

SUPREME COURT OF KENTUCKY

MINUTES
DECEMBER 17, 2009

RELEASED: 10:00 A.M.

274. DENNIS BRADLEY, ADMINISTRATOR FOR THE ESTATE OF CARMELO ANGEL ISIDORO MAYO V. COMMONWEALTH OF KENTUCKY, UNINSURED EMPLOYERS' FUND; HONORABLE MARCEL SMITH, ADMINISTRATIVE LAW JUDGE; AND WORKERS' COMPENSATION BOARD **AND** COMMONWEALTH OF KENTUCKY, UNINSURED EMPLOYERS' FUND V. DENNIS BRADLEY, ADMINISTRATOR FOR THE ESTATE OF CARMELO ANGEL ISIDORO MAYO; ET AL. **OPINION OF THE COURT – AFFIRMING IN PART AND REVERSING IN PART**
- [2009-SC-000135-WC](#)
TO BE PUBLISHED
- FROM COURT OF APPEALS
- [2009-SC-000136-WC](#)
TO BE PUBLISHED
- FROM COURT OF APPEALS

Questions Presented:
Workers' Compensation. Whether the UEF must pay interest and the 30% enhancement provided in KRS 342.165(1) on the lump-sum death benefit payable to a worker's estate under KRS 342.750(6). Whether KRS 342.130 applies to the lump-sum benefit when the heir is a non-resident alien.

OPINIONS AND ORDERS – DECEMBER 10, 2009

MARK D. BIRDWHISTELL V. DONNA M. BONE, AS GUARDIAN FOR THE MINOR, T.G.B., ET AL. **ORDER GRANTED DISCRETIONARY REVIEW AND REMANDED TO THE COURT OF APPEALS FOR FURTHER PROCEEDINGS.** ALL SITTING. ALL CONCUR.

2009-SC-000156-D

FRANKLIN

SUPREME COURT OF KENTUCKY

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DECEMBER 17, 2009**

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**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
DECEMBER 10, 2009**

UNIVERSITY MEDICAL CENTER, INC., (D/B/A UNIVERSITY OF LOUISVILLE HOSPITAL) V. MICHAEL G. BEGLIN (EXECUTOR OF THE ESTATE OF JENNIFER W. BEGLIN), ET AL.	2009-SC-000289-DG	JEFFERSON
GIDDINGS & LEWIS, INC., A WISCONSIN CORPORATION, ET AL. V. INDUSTRIAL RISK INSURERS, AN UNINCORPORATED ASSOCIATION, ET AL.	2009-SC-000485-DG	GRAVES

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
DECEMBER 10, 2009**

GINA F. HINES; ET AL. V. JOHN CARPENTER OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED	2009-SC-000148-D	LAUREL
LEONDRUS BRIGGS V. NANCY DOOM, JUSTICE & PUBLIC SAFETY CABINET, ET AL.	2009-SC-000160-D	MUHLENBERG
ROBERT HAZELWOOD V. COMMONWEALTH OF KENTUCKY	2009-SC-000263-D	MADISON
LEXINGTON H-L SERVICES, INC. (D/B/A LEXINGTON HERALD LEADER) V. LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT	2009-SC-000284-D	FAYETTE
L. MICHAEL CURRY V. EDWARD R. BENNETT	2009-SC-000301-D	SHELBY
LAVESSA VALEE ANDERSON V. BECKY PANCAKE, WARDEN, WESTERN KENTUCKY CORRECTIONAL COMPLEX	2009-SC-000318-D	LYON

