.</b>	2017-SC-000013-D	JEFFERSON
JACKIE COOK V. COMMONWEALTH OF KENTUCKY	2017-SC-000014-D	MEADE
TRISHA ANN WILLIAMS V. RANDY CLINE, ET AL. <b>VANMETER, J., NOT SITTING.</b>	2017-SC-000020-D	ROWAN
TASHA BRUMLEY V. COMMONWEALTH OF KENTUCKY <b>VANMETER, J., NOT SITTING.</b>	2017-SC-000032-D	WAYNE
SUSANNE JENKINS, ET AL. V. ALEXANDRIA GREGO <b>CUNNINGHAM, J., WOULD GRANT. VANMETER, J., NOT SITTING.</b>	2017-SC-000058-D	JEFFERSON
COMMONWEALTH OF KENTUCKY V. RONALD FLAUGHER <b>VANMETER, J., WOULD GRANT.</b>	2017-SC-000073-D	MASON
BOBBY RUSSELL V. DR. PRAVEEN GUNDUELLY, ET AL. <b>VANMETER, J., NOT SITTING.</b>	2017-SC-000082-D	FAYETTE
GREGORY HUGHES V. ABIGAIL E. MARTIN <b>VANMETER, J., NOT SITTING.</b>	2017-SC-000097-D	KENTON
BENJAMIN R. KNIGHT V. COMMONWEALTH OF KENTUCKY <b>VANMETER, J., NOT SITTING.</b>	2017-SC-000154-D	BOONE
DANNY EDWARD SIMMONS V. COMMONWEALTH OF KENTUCKY <b>MINTON, C.J., NOT SITTING.</b>	2017-SC-000177-D	WARREN

SUPREME COURT OF KENTUCKY

SEPTEMBER 28, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 20, 2017**

LORI M. FRANKLIN V. COMMONWEALTH OF KENTUCKY	2017-SC-000179-D	JEFFERSON
SUZANNE ETSCORN, N/K/A SUZANNE SCHWEISS LYNN V. WILLIAM ETSCORN, ET AL. <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2017-SC-000190-D	JEFFERSON
GEORGE AVERY V. JASON W. CRISWELL, ET AL.	2017-SC-000201-D	OLDHAM
DERWIN NICKELBERRY V. COMMONWEALTH OF KENTUCKY	2017-SC-000223-D	DAVISS
WILLIE PALMER V. COMMONWEALTH OF KENTUCKY <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2017-SC-000228-D	CAMPBELL
DASHAWN WILLIS V. COMMONWEALTH OF KENTUCKY	2017-SC-000252-D	FRANKLIN
SANDRA PARTIN V. WALGREEN CO.	2017-SC-000253-D	JEFFERSON
RICHARD TODD WELLS V. COMMONWEALTH OF KENTUCKY	2017-SC-000259-D	JEFFERSON
MALLORY MAE SIMS, AN INFANT, BY HER PARENT AND NEXT FRIEND, DENISE SIMS, ET AL. V. NORTON HEALTHCARE, INC., D/B/A NORTON HOSPITAL, ET AL.	2017-SC-000263-D	JEFFERSON
HOBDY, DYE & READ, INC. V. ADRIAN S. BALLOU	2017-SC-000273-D	ADAIR

SUPREME COURT OF KENTUCKY

SEPTEMBER 28, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 20, 2017**

BETTY J. AUSTIN-HINES V. TOMMY W. HINES	2017-SC-000281-D	MARSHALL
LARRY KNUCKLES V. COMMONWEALTH OF KENTUCKY	2017-SC-000283-D	LESLIE
JAMES W. CALBOUGH V. AARON SMITH, WARDEN, KENTUCKY STATE REFORMATORY <b>VANMETER, J., NOT SITTING.</b>	2017-SC-000284-D	OLDHAM
MAX MEDIA OF KENTUCKY, LLC D/B/A WNKY V. SUSAN J. DIXON, ET AL.	2017-SC-000285-D	WARREN
E. S. V. M. S. V., ET AL.	2017-SC-000296-DE	JEFFERSON
WILLIAM EARLY PATTEN V. PATRICIA ANN PATTEN (NOW NAVE)	2017-SC-000306-D	FAYETTE
HALEY BROWN V. THOMAS R. FOURNIER <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2017-SC-000310-D	MERCER
SIDNEY L. WILLIAMS V. COMMONWEALTH OF KENTUCKY	2017-SC-000311-D	FAYETTE
LAWRENCE RICHARDSON V. COMMONWEALTH OF KENTUCKY	2017-SC-000338-D	NICHOLAS
WARREN FRASHER V. COMMONWEALTH OF KENTUCKY	2017-SC-000350-D	CARTER
P. MORRIS PHILLIPS V. DR. JOSEPH CIESLAK	2017-SC-000357-D	JEFFERSON

