

Supreme Court of Kentucky

SEPTEMBER 24, 2020 MINUTES

RELEASED: 10:00 A.M.

88. EDWARD ELDER V. KENTUCKY
RETIREMENT SYSTEMS

[2017-SC-0258-DG](#)
TO BE PUBLISHED

FRANKLIN

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

ALL SITTING. ALL CONCUR.

Questions Presented:

Disability Retirement Benefits. Pre-existing Conditions. Genetic Disorders. Where Kentucky Retirement Systems argued that a disability claimant's genetic blood disorder predated his membership, this Court rejects the argument that Kentucky Retirement Systems v. West, 413 S.W.3d 578 (Ky. 2013) requires a member to submit medical records dated prior to and immediately subsequent to the claimant's membership and/or expert testimony explaining the onset of a condition.

89. DIANA METZGER, ET AL. V. AUTO-
OWNERS INSURANCE COMPANY, ET
AL.

[2018-SC-0070-DG](#)
TO BE PUBLISHED

JEFFERSON

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

ALL SITTING. ALL CONCUR.

Questions Presented:

Insurance. Commercial Automobile. UIM. Issues involve whether an automobile insurance policy issued to a limited liability company (LLC) as sole named insured of listed covered vehicles owned by the LLC provides UIM coverage to an LLC member injured while operating a non-covered automobile. Kentucky public policy does not bar reasonable UIM exclusion provisions where the plain meanings of the terms of the underlying policies are clear and ambiguous, and no ambiguity existed where the policy terms were defined. Coverage was not illusory where policy listed the LLC as the named insured and the plaintiff did not purchase the coverage, nor did her name appear on the policy's declaration page.

90. DARRYL ISAACS, ET AL. V. SENTINEL INSURANCE COMPANY LIMITED D/B/A THE HARTFORD

[2018-SC-0078-DG](#)
TO BE PUBLISHED

JEFFERSON

OPINION OF THE COURT BY JUSTICE WRIGHT - AFFIRMING

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

Questions Presented:

Insurance. Commercial Automobile. UIM. An automobile insurance policy issued to a professional service corporation (PSC) as the sole named insured did not provide coverage to the sole shareholder of the PSC because the shareholder was not the named insured and was not an occupant of a covered auto at the time of the accident. No ambiguity existed where the policy explicitly defined the class of covered persons when the named insured is a corporation. Coverage is not illusory but inapplicable to the shareholder under the facts of the case.

91. LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT V. MARK D. HILL

[2018-SC-0491-DG](#)
TO BE PUBLISHED

JEFFERSON

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

MINTON, C.J.; HUGHES, KELLER, NICKELL, AND WRIGHT, JJ., CONCUR. LAMBERT, J., NOT SITTING.

Questions Presented:

Comair Analysis. Sovereign Immunity. Gray-Area Entities. Kentucky Whistleblower Act. Kentucky Civil Rights Act. Reversal of the Court of Appeals' finding that Louisville & Jefferson County Metropolitan Sewer District (MSD) is an "employer" under the Whistleblower Act, KRS § 61.101 *et seq.*, warranted because MSD qualifies as a "gray-area entity" and under *Comair* analysis was not entitled to sovereign immunity and was not an "employer" subject to the Whistleblower Act.

92. THE FAMILY TRUST FOUNDATION OF KENTUCKY, INC., D/B/A THE FAMILY FOUNDATION V. THE KENTUCKY HORSE RACING COMMISSION, ET AL.

[2018-SC-0630-TG](#)
TO BE PUBLISHED

FRANKLIN

OPINION OF THE COURT BY JUSTICE VANMETER - REVERSING AND REMANDING

ALL SITTING. MINTON, C.J.; HUGHES, LAMBERT, NICKELL, AND WRIGHT, JJ., CONCUR. KELLER, J., CONCURS BY SEPARATE OPINION.

Questions Presented:

Administrative law. Wagering on Historical Horse Races. Reversal of trial court’s determination that the Encore system, also known as the Exacta system, constituted a “pari-mutuel system of wagering” as applied to historical horse racing warranted because the trial court misapplied applicable administrative regulation as a matter of law. The Encore system does not create a wagering pool among patrons such that patrons are wagering among themselves when using the system as required for pari-mutuel wagering.