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
DECEMBER 10, 2009**

MARY J. NORRIS, INDIVIDUALLY; ET AL. V. CARDINAL INDUSTRIAL INSULATION; ET AL.	2009-SC-000349-D	JEFFERSON
LONNIE COBB V. COMMONWEALTH OF KENTUCKY	2009-SC-000416-D	FAYETTE
THOMAS MITCHELL V. COMMONWEALTH OF KENTUCKY	2009-SC-000425-D	ROWAN
STEVEN BROWN, ET AL V. COLUMBIA SUSSEX CORPORATION	2009-SC-000430-D	JEFFERSON
MARY ANN FISHER , ET AL. V. VIRGINIA GRAY OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED	2009-SC-000436-D	TRIMBLE
JONATHAN D. COWAN, PH.D V. JUDI BLISS-LOVE, ET AL.	2009-SC-000448-D	OLDHAM
ROBERT HARRISON V. SILVER, LLC, D/B/A AUDI OF LEXINGTON AND HAMBERG USED CAR EXCHANGE	2009-SC-000450-D	FAYETTE
DEBORAH A. BARNES V. THOMAS PITTMAN, M.D.	2009-SC-000476-D	FAYETTE
EUGENE OWENS, ET AL. V. NETTIE GODSEY, ET AL.	2009-SC-000484-D	KNOTT
COMMONWEALTH OF KENTUCKY V. SHELIA DENNIS	2009-SC-000527-D	GRAYSON

SUPREME COURT OF KENTUCKY

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DECEMBER 17, 2009

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
DECEMBER 10, 2009**

LINDA S. RAWLINGS V. CABINET FOR HEALTH AND FAMILY SERVICES	2009-SC-000532-D	FRANKLIN
ALISSA DONELLE OTTNEY V. ADAM RAY KAZEE	2009-SC-000536-DE	GREENUP
G. R. AND N. R. V. P. J. J.	2009-SC-000572-DE	BOONE
JASON EARLS V. COMMONWEALTH OF KENTUCKY	2009-SC-000582-D	BOURBON
COMMONWEALTH OF KENTUCKY V. D. S., A CHILD	2009-SC-000619-DE	JEFFERSON
BRADLEY K. HAZELWOOD V. MARY E. HAZELWOOD	2009-SC-000632-DE	HENDERSON
THEODORE TISDALL V. COMMONWEALTH OF KENTUCKY	2009-SC-000657-D	MONROE
C. J. ELLIS V. CARL T. AKINS, ET AL.	2009-SC-000679-D	WHITLEY
JOHNNY LITTLE, ET AL. V. RUTH HALL, ET AL. OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED	2009-SC-000684-D	KNOTT
C. M. C., JR. AND R. C. C., A MINOR V. P. C. C.	2009-SC-000701-DE	BELL

SUPREME COURT OF KENTUCKY

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**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE
MOTION FOR DISCRETIONARY REVIEW**

SAMANTHA S. WINDHAM V.
COMMONWEALTH OF KENTUCKY
ENTERED: DECEMBER 15, 2009

2009-SC-000699-D

CHRISTIAN

COURT ORDERS

STEVE BURTON V.
COMMONWEALTH OF KENTUCKY
ORDER CORRECTED OPINION OF THE
COURT BY JUSTICE SCOTT RENDERED
OCTOBER 29, 2009, BY SUBSTITUTION
OF PAGES 1 AND 48.
ENTERED: DECEMBER 8, 2009

[2006-SC-000784-MR](#)

HICKMAN

DEREK RENE EDMONDS V.
COMMONWEALTH OF KENTUCKY
AND

[2007-SC-000350-MR](#)

JEFFERSON

TYREESE HALL V.
COMMONWEALTH OF KENTUCKY
ORDER CORRECTED OPINION OF THE
COURT RENDERED NOVEMBER 25, 2009,
BY SUBSTITUTION OF PAGES 1 AND 46.
ENTERED: DECEMBER 1, 2009

[2007-SC-000359-MR](#)

JEFFERSON

THE KROGER COMPANY, D/B/A
COUNTRY OVEN BAKERY V.
JOANNE BUCKLEY
THE VOTE OF THE SIX MEMBERS OF
THIS COURT PARTICIPATING IN THE
DETERMINATION OF THIS APPEAL
BEING EQUALLY DIVIDED, PURSUANT
TO SCR 1.020, THE OPINION OF THE
COURT OF APPEALS HEREBY STANDS
AFFIRMED.

2008-SC-000415-DG

WARREN

ENTERED: DECEMBER 17, 2009