**SUPREME COURT OF KENTUCKY**

**SEPTEMBER 28, 2017 MINUTES**

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

**COURT ORDER DENYING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 21, 2017**

CHARLES ARMSTRONG, ADMINISTRATOR      2017-SC-000138-D      WARREN  
OF THE ESTATE OF CRAIG ARMSTRONG V.  
MARTIN CADILLAC, INC. D/B/A MARTIN DODGE  
JEEP CHRYSLER, ET AL.  
**MINTON, CJ.; CUNNINGHAM, KELLER, VENTERS,  
WRIGHT, JJ., AND DAVID ROYSE AND JUSTIN  
D. CLARK, SPECIAL JUSTICES, SITTING.  
HUGHES AND VANMETER, JJ., NOT SITTING.**

**COURT ORDER DENYING MOTION TO TRANSFER – SEPTEMBER 28, 2017**

LAUREN SAVAGE, ETC. V.      2017-SC-000180-T      JEFFERSON  
ALLSTATE INSURANCE COMPANY, ET AL.  
**ALL SITTING. ALL CONCUR.**

**COURT ORDER DENYING PETITION FOR REHEARING – SEPTEMBER 28, 2017**

JOSEPH PACE V.      [2015-SC-000399-DG](#)      FAYETTE  
COMMONWEALTH OF KENTUCKY      **TO BE PUBLISHED**  
**AND**  
BRANDON COLLINS V.      [2015-SC-000400-DG](#)      FAYETTE  
COMMONWEALTH OF KENTUCKY      **TO BE PUBLISHED**  
**ORDER DENIED PETITION FOR REHEARING  
AND MODIFIED THE OPINION OF THIS  
COURT RENDERED MARCH 23, 2017, BY  
SUBSTITUTION OF THIS OPINION IN  
LIEU OF THE ORIGINAL OPINION.  
ALL SITTING. ALL CONCUR.**

**COURT ORDERS DISMISSING**

KINDRED HEALTHCARE, INC., ET AL V.      2016-SC-000562-D      MERCER  
ADRIANNE NICHOLS, ETC.  
**WRIGHT, CUNNINGHAM, HUGHES AND  
KELLER, JJ., SITTING. ALL CONCUR.  
ENTERED: SEPTEMBER 21, 2017**

SUPREME COURT OF KENTUCKY

SEPTEMBER 28, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DISMISSING**

MATTHEW G. BEVIN, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE COMMONWEALTH OF KENTUCKY V. ANDY BESHEAR, IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL OF THE COMMONWEALTH OF KENTUCKY  
**ALL SITTING. ALL CONCUR.**  
ENTERED: SEPTEMBER 28, 2017

[2016-SC-000642-TG](#)  
**TO BE PUBLISHED**

FRANKLIN

SYED FARUKH AHMED V. AMBER AHMED  
**ENTERED: SEPTEMBER 20, 2017**

2017-SC-000272-D

JEFFERSON

DONALD RAY VIOLETT V. COMMONWEALTH OF KENTUCKY  
**ENTERED: SEPTEMBER 21, 2017**

2017-SC-000325-D

WARREN

DEMONTRAY ASHFORD V. COMMONWEALTH OF KENTUCKY  
**ENTERED: AUGUST 31, 2017**

2017-SC-000375-D

JEFFERSON

**COURT ORDERS**

ANNE M. TALLEY V. DANIEL J. PAISLEY  
**ORDER MODIFIED THE OPINION OF THE COURT BY JUSTICE VANMETER RENDERED AUGUST 24, 2017, BY SUBSTITUTION OF THIS OPINION IN LIEU OF THE ORIGINAL OPINION.**  
ENTERED: AUGUST 31, 2017

[2016-SC-000092-DG](#)  
**TO BE PUBLISHED**

FAYETTE

BRYAN EDWARD BENNETT V. KENTUCKY BAR ASSOCIATION  
**ORDER CORRECTED THE OPINION AND ORDER ENTERED AUGUST 24, 2017, BY SUBSTITUTION OF THIS OPINION AND ORDER IN LIEU OF THE ORIGINAL OPINION AND ORDER.**  
ENTERED: SEPTEMBER 6, 2017

[2017-SC-000241-KB](#)  
**TO BE PUBLISHED**

IN SUPREME COURT

**SUPREME COURT OF KENTUCKY**

**SEPTEMBER 28, 2017 MINUTES**

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

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

MARGARET LYNCH HOPKINS V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 28, 2017</b>	2017-SC-000415-KB	IN SUPREME COURT
CHERYL ANN CARPENTER V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 28, 2017</b>	2017-SC-000416-KB	IN SUPREME COURT
CYNTHIA LYNN HIGGS V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 28, 2017</b>	2017-SC-000417-KB	IN SUPREME COURT
AMUL ROGER THAPAR V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 28, 2017</b>	2017-SC-000418-KB	IN SUPREME COURT
JOHN ERIC MARTIN V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 28, 2017</b>	2017-SC-000419-KB	IN SUPREME COURT
DAVID TALMAGE MUSSELMAN V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 28, 2017</b>	2017-SC-000420-KB	IN SUPREME COURT
JAMES MUEFFLING ELLERBE V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 28, 2017</b>	2017-SC-000421-KB	IN SUPREME COURT
MICHAEL SCOTT MULVEY V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 28, 2017</b>	2017-SC-000422-KB	IN SUPREME COURT
GARY DEAN MILLER V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 28, 2017</b>	2017-SC-000423-KB	IN SUPREME COURT
WILLIAM FRANK OSWALL, JR. V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 28, 2017</b>	2017-SC-000424-KB	IN SUPREME COURT