93. IMOJEAN DANIEL V. COMMONWEALTH OF KENTUCKY

[2018-SC-0560-MR](#)
TO BE PUBLISHED

BREATHITT

OPINION OF THE COURT BY JUSTICE LAMBERT - REVERSING AND REMANDING

ALL SITTING. MINTON, C.J.; HUGHES, NICKELL, VANMETER, AND WRIGHT, JJ., CONCUR. KELLER, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION IN WHICH NICKELL, J., JOINS.

Questions Presented:

Criminal Law. Expert Funding. Opinion of the Court reversing and remanding appellant’s conviction for murder on grounds that the trial court erred by failing to grant appellant expert funds pursuant to KRS Chapter 31 after making the requisite showing of entitlement to funds under Benjamin v. Commonwealth, 266 S.W.3d 775 (Ky. 2008). The trial court abused its discretion by allowing evidence that a \$2 bill belonging to the decedent was spent by a friend of Appellant after the decedent’s death. Court found no error in regard to the use demonstrative evidence used at trial by medical examiner, jury instructions, and the trial court failing to suppress a statement made by appellant to a deputy jailer after her arrest.

94. SHAYNA HUBERS V.
COMMONWEALTH OF KENTUCKY

[2018-SC-0667-MR](#)
TO BE PUBLISHED

CAMPBELL

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

ALL SITTING. ALL CONCUR.

Questions Presented:

Matter of Right. Murder. Juror Bias. Change of Venue. Trial court did not abuse its discretion in refusing to strike jurors with knowledge of the defendant's prior trial or conviction because a juror's knowledge does not automatically equate to bias, and jurors who were seated indicated they would not allow prior knowledge to impact their deliberations. The trial court's determination that the amount and nature of pretrial publicity was not so great that prejudice could be presumed, and subsequent denial of change of venue, was not in error.

95. KENTON COUNTY BOARD OF
ADJUSTMENT, ET AL. V.
IAN MEITZEN, ET AL.

[2018-SC-0677-DG](#)
TO BE PUBLISHED

KENTON

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

MINTON, C.J.; NICKELL, AND
VANMETER, JJ., CONCUR. WRIGHT,
J., DISSENTS BY SEPARATE OPINION
IN WHICH KELLER, J., JOINS.
LAMBERT, J., NOT SITTING.

Questions Presented:

Zoning Appeals. The plain language of KRS 100.347(1) requires a party to claim to be injured or aggrieved by the final action of a board of adjustment in order to perfect an appeal in circuit court. Strict compliance with statutory provisions is required in an appeal of an administrative decision, and Appellees failed to indicate in their complaint to circuit court how they personally would be injured or aggrieved by the adjustment board's decision. The lack of strict compliance with this requirement of KRS 100.347(1) deprived the circuit court of jurisdiction in the matter.

96. MAURICE DEAL V.
COMMONWEALTH OF KENTUCKY

[2019-SC-0175-DG](#)
TO BE PUBLISHED

JEFFERSON

**OPINION OF COURT BY CHIEF
JUSTICE MINTON - REVERSING AND
REMANDING**

ALL SITTING. ALL CONCUR.

Questions Presented:

Criminal Law. Presumption of Innocence. The trial court abused its discretion by allowing into evidence a video of defendant showing him in jail clothing and handcuffs during a statement made to police. Trial court failed to consider whether it was inherently prejudicial and also prejudicial under the circumstances of the case, where an audio recording of the interview was available and the Commonwealth was not required to explain how the video would serve an essential state interest.

97. DOLT, THOMPSON, SHEPHERD &
CONWAY, P.S.C. F/K/A DOLT,
THOMPSON, SHEPHERD & KINNEY,
P.S.C. V. COMMONWEALTH OF
KENTUCKY, EX REL. WILLIAM M.
LANDRUM, III, SECRETARY OF THE
FINANCE AND ADMINISTRATION
CABINET, ET AL.

[2019-SC-0197-DG](#)
TO BE PUBLISHED

FRANKLIN

AND
COMMONWEALTH OF KENTUCKY, EX
REL. DANIEL CAMERON, ATTORNEY
GENERAL, ET AL. **V.**
COMMONWEALTH OF KENTUCKY,
FINANCE AND ADMINISTRATION
CABINET, EX REL. WILLIAM M.
LANDRUM III, SECRETARY OF THE
FINANCE AND ADMINISTRATION
CABINET, ET AL.

