

SUPREME COURT OF KENTUCKY

NOVEMBER 2, 2017 MINUTES

RELEASED: 10:00 A.M.

136. KEN ISAACS, ET AL. V. [2015-SC-000265-DG](#) SCOTT
JEFF CALDWELL, ET AL. **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE VENTERS –
AFFIRMING
ALL SITTING. MINTON, C.J.;
HUGHES, KELLER, AND VANMETER,
JJ., CONCUR. WRIGHT, J., CONCURS
IN PART AND DISSENTS IN PART
BY SEPARATE OPINION IN WHICH
CUNNINGHAM, J., JOINS.
- Questions Presented:**
Civil Procedure. Notice of Appeal.
Summons. CR 3.01. Plaintiffs' appeal from a
decision of the planning commission was
properly dismissed for improper service of
process.
137. TRAVIS JETER V. [2015-SC-000616-MR](#) HARDIN
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE HUGHES –
AFFIRMING
ALL SITTING. ALL CONCUR.
- Questions Presented:**
Robbery in the first degree, first-degree
possession of a controlled substance
(cocaine), use of drug paraphernalia, PF01-
Life. Eyewitness identification testimony.
Motion for a continuance. Joint trial of drug
related charges was not prejudicial.
138. BIG SANDY REGIONAL JAIL [2016-SC-000008-DG](#) FAYETTE
AUTHORITY V. **TO BE PUBLISHED**
LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT
OPINION OF THE COURT BY
JUSTICE KELLER –
AFFIRMING
ALL SITTING. MINTON, C.J.;
CUNNINGHAM, HUGHES, AND
KELLER, JJ., CONCUR. VENTERS, J.,
CONCURS IN RESULT ONLY BY
SEPARATE OPINION WHICH
VANMETER, J., JOINS. WRIGHT, J.,
DISSENTS BY SEPRATE OPINION.
- Questions Presented:**
Sovereign Immunity. KRS 441.025. At issue
in this matter is whether sovereign immunity
bars an action by a regional jail against a
county to recover the costs of housing that
county's prisoners, after they were arrested
and held pursuant to a warrant from courts of
that county. In addition, at issue is whether
KRS 441.025 obligates a county to pay for the
incarceration of prisoners arrested and held
on warrants issued by the courts of that
county which are served in the county where
the prisoner is incarcerated.

SUPREME COURT OF KENTUCKY

NOVEMBER 2, 2017 MINUTES

RELEASED: 10:00 A.M.

139. DANIEL LEE MOSS V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE VENTERS –
AFFIRMING**
ALL SITTING. ALL CONCUR.

[2016-SC-000165-DG](#)
TO BE PUBLISHED

SIMPSON

Questions Presented:
Criminal Law. Evidence. Adoptive admissions. Pre-arrest silence. The primary issue in this case is whether a defendant's failure to respond to a witness' statement made during a police investigation constitutes an adoptive admission, which may be introduced into evidence, or whether this failure to respond to the witness' statement is pre-arrest silence which may not be introduced as evidence against the defendant.

140. UNIVERSITY OF LOUISVILLE V.
MARK ROTHSTEIN
**OPINION OF THE COURT BY
JUSTICE KELLER –
AFFIRMING**
MINTON, C.J.; CUNNINGHAM,
KELLER, VANMETER, VENTERS AND
WRIGHT, JJ., CONCUR. HUGHES, J.,
NOT SITTING.

[2016-SC-000220-DG](#)
TO BE PUBLISHED

FRANKLIN

Questions Presented:
Sovereign Immunity. Government Contracts. Employment. KRS 45A.245. The University is not immune from a former employee's claim for breach of his written employment contract.

141. COLE D. ROSS V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE VENTERS –
AFFIRMING**
ALL SITTING. ALL CONCUR.

[2016-SC-000287-MR](#)
TO BE PUBLISHED

GRAVES

Questions Presented:
Murder and first-degree arson-two concurrent terms of life imprisonment. Inherently unbelievable testimony. News report about the trial did not warrant a mistrial.

SUPREME COURT OF KENTUCKY

NOVEMBER 2, 2017 MINUTES

RELEASED: 10:00 A.M.

