

SUPREME COURT OF KENTUCKY

DECEMBER 17, 2015

RELEASED: 10:00 A.M.

178. TAMMY DILLARD V. [2013-SC-000425-DG](#) JEFFERSON
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE ABRAMSON –
AFFIRMING**
MINTON, C.J.; CUNNINGHAM,
KELLER, NOBLE, AND VENTERS,
JJ., SITTING. ALL CONCUR.
WRIGHT, J., NOT SITTING.
- Questions Presented:**
"Failure of owner to maintain required insurance. KRS 304.39-080. Conditional Guilty Plea. Restitution. Appeal."
179. COMMONWEALTH OF KENTUCKY V. [2013-SC-000618-DG](#) MARION
BILLY COX
**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
AFFIRMING**
ALL SITTING. ABRAMSON, KELLER,
VENTERS, JJ., CONCUR.
NOBLE, J., CONCURS BY SEPARATE
OPINION. CUNNINGHAM, J.,
DISSENTS BY SEPARATE OPINION
IN WHICH WRIGHT, J., JOINS.
- Questions Presented:**
Criminal Law. Constitutional Law. Fourth Amendment. Roadblocks. *Commonwealth v. Buchanan*, 122 S.W.3d 565 (Ky. 2003). Issue is whether a roadblock was unconstitutionally established and conducted under controlling Kentucky and federal law.
180. ESTATE OF MILDRED L. MCVEY V. [2014-SC-000013-DG](#) FRANKLIN
DEPARTMENT OF REVENUE,
FINANCE AND ADMINISTRATION
CABINET, COMMONWEALTH OF
KENTUCKY
**OPINION OF THE COURT BY
JUSTICE NOBLE –
AFFIRMING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE
AND VENTERS, JJ., SITTING. ALL
CONCUR. WRIGHT, J., NOT SITTING.
- Questions Presented:**
Estate and Inheritance Tax. Wills. Administrative Law. Issues include the effect of a will clause directing that inheritance taxes be deducted as a cost of administration and taxation of "bequests of tax."

SUPREME COURT OF KENTUCKY

DECEMBER 17, 2015

RELEASED: 10:00 A.M.

181. MARCUS D. GREENE V. [2014-SC-000122-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
AFFIRMING
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE
AND VENTERS, JJ., SITTING. ALL
CONCUR. WRIGHT, J., NOT SITTING.

TO BE PUBLISHED

Questions Presented:

Trial court did not abuse its discretion in overruling defendant's motion to withdraw his guilty plea where the defendant did not rely on the alleged inaccurate advice from counsel about jail-time credit and was not prejudiced by it.

182. COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH AND
FAMILY SERVICES V. [2015-SC-000185-DGE](#) CLAY
S.H.; V.N.M.J.R.N., A CHILD, ET AL.
OPINION OF THE COURT BY
JUSTICE KELLER –
AFFIRMING AND REMANDING

TO BE PUBLISHED

Questions Presented:

Family Law. Rules. Issues involve whether the witness and exhibit lists requirements of FCRPP 7(1) apply to termination of parental rights cases.

183. COMMONWEALTH OF KENTUCKY V. [2013-SC-000367-DG](#) LAWRENCE
MICHAEL YOUNG, ET AL.
OPINION OF THE COURT BY
JUSTICE NOBLE –
AFFIRMING IN PART, REVERSING
IN PART, AND REMANDING

TO BE PUBLISHED

Questions Presented:

Criminal Law. KRS 514.040. Theft By Deception. Adoption. Birth Mother Living Expenses. Issues include whether the trial court correctly refused to dismiss theft by deception charges against birth parents who solicited and accepted living expenses from prospective adoptive parents without disclosing that they had already accepted living expenses from an adoption agency representing other prospective adoptive parents.

SUPREME COURT OF KENTUCKY

DECEMBER 17, 2015

RELEASED: 10:00 A.M.

184. ADAM ANTHONY BARKER V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY CHIEF JUSTICE MINTON – REVERSING
MINTON, C.J.; ABRAMSON, CUNNINGHAM, KELLER, NOBLE AND VENTERS, JJ., SITTING. ALL CONCUR. WRIGHT, J., NOT SITTING. ABRAMSON, J., CONCURS, AND BELIEVES THIS CASE ILLUSTRATES THE VALUE OF THE SO-CALLED JEFFERSON COUNTY METHOD OF VOIR DIRE (A METHOD THE TRIAL COURT DID NOT EMPLOY IN THIS CASE) AND UNDERSCORES THE WISDOM OF AMENDING OUR CRIMINAL RULES AND ADMINISTRATIVE PROCEDURES TO APPROVE EXPRESSLY OF THIS MORE EFFICIENT AND EFFECTIVE MEANS OF JURY SELECTION.
- [2014-SC-000067-MR](#) JEFFERSON
[2014-SC-000080-MR](#)
TO BE PUBLISHED

Questions Presented:

Error to give provocation qualification to self-protection instruction which was not supported by the evidence. Second-degree manslaughter instruction was problematic but unpreserved for review. Trial court's jury selection methodology deviated from the guidelines found in the criminal rules but said deviation was not substantial.