[2019-SC-0199-DG](#)
TO BE PUBLISHED

FRANKLIN

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

MINTON, C.J.; HUGHES, LAMBERT,
KELLER, VANMETER, AND WRIGHT,
J.J., SITTING. MINTON, C.J.; HUGHES,
KELLER, AND LAMBERT, JJ.,
CONCUR. VANMETER, J., CONCURS
IN PART AND DISSENTS IN PART BY
SEPARATE OPINION.
NICKELL, J., NOT SITTING.

Questions Presented:

Model Procurement Code. Government Contracts. Contingency fees. Opinion of the Court reversing the Court of Appeals and reinstating the trial court's summary judgment in favor of law firm for attorney's fees based on contract with the Commonwealth for legal services on a contingency basis. Even though the contract was not renewed as required by the Model Procurement Code and the principle of equitable estoppel does not apply to state government procurement contracts, the Kentucky legislature directed payment of the law firm's attorney's fees and expenses in the 2016 budget bill.

98. CALLOWAY COUNTY SHERIFF'S DEPARTMENT V. KAREN WOODALL, SPOUSE OF STEVEN SPILLMAN, DECEASED, ET AL.

[2019-SC-0391-WC](#)
TO BE PUBLISHED

IN SUPREME COURT

AND

KAREN WOODALL, SPOUSE OF STEVEN R. SPILLMAN, DECEASED, ET AL. V. CALLOWAY COUNTY SHERIFF'S DEPARTMENT, ET AL.

[2019-SC-0419-WC](#)
TO BE PUBLISHED

IN SUPREME COURT

OPINION OF THE COURT BY JUSTICE VANMETER - AFFIRMING

ALL SITTING. MINTON, C.J.; HUGHES, LAMBERT, AND NICKELL, JJ. CONCUR. KELLER, J. CONCURS IN PART AND CONCURS IN RESULT ONLY BY SEPARATE OPINION IN WHICH WRIGHT, J., JOINS.

Questions Presented:

Workers Compensation Survivor Benefits. Equal Protection. Special Legislation. Workers Compensation Board denied a lump sum benefit to the estate of an employee whose death resulted from surgery necessitated by work-related injury which occurred more than four years prior. The Court held that the time restriction of KRS 342.750(6) is not a violation of equal protection as there is a rational basis for limiting liability consistent with a statute of repose. Additionally, KRS 342.750(6) does not violate the prohibition on special legislation found in Sections 59 and 60 of the Kentucky Constitution, restoring proper analysis, pre-Schoo v. Rose, 270 S.W.2d 940 (Ky. 1954), of whether the statute applies to a particular individual, object, or locale.

99. JUSTIN PINTO V. VAN ROBISON, ET AL.

[2019-SC-0615-DGE](#)
TO BE PUBLISHED

PULASKI

OPINION OF THE COURT BY JUSTICE KELLER - REVERSING

MINTON, C.J.; HUGHES, NICKELL, VANMETER, AND WRIGHT, JJ., CONCUR. LAMBERT, J., NOT SITTING.

Questions Presented:

Family Law. Grandparent Visitation. KRS 405.021(1)(b) and (c) of Kentucky's grandparent visitation statute is violative of due process on its face because it permits a grandparent to prove a significant and viable relationship by a preponderance of the evidence rather than the clear and convincing standard required under Walker v. Blair. The statute also fails to accord the parent's determination regarding his or her child the "special weight" required by Troxel v. Granville, 530 U.S. 57 (2000). Leaves intact KRS 405.021(1)(a) and KRS 405.021(3) as potential avenues for a trial court to grant grandparent visitation so long as the court complies with Walker.

100. COMMONWEALTH OF KENTUCKY V.
KEVIN CHARLES CURRY

[2019-SC-0696-CL](#)
TO BE PUBLISHED

JEFFERSON

**OPINION OF THE COURT BY JUSTICE
LAMBERT - CERTIFYING THE LAW**

ALL SITTING. ALL CONCUR.

Questions Presented:

Certification of Law. Considering a request to certify the law from the Commonwealth arising from a constitutional challenge to KRS 189.390(3)-(5), the Court certifies that statute provides fair notice of prohibited conduct and does not encourage arbitrary enforcement. Despite a complex statutory and regulatory scheme, it is clear that the baseline speed limit on a state highway must be either set by KRS 189.390(3) or an altered speed limit pursuant to subsection (4) or (5).