142. TOYOTA MOTOR MANUFACTURING, KENTUCKY, INC. **V.** [2017-SC-000031-WC](#) COURT OF APPEALS
TO BE PUBLISHED

KATHY PRICHARD, ETC., ET AL.
OPINION OF THE COURT BY JUSTICE VENTERS –

AFFIRMING

ALL SITTING. MINTON, C.J.; CUNNINGHAM, HUGHES, KELLER, AND WRIGHT, JJ., SITTING. ALL CONCUR. VANMETER, J., NOT SITTING.

Questions Presented:
Workers Compensation. Reopening of workplace injury claim almost seven years after initial award of workers' compensation benefits, but within four years of a subsequent order granting additional disability benefits. KRS 342.125 (1)(d) and (3).

143. UTILITY MANAGEMENT GROUP, LLC **V.** [2015-SC-000680-DG](#) PIKE
TO BE PUBLISHED

PIKE COUNTY FISCAL COURT
OPINION OF THE COURT BY JUSTICE HUGHES –

AFFIRMING AND REMANDING

MINTON, C.J.; KELLER, VANMETER, AND VENTERS, JJ., CONCUR. WRIGHT, J., DISSENTS BY SEPARATE OPINION IN WHICH CUNNINGHAM, J., JOINS.

Questions Presented:
Open Records. KRS 61.870(1)(h) "Public Agency." A private for-profit entity contracting for operational and management services with a public entity is a "public agency" for purposes of the Kentucky Open Records Act.

144. ANGELA FORD, ET AL. **V.** [2016-SC-000136-DG](#) FAYETTE
HAROLD BAERG, JR., ET AL.
TO BE PUBLISHED

OPINION OF THE COURT BY CHIEF JUSTICE MINTON –

AFFIRMING AND REMANDING

ALL SITTING. ALL CONCUR.

Questions Presented:
Tort Law. Conversion. Uniform Commercial Code. Issues include whether the defendants committed the tort of conversion when a signatory on the plaintiff's bank accounts used his apparent authority over the accounts to transfer funds for the benefit of the defendants.

SUPREME COURT OF KENTUCKY

NOVEMBER 2, 2017 MINUTES

RELEASED: 10:00 A.M.

145. SAINT AUGUSTINE SCHOOL, ET AL. V. [2016-SC-000243-DG](#) BRACKEN
JANET CROPPER
TO BE PUBLISHED
OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
AFFIRMING AND REMANDING
ALL SITTING. ALL CONCUR.

Questions Presented:
Contracts. Ecclesiastical Abstention. Whether a breach of contract claim by a parochial school administrator involves a matter of internal church governance requiring judicial abstention.

146. LAKE CUMBERLAND REGIONAL HOSPITAL, LLC V. [2016-SC-000181-DG](#) PULASKI
HELAN ADAMS
TO BE PUBLISHED
AND
SPRING VIEW HOSPITAL, LLC V. [2016-SC-000189-DG](#) MARION
KAREN JONES (NOW EPLEY)
TO BE PUBLISHED
AND
SPRING VIEW HOSPITAL, LLC V. [2016-SC-000259-DG](#) MARION
JOYCE SPALDING, ETC., ET AL.
TO BE PUBLISHED
AND
JOYCE SPALDING, ETC., ET AL. V. [2016-SC-000277-DG](#) MARION
SPRING VIEW HOSPITAL, LLC
TO BE PUBLISHED
OPINION OF THE COURT BY
JUSTICE KELLER –
AFFIRMING IN PART, REVERSING
IN PART AND REMANDING
MINTON, C.J.; CUNNINGHAM,
HUGHES, KELLER, VANMETER, AND
WRIGHT, JJ., CONCUR. VENTERS, J.,
NOT SITTING.

Questions Presented:
Torts. Negligent Credentialing. Whether the tort of negligent hospital credentialing should be recognized in Kentucky.

SUPREME COURT OF KENTUCKY

NOVEMBER 2, 2017 MINUTES

RELEASED: 10:00 A.M.