185. CABINET FOR HEALTH AND FAMILY SERVICES V. J.M.G., ET AL.
OPINION OF THE COURT BY JUSTICE ABRAMSON - REVERSING AND REMANDING
MINTON, C.J.; CUNNINGHAM, KELLER, NOBLE AND VENTERS, JJ., SITTING. ALL CONCUR. WRIGHT, J., NOT SITTING.
- [2013-SC-000797-DG](#) FAYETTE
TO BE PUBLISHED

Questions Presented:

Contempt. Issue is whether the Family Court erred in holding the Cabinet for Health and Family Services in contempt as a result of the failure of an attorney employed by the Cabinet to follow statutes and court rules.

SUPREME COURT OF KENTUCKY

DECEMBER 17, 2015

RELEASED: 10:00 A.M.

186. RUTH ANN SADLER V. [2013-SC-000809-DG](#) FAYETTE
BARBARA LOIS VAN BUSKIRK
TO BE PUBLISHED

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

Questions Presented:
Family Law. Property Settlement
Agreements. Retirement Accounts. Issues
include whether the property settlement
agreement provision stating that the ex-wife
disclaimed her interest in the retirement
account owned by the ex-husband was
sufficient to rescind the form he filed with the
investment company during the marriage
naming her as beneficiary upon
his death.

187. COMMONWEALTH OF KENTUCKY V. [2014-SC-000211-DG](#) FULTON
JOE TAYLOR
TO BE PUBLISHED

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

Questions Presented:
Criminal Law. Palpable Error. Issues involve
the lack of defense objection to reference at
trial to the defendant's testimony in support of
suppression of evidence seized from his
bedroom.

188. PATRICK DEON RAGLAND V. [2014-SC-000267-MR](#) FAYETTE
COMMONWEALTH OF KENTUCKY
TO BE PUBLISHED

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

Questions Presented:
Second degree manslaughter, tampering with
physical evidence and PFO I – 20 years. Trial
court erred in adding a “no duty to retreat” jury
instruction to a general self-protection
instruction and by inadequately instructing the
jury on the justifiable use of force to protect
against unwanted sexual intercourse
compelled by force or threat.

SUPREME COURT OF KENTUCKY

DECEMBER 17, 2015

RELEASED: 10:00 A.M.

189. NORMAN W. GRASCH V. [2014-SC-000075-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. MINTON, C.J.;
ABRAMSON, CUNNINGHAM, KELLER,
VENTERS, AND WRIGHT, JJ., CONCUR.
NOBLE, J., DISSENTS BY SEPARATE
OPINION.
190. JENNY GIBSON V. [2014-SC-000158-MR](#) PENDLETON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, NOBLE, KELLER,
AND VENTERS, JJ., SITTING. ALL
CONCUR. WRIGHT, J., NOT SITTING.
191. MARK MONTEZ BARNETT V. [2014-SC-000226-MR](#) HARDIN
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE
AND VENTERS, JJ., SITTING. ALL
CONCUR. WRIGHT, J., NOT SITTING.
192. JULIUS TACKETT V. [2014-SC-000362-MR](#) PIKE
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, NOBLE, KELLER,
AND VENTERS, JJ., SITTING. ALL
CONCUR. WRIGHT, J., NOT SITTING.

SUPREME COURT OF KENTUCKY

DECEMBER 17, 2015

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193. O'NEAL DEMETRIUS SWINT V. [2014-SC-000369-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE
AND VENTERS, JJ., SITTING. MINTON,
C.J.; CUNNINGHAM, KELLER, NOBLE,
AND VENTERS, JJ., CONCUR.
ABRAMSON, J., CONCURS IN RESULT
ONLY. WRIGHT, J., NOT SITTING.
194. CHARLES COPASS V. [2014-SC-000572-MR](#) ALLEN
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.
195. FRESENIUS MEDICAL CARE [2015-SC-000135-WC](#) FROM COURT
HOLDINGS V. **NOT TO BE PUBLISHED** OF APPEALS
GENEVIEVE NOBLE, ET AL.
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE
AND VENTERS, JJ., SITTING. ALL
CONCUR. WRIGHT, J., NOT SITTING.
196. RHONDA FOX V. [2015-SC-000136-WC](#) FROM COURT
SAM'S CLUB, ET AL. **NOT TO BE PUBLISHED** OF APPEALS
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE
AND VENTERS, JJ., SITTING. ALL
CONCUR. WRIGHT, J., NOT SITTING.