101. PORTER SLAUGHTER V. TUBE
TURNS, ET AL.

[2020-SC-0013-WC](#)
TO BE PUBLISHED

IN SUPREME
COURT

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

ALL SITTING. ALL CONCUR.

Questions Presented:

Workers Compensation. Consideration of whether the payment of medical expenses and temporary total disability benefits for surgery nine years after an original settlement acted as an extension to the limitations period in the statute. Amendments to KRS 342.125(3) prohibit the reopening of a claim four years after the original award or original order and KRS 342.125(8) retroactively applies the four-year limitation, time-barring the reopening of a claim.

102. CLARA RUPLINGER V.
LOUISVILLE/JEFFERSON COUNTY
METRO GOVERNMENT, ET AL.

[2020-SC-0140-CL](#)
TO BE PUBLISHED

IN SUPREME
COURT

**OPINION OF COURT BY JUSTICE
VANMETER - CERTIFYING THE LAW**

ALL SITTING. ALL CONCUR.

Questions Presented:

Certification of Law. Kentucky Religious Freedom Restoration Act. Sovereign Immunity. Upon request for certification of law from the United States District Court, Western District of Kentucky, this Court considers whether the General Assembly waived sovereign immunity from suit in the Kentucky Religious Freedom Restoration Act (KRFRA) and whether, if the underlying statute provides a waiver of sovereign immunity, the use of KRS 446.070 to seek redress for violations of that underlying statute nevertheless entitles government defendants to immunity from suit. Upon review of KRS 446.070, it is certified that the General Assembly did not expressly waive sovereign immunity and any recovery is limited to a potential declaratory judgment.

103. CARLOS DEANDRE JENKINS V.
COMMONWEALTH OF KENTUCKY

[2019-SC-0252-MR](#)
TO BE PUBLISHED

FAYETTE

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

ALL SITTING. ALL CONCUR.

Questions Presented:

Matter of Right. First-Degree Assault. Wanton Endangerment. Persistent Felony Offender (PFO). Trial court's finding that police conduct in destroying evidence lacked bad faith was not clearly erroneous where it was clear that officers followed existing police department procedures regarding shell casings. No extreme circumstances amounting to a substantial miscarriage of justice occurred regarding the use of cell phone tower evidence. However, the Court reverses James v. Commonwealth, 647 S.W.2d 794 (Ky. 1983) regarding the use of certain out-of-state convictions to apply the persistent felony offender statute, and the conviction is reversed for second-degree PFO and remanded for further re-sentencing.

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| 104. | <p>GILBERT HALL V. COMMONWEALTH OF KENTUCKY</p> <p>MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u></p> <p>ALL SITTING. ALL CONCUR.</p> | <p>2019-SC-0023-MR
NOT TO BE PUBLISHED</p> | BRACKEN |
| 105. | <p>LESLIE LEE PARSON V. COMMONWEALTH OF KENTUCKY</p> <p>MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u></p> <p>ALL SITTING. ALL CONCUR.</p> | <p>2019-SC-0318-MR
NOT TO BE PUBLISHED</p> | FAYETTE |
| 106. | <p>KAY SHELTON, ET AL. V. AMY HOLTkamp</p> <p>MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u></p> <p>MINTON, C.J.; HUGHES, KELLER, NICKELL, VANMETER, AND WRIGHT, JJ., CONCUR. LAMBERT, J., NOT SITTING.</p> | <p>2019-SC-0501-DG
NOT TO BE PUBLISHED</p> | ROCKCASTLE |
| 107. | <p>MARTIN COUNTY BOARD OF EDUCATION V. ARCHIE BLACKBURN, ET AL.</p> <p>AND</p> <p>ARCHIE BLACKBURN V. MARTIN COUNTY BOARD OF EDUCATION, ET AL.</p> <p>MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u></p> <p>ALL SITTING. ALL CONCUR.</p> | <p>2019-SC-0635-WC
NOT TO BE PUBLISHED</p> <p>2019-SC-0647-WC
NOT TO BE PUBLISHED</p> | <p>IN SUPREME COURT</p> <p>IN SUPREME COURT</p> |