147. JOHN ADAMS, M.D. ET AL. V. [2015-SC-000483-DG](#) HARDIN
MARK SIETSEMA
TO BE PUBLISHED

**OPINION OF THE COURT BY
JUSTICE VENTERS –
REVERSING**
ALL SITTING. MINTON, C.J.;
CUNNINGHAM, HUGHES, KELLER,
AND VANMETER, JJ., CONCUR.
WRIGHT, J., CONCURS IN PART
AND DISSENTS IN PART BY
SEPARATE OPINION.

Questions Presented:
Negligence. Medical Malpractice. Jail
Healthcare. Expert Testimony. An inmate who
claims that the jail’s medical director and
nurse practitioner caused his illness to
become life threatening by inadequately
supervising and communicating with the jail’s
nursing staff was required to present expert
testimony to establish the standard of care for
jail medical staff.

148. JANET CONOVER WARDEN, ET AL. V. [2016-SC-000320-DG](#) SHELBY
KRISTY LAWLESS
TO BE PUBLISHED

**OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
REVERSING**
MINTON, C.J.; HUGHES, KELLER,
VENTERS, AND WRIGHT, JJ.,
SITTING. ALL CONCUR. VANMETER,
J., NOT SITTING.

Questions Presented:
Prison Discipline. Video Evidence. Adjustment
Officer’s Findings. Issues include: (1) whether
the adjustment officer in a prison discipline
case must describe the contents of
surveillance video of the incident in her
findings; and (2) whether the circuit court
must review the surveillance video in the
inmate’s declaration of rights action
challenging the discipline.

149. KINDRED NURSING CENTERS
LIMITED PARTNERSHIP, ETC,
ET AL. V. [2013-SC-000431-I](#) CLARK
BEVERLY WELLNER, ETC.
TO BE PUBLISHED

**OPINION OF THE COURT BY
JUSTICE VENTERS –**
ALL SITTING. CUNNINGHAM,
KELLER, AND WRIGHT, JJ., CONCUR.
HUGHES, J., DISSENTS BY
SEPARATE OPINION IN WHICH
MINTON, C.J., AND VANMETER, J.,
JOIN.

Questions Presented:
Power of Attorney. Arbitration. Remand
pursuant to the opinion of the United States
Supreme Court in *Kindred Nursing Centers
Ltd. Partnership v. Clark*, 137 S. Ct. 1421
(2017).

SUPREME COURT OF KENTUCKY

NOVEMBER 2, 2017 MINUTES

RELEASED: 10:00 A.M.

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| 150. | JARROD WEISS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> -
ALL SITTING. MINTON, C.J.;
CUNNINGHAM, HUGHES, KELLER,
VANMETER, AND VENTERS, JJ.,
CONCUR. WRIGHT, J., DISSENTS BY
SEPARATE OPINION. | 2016-SC-000183-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 151. | PERCY ISAAC AIKENS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> -
ALL SITTING. ALL CONCUR. | 2016-SC-000306-MR
NOT TO BE PUBLISHED | CHRISTIAN |
| 152. | KEVIN FRANKLIN V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2016-SC-000330-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 153. | ROBERT MARKHAM TAYLOR V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. MINTON, C.J.; HUGHES,
KELLER, VANMETER, VENTERS, AND
WRIGHT, JJ., CONCUR. CUNNINGHAM,
J., CONCURS IN RESULT ONLY. | 2016-SC-000410-MR
NOT TO BE PUBLISHED | FAYETTE |
| 154. | JULIUS D. THOMAS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2016-SC-000593-MR
NOT TO BE PUBLISHED | JEFFERSON |

SUPREME COURT OF KENTUCKY

NOVEMBER 2, 2017 MINUTES

RELEASED: 10:00 A.M.