**SUPREME COURT OF KENTUCKY**

**SEPTEMBER 28, 2017 MINUTES**

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

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KENTUCKY BAR ASSOCIATION**

MARCY ELIZABETH SPRATT V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 28, 2017</b>	2017-SC-000425-KB	IN SUPREME COURT
KAREN S. MOORE V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 28, 2017</b>	2017-SC-000426-KB	IN SUPREME COURT
PATSEY ELY JACOBS V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 8, 2017</b>	2017-SC-000455-KB	IN SUPREME COURT
HENRIETTA DREWRY GORES V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 8, 2017</b>	2017-SC-000457-KB	IN SUPREME COURT
ALLISON BISIG OSWALL V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 8, 2017</b>	2017-SC-000458-KB	IN SUPREME COURT
WILLIAM H. SCHOETTELKOTTE V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 8, 2017</b>	2017-SC-000459-KB	IN SUPREME COURT
SETH JASON SKLARE V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 8, 2017</b>	2017-SC-000460-KB	IN SUPREME COURT
PERRY RUSSELL ARNOLD V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 8, 2017</b>	2017-SC-000461-KB	IN SUPREME COURT
MICHAEL JOHN SWEENEY V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000484-KB	IN SUPREME COURT



**SUPREME COURT OF KENTUCKY**

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REBECCA MELTON CRAIG V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000485-KB	IN SUPREME COURT
SUZANNE DUNHAM FONG V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000486-KB	IN SUPREME COURT
VALERIE VAN VALKENBURG V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000487-KB	IN SUPREME COURT
BRENDA LIZ KINSLER V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000488-KB	IN SUPREME COURT
GRETCHEN OMERA LEWIS V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000489-KB	IN SUPREME COURT
LINDA WHITE HESTER V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000490-KB	IN SUPREME COURT
TRAVIS SCOTT SANDERS V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000491-KB	IN SUPREME COURT
ELLEN ROULET MCLEMORE V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000492-KB	IN SUPREME COURT
TAMMERA LYNNETTE HARRELSON V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000493-KB	IN SUPREME COURT
DAVID LEE HOSKINS V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000494-KB	IN SUPREME COURT

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THOMAS E. MENG V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000495-KB	IN SUPREME COURT
ERIN MELISSA LUEKER V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000496-KB	IN SUPREME COURT
MICAH RITCHEY REYNER V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000497-KB	IN SUPREME COURT
JEFFREY KEITH BRANSTETTER V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000498-KB	IN SUPREME COURT
KEVIN JAMES KIJEWski V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000499-KB	IN SUPREME COURT
JOHN DAVID MCKINNIS V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000500-KB	IN SUPREME COURT
KYLE MATTHEW MCCORMICK V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000501-KB	IN SUPREME COURT
DAVID LEWIS HAUSRATH V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000502-KB	IN SUPREME COURT
JEFFREY THOMAS ROYER V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000503-KB	IN SUPREME COURT
BRADLEY ALLEN GREGORY V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000504-KB	IN SUPREME COURT

**SUPREME COURT OF KENTUCKY**

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KENTUCKY BAR ASSOCIATION**

ANDREW ADAMS V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000505-KB	IN SUPREME COURT
DONALD BRUCE O'DELL V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000506-KB	IN SUPREME COURT
JAMES CHRISTIAN TAUZIAC V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000507-KB	IN SUPREME COURT
GARY LEE HALL V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000508-KB	IN SUPREME COURT
RYAN GENE FULKERSON V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000509-KB	IN SUPREME COURT
NATHAN TODD KOLB V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000510-KB	IN SUPREME COURT
ROBERT THOMAS CORE V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000511-KB	IN SUPREME COURT
JOHN ROBERT CHILES V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000512-KB	IN SUPREME COURT
DUSTIN THOMAS WARD ANDERSON V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000513-KB	IN SUPREME COURT
EDWARD L. GAFFORD, III V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 20, 2017</b>	2017-SC-000514-KB	IN SUPREME COURT

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KENTUCKY BAR ASSOCIATION**

**JOHN FRANCIS BURNETTE V.  
KENTUCKY BAR ASSOCIATION  
ENTERED: SEPTEMBER 20, 2017**

**2017-SC-000515-KB**

**IN SUPREME  
COURT**

**WILLIAM BRADFORD TOTTEN V.  
KENTUCKY BAR ASSOCIATION  
ENTERED: SEPTEMBER 20, 2017**

**2017-SC-000516-KB**

**IN SUPREME  
COURT**