108. JOSHUA TATE DAVENPORT V.
COMMONWEALTH OF KENTUCKY
- [2019-SC-0637-MR](#)
NOT TO BE PUBLISHED
- LAUREL
- MEMORANDUM OPINION OF THE
COURT - AFFIRMING**
- ALL SITTING. ALL CONCUR.
109. JAMES MALLORY V. HONORABLE
SUSAN SCHULTZ-GIBSON, JUDGE,
JEFFERSON CIRCUIT COURT AND
COMMONWEALTH OF KENTUCKY
- [2020-SC-0243-OA](#)
NOT TO BE PUBLISHED
- JEFFERSON
- MEMORANDUM OPINION OF THE
COURT - DENYING WRITS OF
PROHIBITION AND MANDAMUS**
- ALL SITTING. ALL CONCUR.

OPINION AND ORDERS - September 24, 2020

KENTUCKY BAR ASSOCIATION V. VIRGINIA
MARIA RIGGS-HORTON

[2020-SC-0002-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**ORDER OF TEMPORARY SUSPENSION FOR 6
MONTHS STAYED ON CONDITIONS**

ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V.
GERRY L. CALVERT II

[2020-SC-0117-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**ORDER OF SUSPENSION FOR 5 YEARS
WITH CONDITIONS**

ALL SITTING. MINTON, C.J.; HUGHES,
LAMBERT, KELLER, AND WRIGHT, JOIN.
VANMETER, J., CONCURS IN PART AND
DISSENTS IN PART BY A SEPARATE
OPINION IN WHICH NICKELL, J., JOINS.

KENTUCKY BAR ASSOCIATION V. JOHN
SCOTT BENTON

[2020-SC-0181-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

ORDER OF PERMANENT DISBARMENT

ALL SITTING. ALL CONCUR.

GRETCHEN RENEE NUNN V. KENTUCKY
BAR ASSOCIATION

[2020-SC-0194-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

ORDER OF PUBLIC REPRIMAND

ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V. THOMAS
STEVEN POTEAT

[2020-SC-0227-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

ORDER OF PERMANENT DISBARMENT

ALL SITTING. ALL CONCUR.

ORDER GRANTING DISCRETIONARY REVIEW (ORAL ARGUMENT) - September 16, 2020

FREDERICK JONES V. [2019-SC-0651-DG](#) JEFFERSON
COMMONWEALTH OF KENTUCKY

CITY OF FORT WRIGHT, KENTUCKY, ET AL. V. [2020-SC-0053-DG](#) FRANKLIN
BOARD OF TRUSTEES OF THE
KENTUCKY RETIREMENT SYSTEMS

COMMONWEALTH OF KENTUCKY V. [2020-SC-0116-DG](#) WOODFORD
DOVONTIA REED

ORDER GRANTING DISCRETIONARY REVIEW (NO ORAL ARGUMENT) - September 16, 2020

MICHAEL FIELDS V. COMMONWEALTH OF KENTUCKY [2019-SC-0663-DG](#) SCOTT

EXPEDITED ORDER GRANTING DISCRETIONARY REVIEW (ORAL ARGUMENT) - September 16, 2020

R. M., ET AL. V. [2020-SC-0205-DGE](#) HARRISON
CABINET FOR HEALTH AND FAMILY
SERVICES, COMMONWEALTH OF
KENTUCKY, ET AL.

ORDER GRANTING CROSS MOTION FOR DISCRETIONARY REVIEW - September 16, 2020

JOHN DOE, A MINOR V. [2020-SC-0305-DG](#) JEFFERSON
TAMMY LYNN RAMEY

ORDER DENYING DISCRETIONARY REVIEW - September 16, 2020

COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES V. APPALACHIAN REGIONAL HEALTHCARE, INC. D/B/A HAZARD ARH REGIONAL MEDICAL CENTER, ET AL. LAMBERT, J., NOT SITTING.	<u>2019-SC-0373-D</u>	FRANKLIN
DAVID ALAN JENKINS V. COMMONWEALTH OF KENTUCKY	<u>2019-SC-0544-D</u>	OHIO
STEPHEN RIDGE, ET AL.V. COMMONWEALTH OF KENTUCKY, FINANCE AND ADMINISTRATION CABINET, DEPARMENT OF REVENUE, ET AL. VANMETER, J., WOULD GRANT DISCRETIONARY REVIEW.	<u>2019-SC-0561-D</u>	FRANKLIN
ARDIS E. GREENAMYER II V. THOMAS O. EIFLER SR, ET AL. LAMBERT AND NICKELL, JJ., NOT SITTING. BRADLEY, SJ., SITTING.	<u>2019-SC-0583-D</u>	JEFFERSON
COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL.V. ABS LINGS KY, LLC, D/B/A CUMBERLAND HALL HOSPITAL, ET AL.	<u>2019-SC-0665-D</u>	FRANKLIN