155. FORD MOTOR COMPANY (KTP) V. [2016-SC-000689-WC](#) FROM COURT
RONALD COLEMAN, JR., ET AL., **NOT TO BE PUBLISHED** OF APPEALS
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
MINTON, C.J.; CUNNINGHAM, HUGHES,
KELLER, VENTERS, AND WRIGHT, JJ.,
CONCUR. VANMETER, J., NOT SITTING.
156. WILLIS WILSON V. [2017-SC-000080-MR](#) FROM COURT
HON. JAMES D. ISHMAEL, JUDGE, **NOT TO BE PUBLISHED** OF APPEALS
FAYETTE CIRCUIT COURT, ET AL.
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
157. MICHAEL RAY DUNGAN V. [2016-SC-000358-MR](#) PULASKI
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART
VACATING IN PART AND REMANDING**
ALL SITTING. ALL CONCUR
158. COMMONWEALTH OF KENTUCKY V. [2017-SC-000110-DG](#) MONTGOMERY
MANDY HUGHES **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – REVERSING**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

NOVEMBER 2, 2017 MINUTES

RELEASED: 10:00 A.M.

OPINION AND ORDERS – OCTOBER 25, 2017

KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION V. ALEXANDER LONGSHORE, ET AL. 2016-SC-000692-D CAMPBELL

ORDER GRANTED DISCRETIONARY REVIEW. THE COURT OF APPEALS DECISION IS VACATED AND THIS CASE IS REMANDED TO THE COURT OF APPEALS FOR FURTHER CONSIDERATION IN LIGHT OF THIS COURT'S RECENT DECISION IN KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION V. WILSON, 2016-SC-000411-DG, 2017 WL 3632103 (KY. AUG. 24, 2017).

ALL SITTING. ALL CONCUR.

OPINION AND ORDERS – NOVEMBER 2, 2017

AMBAC ASSURANCE CORPORATION V. KNOX HILLS, LLC 2017-SC-000302-I HARDIN

ORDER DENYING MOTION FOR INTERLOCUTORY RELIEF.

ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V. KENNETH JOSEPH BADER [2017-SC-000312-KB](#) IN SUPREME COURT

ORDER OF INDEFINITE SUSPENSION.

ALL SITTING. ALL CONCUR.

NANCY OLIVER ROBERTS V. KENTUCKY BAR ASSOCIATION [2017-SC-000388-KB](#) IN SUPREME COURT

ORDER OF REINSTATEMENT TO PRACTICE OF LAW.

CUNNINGHAM, HUGHES, KELLER, VANMETER, VENTERS, AND WRIGHT, JJ., CONCUR. MINTON, C.J.; NOT SITTING.

KENTUCKY BAR ASSOCIATION V. JUSTIN ROSS MORGAN [2017-SC-000396-KB](#) IN SUPREME COURT

ORDER OF SUSPENSION FROM THE PRACTICE OF LAW FOR 1 YEAR.

ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

NOVEMBER 2, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
OCTOBER 25, 2017**

MELVIN HENSLEY, ET AL. V. HAYNES TRUCKING, LLC, ET AL.	2016-SC-000180-DGE	FAYETTE
SHANNON JONES, ET AL. V. DAVID WAYNE BAILEY	2017-SC-000203-DG	FRANKLIN
VERONICA BRADLEY V. KENTUCKY RETIREMENT SYSTEMS	2017-SC-000275-DG	FRANKLIN
NORTHERN KENTUCKY AREA DEVELOPMENT DISTRICT V. DANIELLE SNYDER VANMETER, J., NOT SITTING.	2017-SC-000277-DG	BOONE
LEXINGTON-FAYETTE URBAN COUNTY HUMAN RIGHTS COMMISSION V. HANDS-ON ORIGINALS	2017-SC-000278-DG	FAYETTE
MT. WASHINGTON FIRE PROTECTION DISTRICT V. MICHAEL DOOLEY	2017-SC-000313-DG	BULLITT
AMERICAN GENERAL LIFE INSURANCE COMPANY, ET AL. V. DRB CAPITAL, LLC, ET AL.	2017-SC-000329-DG	BOYD
KENTUCKY RETIREMENT SYSTEMS V. RONALD ASHCRAFT	2017-SC-000345-DG	FRANKLIN
JOE DAUGHERTY, ET AL. V. BOBBI TABOR	2017-SC-000374-DG	MCCREARY
KEITH A. GADD, ET AL. V. DON HENSLEY	2017-SC-000431-DG	GARRARD

SUPREME COURT OF KENTUCKY

NOVEMBER 2, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
OCTOBER 25, 2017**