ORDER DENYING DISCRETIONARY REVIEW - September 16, 2020

WESTERN ENERGY PRODUCTIONS, LP A CALIFORNIA LIMITED PARTNERSHIP, FORMERLY KNOWN AS WESTERN ENERGY PRODUCTION, LLC, A NEVADA LIMITED LIABILITY COMPANY, ET AL. V. DEREK E. ORCHARD, SUCCESSOR TRUSTEE OF THE ORCHARD FAMILY TRUST DATED NOVEMBER 19, 1979, TRUST A OF THE ORCHARD FAMILY TRUST, TRUST B OF THE ORCHARD FAMILY TRUST, AND TRUST C OF THE ORCHARD FAMILY TRUST	<u>2019-SC-0668-D</u>	WOODFORD
RIVERVALLEY BEHAVIORAL HEALTH V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES ET AL. NICKELL, J., NOT SITTING.	<u>2019-SC-0676-D</u>	FRANKLIN
COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES V. RIVERVALLEY BEHAVIORAL HEALTH NICKELL, J., NOT SITTING.	<u>2019-SC-0690-D</u>	FRANKLIN
MARY VIRGINIA NICOL V. DAVID STEVENSON	<u>2019-SC-0709-D</u>	JEFFERSON
MARCUS S. MINIX V. CHARITY STONE ET AL.	<u>2019-SC-0716-D</u>	FLOYD
SPENCER HEATON V. COMMONWEALTH OF KENTUCKY NICKELL, J., NOT SITTING.	<u>2019-SC-0729-D</u>	CALDWELL
BETH DARLENE SAMMET V. DENISE M. HELLINE	<u>2020-SC-0006-D</u>	OLDHAM

ORDER DENYING DISCRETIONARY REVIEW - September 16, 2020

SHANNON TURNER V. CRYSTAL MAGGARD (NOW BAKER), ET AL.	<u>2020-SC-0017-D</u>	LESLIE
THOMAS E. CARTER V. BRANDY HARM, WARDEN, BELL COUNTY FORESTRY CAMP	<u>2020-SC-0027-D</u>	MUHLENBERG
KYLE HORNBACK, ET AL.V. KATINA POWELL, ET AL.	<u>2020-SC-0047-D</u>	JEFFERSON
IBJ BOOK PUBLISHING, LLC, ET AL. V. KYLE HORNBACK, ET AL.	<u>2020-SC-0069-D</u>	JEFFERSON
JAMES RAY NORVELL V. DE'EDRA HART	<u>2020-SC-0094-D</u>	CARLISLE
MARCUS SWAN V. COMMONWEALTH OF KENTUCKY	<u>2020-SC-0169-D</u>	JEFFERSON
QUEST ENERGY CORPORATION V. RAY SLONE, ET AL.	<u>2020-SC-0176-D</u>	KNOTT
CEDRIC O'NEAL V. COMMONWEALTH OF KENTUCKY	<u>2020-SC-0189-D</u>	JEFFERSON
ANTHONY FAGAN V. COMMONWEALTH OF KENTUCKY	<u>2020-SC-0203-D</u>	MCCRACKEN