COMMUNITY TRUST BANK, INC., ET AL. V. BLUEGRASS TAX LIEN BUREAU, LLC, ET AL. CUNNINGHAM, J., NOT SITTING. VENTERS, J., WOULD GRANT.	2017-SC-000029-D	MONTGOMERY
JOSHUA PEACHER V. COMMONWEALTH OF KENTUCKY	2017-SC-000033-D	JEFFERSON
DIVERSICARE HEALTHCARE SERVICES, INC., ET AL. V. WAYNE ADAMS, AS EXECUTOR OF THE ESTATE OF PEARL ADAMS THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2017-SC-000055-D	ELLIOTT
JAMES SULLIVAN, ET AL. V. BETTY MCCOWN, ET AL.	2017-SC-000060-D	PIKE
JOSEPH MAJOR V. LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, ET AL.	2017-SC-000068-D	JEFFERSON
ASHLEY JACKSON, ET AL. V. THOMAS NEWTON, ET AL. CUNNINGHAM, J., WOULD GRANT.	2017-SC-000078-D	NELSON
GARY HOWERTON, M.D., ET AL. V. SOUTHEASTERN EMERGENCY PHYSICIANS, INC., ET AL. VANMETER, J., NOT SITTING.	2017-SC-000079-D	WARREN
C.J. ELLSWORTH V. OLD KENTUCKY EXPLORATION, LLC, ET AL.	2017-SC-000088-D	OHIO
JOSEPH D. O'DANIEL V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2017-SC-000090-D	LYON

SUPREME COURT OF KENTUCKY

NOVEMBER 2, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
OCTOBER 25, 2017**

MARGARET A. WILLIS V. THERESA HAYWARD, D.M.D.	2017-SC-000091-D	JEFFERSON
FRED WILLIAM ROBINSON, III V. COMMONWEALTH OF KENTUCKY	2017-SC-000124-D	JEFFERSON
JAMES WILLOUGHBY V. COMMONWEALTH OF KENTUCKY	2017-SC-000216-D	KENTON
DANIEL STOVALL V. COMMONWEALTH OF KENTUCKY	2017-SC-000226-D	BOYLE
CABOT TURFWAY RIDGE DEFENDANTS V. U.S. BANK NATIONAL ASSOCIATION, ETC.	2017-SC-000279-D	BOONE
SPEEDWAY, LLC V. COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET	2017-SC-000292-D	KENTON
C. K. V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. VANMETER, J., WOULD GRANT.	2017-SC-000294-DE	MASON
MICHAEL ADAMS V. COMMONWEALTH OF KENTUCKY	2017-SC-000295-D	EDMONSON
JACQUELINE MOORE V. U.S. BANK NATIONAL ASSOCIATION, INC., ET AL.	2017-SC-000336-D	JEFFERSON
BRITTON MCPHERSON V. COMMONWEALTH OF KENTUCKY	2017-SC-000349-D	MUHLENBERG
KENDRICK WILLIAMS V. COMMONWEALTH OF KENTUCKY	2017-SC-000352-D	FAYETTE

SUPREME COURT OF KENTUCKY

NOVEMBER 2, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
OCTOBER 25, 2017**

SOUTHWEST CLARK NEIGHBORHOOD ASSOCIATION, INC., ET AL. V. HENRY BRANHAM, JUDGE EXECUTIVE-CLARK COUNTY FISCAL COURT, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. WRIGHT, J., WOULD PUBLISH THE COURT OF APPEALS OPINION.	2017-SC-000353-D	CLARK
CARL REESOR, ET AL. V. CITY OF AUDUBON PARK	2017-SC-000356-D	JEFFERSON
ELIZABETH BONVILLAIN, ET AL. V. JOHN M. O'BRYAN, ET AL.	2017-SC-000362-D	FAYETTE
BLAINE BRAY V. COMMONWEALTH OF KENTUCKY	2017-SC-000368-D	JEFFERSON
TAMMY SUZANNE FERRELL V. REBECCA LYNN VALENTINE	2017-SC-000383-DE	WARREN
CHARLES W. JOHNSON V. COMMONWEALTH OF KENTUCKY	2017-SC-000384-D	MEADE
B & P APARTMENTS, INC., ET AL. V. KENTUCKY TAX BILL SERVICING, INC. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. CUNNINGHAM, J., NOT SITTING.	2017-SC-000407-D	MONTGOMERY
FREDERICK MILLER V. COMMONWEALTH OF KENTUCKY	2017-SC-000408-D	WARREN
DEBORAH LEMASTER, AS ADMINISTRATRIX OF THE ESTATE OF TRAVIS LEMASTER, DECEASED V. MEDICAL PROTECTIVE INSURANCE SERVICES, INC.	2017-SC-000412-D	JOHNSON

SUPREME COURT OF KENTUCKY

NOVEMBER 2, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
OCTOBER 25, 2017**

OSSIE A. MARSHALL V. 2017-SC-000446-D HARDIN
LEDINGTON FOODS OF ELIZABETHTOWN,
INC.

SEBASTIAN JOY V. 2017-SC-000462-DE GREENUP
AMANDA JOY

COURT ORDERS DENYING MOTION TO TRANSFER – NOVEMBER 2, 2017

ANNA HERNANDEZ ABREU, ET AL. V. 2017-SC-000433-T JEFFERSON
ALLSTATE INSURANCE COMPANY
ALL SITTING. ALL CONCUR.

COURT ORDERS DENYING PETITION FOR REHEARING

MARSHALL PARKER V. 2014-SC-000526-WC FROM COURT
WEBSTER COUNTY COAL, LLC (DOTIKI MINE), OF APPEALS
ET AL.

AND
WEBSTER COUNTY COAL, LLC (DOTIKI 2014-SC-000536-WC FROM COURT
MINE), V. OF APPEALS
MARSHALL PARKER, ET AL.

ORDER DENIED PETITION FOR REHEARING.
ALL SITTING. CUNNINGHAM, KELLER, VENTERS,
AND WRIGHT JJ., CONCUR. MINTON, C.J.;
HUGHES, AND VANMETER, JJ., WOULD GRANT
THE PETITION.

ENTERED: NOVEMBER 2, 2017

KENTUCKY STATE POLICE V. 2016-SC-000303-DG FRANKLIN
TERRY SCOTT AND DAMON FLEMING

ORDER DENIED PETITION FOR REHEARING.
ALL SITTING. ALL CONCUR.

ENTERED: NOVEMBER 2, 2017

SUPREME COURT OF KENTUCKY

NOVEMBER 2, 2017 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

RODERICK HILL V. 2017-SC-000450-D FAYETTE
COMMONWEALTH OF KENTUCKY
ENTERED: OCTOBER 9, 2017

JAMES RANDALL MAY V. 2017-SC-000468-D MERCER
COMMONWEALTH OF KENTUCKY
ENTERED: OCTOBER 3, 2017

COURT ORDERS

JOHN FAIRLEY III V. [2016-SC-000021-MR](#) CHRISTIAN
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
ORDER MODIFIED THE OPINION OF THE
COURT BY JUSTICE HUGHES RENDERED
SEPTEMBER 28, 2017, BY SUBSTITUTION OF
THIS OPINION IN LIEU OF THE ORIGINAL
OPINION.
ENTERED: OCTOBER 20, 2017

UNIVERSITY OF KENTUCKY V. 2016-SC-0000585-MR FROM COURT
HON. KIMBERLY BUNNELL, JUDGE, FAYETTE OF APPEALS
CIRCUIT COURT, ET AL.
ORDER VACATED AND REMANDED TO THE
COURT OF APPEALS. THE COURT OF APPEALS
ORDER IS VACATED AND THIS MATTER IS
REMANDED TO THE COURT OF APPEALS FOR
CONSIDERATION IN LIGHT OF BAPTIST HEALTH
RICHMOND, INC. V. CLOUSE, 497 S.W.3D 759
(KY. 2016).
ALL SITTING. ALL CONCUR.
ENTERED: NOVEMBER 2, 2017

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

PAUL SAINATO V. 2017-SC-000550-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT
ENTERED: OCTOBER 17, 2017