ORDER DENYING DISCRETIONARY REVIEW - September 16, 2020

DAVID CLARK V. ELECTRIC PLANT BOARD OF THE CITY OF PADUCAH, KENTUCKY D/B/A PADUCAH POWER SYSTEM NICKELL, J., NOT SITTING.	2020-SC-0207-D	MCCRACKEN
TAMMY COMBEST V. MARCELLO PIETRANTONI	2020-SC-0209-DE	JEFFERSON
EVERETT MILLER V. COMMONWEALTH OF KENTUCKY	2020-SC-0220-D	MEADE
ROBERT LEE BACK, ET AL. V. COMMONWEALTH OF KENTUCKY	2020-SC-0229-D	FAYETTE
ELAINE AVIGNONE V. COMMONWEALTH OF KENTUCKY	2020-SC-0231-D	HARDIN
A.W. V. CABINET FOR HEALTH AND FAMILY SERVICES, COMMONWEALTH OF KENTUCKY, ET AL.	2020-SC-0257-DE	JEFFERSON
M & T LOGGING, INC. V. B & W RESOURCES, INC.	2020-SC-0266-D	PERRY
TYRRAN HARRIS V. COMMONWEALTH OF KENTUCKY	2020-SC-0269-D	SHELBY
M. A. P., ET AL. V. CABINET FOR HEALTH AND FAMILY SERVICES, COMMONWEALTH OF KENTUCKY, ET AL. LAMBERT, J., WOULD GRANT DISCRETIONARY REVIEW.	2020-SC-0278-DE	LINCOLN

ORDER DENYING DISCRETIONARY REVIEW - September 16, 2020

ROBERT ANDREW SHARP, JR. V. [2020-SC-0283-DE](#) WARREN
CABINET FOR HEALTH AND FAMILY
SERVICES, COMMONWEALTH OF
KENTUCKY, ET AL.

MATTHEW POPP V. [2020-SC-0319-DE](#) KNOTT
KYNEA JOHNSON

RENEE TORNATORE V. [2020-SC-0323-DE](#) JEFFERSON
DENISE KARIBO

NECCO, LLC V. [2020-SC-0329-D](#) WARREN
COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH AND FAMILY
SERVICES

ORDER DISMISSING - September 03, 2020

ISMAEEL K. AL KINI V. [2020-SC-0173-D](#) JEFFERSON
COMMONWEALTH OF KENTUCKY

**ORDER DISMISSING DUE TO FAILURE
TO TIMELY MEET DEFICIENCY**

ORDER DISMISSING - September 16, 2020

MICHAEL G. THOMAS V. [2020-SC-0337-D](#) CALLOWAY
COMMONWEALTH OF KENTUCKY

**ORDER DISMISSING DUE TO FAILURE
TO TIMELY MEET DEFICIENCY**

ORDER DISMISSING - September 22, 2020

ROYAL CONSUMER PRODUCTS, LLC
V. BUCKEYE BOXES, INC.

[2019-SC-0416-D](#)

JEFFERSON

**ORDER DISMISSING ON JOINT MOTION
OF APPELLEES**

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

ORDER DENYING – September 22, 2020

DAVID MCCRACKEN V.
MASON MOTORSPORTS, LLC, ET AL.

[2020-SC-0308-D](#)

MCCRACKEN

**ORDER DENYING MOTION FOR
EXTENSION OF TIME TREATED AS
ENLARGEMENT IS DENIED.**

MINTON, C.J.; HUGHES, VANMETER,
AND WRIGHT, JJ., SITTING. ALL CONCUR.

GREGORY DEAN ROE V.
COMMONWEALTH OF KENTUCKY

[2020-SC-0150-MR](#)

FAYETTE

**ORDER DENYING MOTION FOR
ENLARGEMENT OF TIME**
HUGHES, NICKELL, VANMETER, AND
WRIGHT, JJ., SITTING. ALL CONCUR.

ORDER DISMISSING - September 24, 2020

COMMONWEALTH OF KENTUCKY V.
WILLIAM HARRY MEECE

[2019-SC-0051-MR](#)

WARREN

**APPELLEE'S MOTION TO DISMISS IS
GRANTED**

ORDER VACATING – September 24, 2020

JUNE BLOCKER V. JANET CONOVER,
WARDEN OF THE KENTUCKY
CORRECTIONAL INSTITUTION FOR
WOMEN, ET AL.

[2019-SC-0247](#)

SHELBY

**ORDER VACATING THE ORDER
GRANTING DISCRETIONARY REVIEW
AS IMPROVIDENTLY GRANTED**

ALL SITTING. ALL CONCUR.

ORDER DENYING - September 24, 2020

PAUL MOSTERT V. THE MOSTERT
GROUP LLC

[2017-SC-0600-D](#)

FAYETTE

**THE PETITION FOR REHEARING FILED
BY APPELLANT OF THE OPINION OF
THE COURT RENDERED MARCH 26,
2020, IS DENIED.**

MINTON, C.J.; HUGHES, KELLER,
VANMETER, WRIGHT, JJ.; DUNAWAY
AND RHOADS, S.J., SITTING. ALL
CONCUR. **LAMBERT AND NICKELL, JJ.,
NOT SITTING.**

SEILLER WATERMAN, LLC, ET AL. V.
RLB PROPERTIES, LTD.

[2018-SC-0538-D](#)

JEFFERSON

AND

RLB PROPERTIES, LTD. V. SEILLER
WATERMAN, LLC, ET AL.

[2018-SC-0558-D](#)

JEFFERSON

**THE PETITION FOR REHEARING, FILED
BY APPELLANT, RLB PROPERTIES,
LTD., OF THE OPINION OF THE COURT,
RENDERED JULY 9, 2020 IS DENIED.**

ALL SITTING. ALL CONCUR.

CODY BATES V. COMMONWEALTH OF
KENTUCKY

[2019-SC-0121-MR](#)
[2019-SC-0141-MR](#)

JEFFERSON

**THE PETITION FOR REHEARING, FILED
BY APPELLANT, OF THE
MEMORANDUM OPINION OF THE
COURT, RENDERED APRIL 30, 2020, IS
DENIED.**

ALL SITTING. ALL CONCUR.

ORDER PERMITTING WITHDRAWAL FROM KBA - August 27, 2020

ROYA AHUR GHAZI V. KENTUCKY BAR ASSOCIATION	2020-SC-0399-KB	IN SUPREME COURT
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KIMBERLY STEPHENS PHILLIPS V. KENTUCKY BAR ASSOCIATION	2020-SC-0400-KB	IN SUPREME COURT
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MICHAEL BRIAN DELANEY V. KENTUCKY BAR ASSOCIATION	2020-SC-0401-KB	IN SUPREME COURT
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ROBERT WASSERMAN V. KENTUCKY BAR ASSOCIATION	2020-SC-0402-KB	IN SUPREME COURT
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DAVID ALBERT HARRIS V. KENTUCKY BAR ASSOCIATION	2020-SC-0403-KB	IN SUPREME COURT
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RAMONA IRENE GARDEA V. KENTUCKY BAR ASSOCIATION	2020-SC-0404-KB	IN SUPREME COURT
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MICHAEL LEON SHORTRIDGE V. KENTUCKY BAR ASSOCIATION	2020-SC-0405-KB	IN SUPREME COURT
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ORDER PERMITTING WITHDRAWAL FROM KBA - September 01, 2020

CHRISTOPHER J. PAUL V. KENTUCKY BAR ASSOCIATION	2020-SC-0413-KB	IN SUPREME COURT
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CRAIG MICHAEL WILLIAMS V. KENTUCKY BAR ASSOCIATION	2020-SC-0414-KB	IN SUPREME COURT
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RICHARD K. GRAHAM V. KENTUCKY BAR ASSOCIATION	2020-SC-0415-KB	IN SUPREME COURT
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ORDER PERMITTING WITHDRAWAL FROM KBA - September 08, 2020

RICHARD ROBERT MELVILLE V. KENTUCKY BAR ASSOCIATION	2020-SC-0412-KB	IN SUPREME COURT
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KATHIE E. GRISHAM V. KENTUCKY BAR ASSOCIATION	2020-SC-0419-KB	IN SUPREME COURT
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JOHN CHARLES ANDRIS V. KENTUCKY BAR ASSOCIATION	2020-SC-0420-KB	IN SUPREME COURT
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ARTHUR STEVEN BEEMAN V. KENTUCKY BAR ASSOCIATION	2020-SC-0421-KB	IN SUPREME COURT
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BETH COPPOCK MASSEY V. KENTUCKY BAR ASSOCIATION	2020-SC-0422-KB	IN SUPREME COURT
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CATHLEEN SADLO SCHULZ V. KENTUCKY BAR ASSOCIATION	2020-SC-0423-KB	IN SUPREME COURT
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ORDER PERMITTING WITHDRAWAL FROM KBA - September 16, 2020

STEPHEN GERARD WHEATLEY V. KENTUCKY BAR ASSOCIATION	2020-SC-0439-KB	IN SUPREME COURT
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JOSHUA DAVID PRENTICE V. KENTUCKY BAR ASSOCIATION	2020-SC-0440-KB	IN SUPREME COURT
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ELIZABETH GARDNER RUSSELL V. KENTUCKY BAR ASSOCIATION	2020-SC-0441-KB	IN SUPREME COURT
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