SUPREME COURT OF KENTUCKY

DECEMBER 17, 2015

RELEASED: 10:00 A.M.

197. JEFF PACE V. [2015-SC-000137-WC](#) FROM COURT
KENTUCKY DARBY COAL CO., INC., **NOT TO BE PUBLISHED** OF APPEALS
ET AL.
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE
AND VENTERS, JJ., SITTING. ALL
CONCUR. WRIGHT, J., NOT SITTING.
198. AMERICAN OPTICAL [2015-SC-000206-MR](#) FROM COURT
CORPORATION V. **NOT TO BE PUBLISHED** OF APPEALS
HON. WILLIAM ENGLE, III, JUDGE,
PERRY CIRCUIT COURT, ET AL.
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE
AND VENTERS, JJ., SITTING. ALL
CONCUR. WRIGHT, J., NOT SITTING.
199. ROMOCCO LAWARREN MALONE V. [2014-SC-000690-MR](#) FAYETTE
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART,
REVERSING IN PART, AND
REMANDING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE
AND VENTERS, JJ., SITTING. MINTON,
C.J.; ABRAMSON, KELLER, NOBLE,
AND VENTERS, JJ., CONCUR.
CUNNINGHAM, J., CONCURS IN PART
AND DISSENTS IN PART BY SEPARATE
OPINION. WRIGHT, J., NOT SITTING.

SUPREME COURT OF KENTUCKY

DECEMBER 17, 2015

RELEASED: 10:00 A.M.

200. MALIK SHABAZZ JOHNSON V. [2014-SC-000173-MR](#) FAYETTE
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – REVERSING AND
REMANDING
ALL SITTING. MINTON, C.J.;
ABRAMSON, NOBLE, AND VENTERS,
JJ., CONCUR. CUNNINGHAM, J.,
DISSENTS BY SEPARATE OPINION
IN WHICH KELLER AND WRIGHT, JJ.,
JOIN.
201. KEVIN REECE V. [2015-SC-000115-WC](#) FROM COURT
INTEGRAL STRUCTURES, INC. **NOT TO BE PUBLISHED** OF APPEALS
ET AL.
MEMORANDUM OPINION OF
THE COURT – REVERSING AND
REMANDING
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE
AND VENTERS, JJ., SITTING. ALL
CONCUR. WRIGHT, J., NOT SITTING.
202. KIRBY BRYAN RUANO V. [2014-SC-000469-MR](#) FAYETTE
COMMONWEALTH OF KENTUCKY [2014-SC-000534-MR](#)
MEMORANDUM OPINION OF **NOT TO BE PUBLISHED**
THE COURT - VACATING AND
REMANDING
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE
AND VENTERS, JJ., SITTING. ALL
CONCUR. WRIGHT, J., NOT SITTING.

SUPREME COURT OF KENTUCKY

DECEMBER 17, 2015

RELEASED: 10:00 A.M.

203. WAYNE MICHAEL PUTNAM, ET AL. V. [2015-SC-000125-MR](#) FROM COURT
HONORABLE ERNESTO M. NOT TO BE PUBLISHED OF APPEALS
SCORSONE, JUDGE, FAYETTE
CIRCUIT COURT, ET AL.
**MEMORANDUM OPINION OF
THE COURT - VACATING AND
REMANDING.**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE
AND VENTERS, JJ., SITTING. ALL
CONCUR. WRIGHT, J., NOT SITTING.

OPINION AND ORDERS – DECEMBER 10, 2015

ROBERT RESNICK, ET AL. V. 2012-SC-000567-D BULLITT
CHARLES OMER PATTERSON
**ORDER GRANTED DISCRETIONARY REVIEW,
VACATED THE COURT OF APPEALS DECISION
AND REMANDED TO THE COURT OF APPEALS
FOR FURTHER CONSIDERATION IN LIGHT OF
THIS COURT’S RECENT DECISIONS IN CARTER
V. BULLITT HOST, ___ S.W.3D ___ (KY. 2015)
(FINAL ORDER OCTOBER 15, 2015), SHELTON
V. KENTUCKY EASTER SEALS SOC., INC., 413
S.W.3D 901 (KY. 2013), AND DICK’S SPORTING
GOODS, INC. V. WEBB, 413 S.W.3D 891 (KY.
2013).**
MINTON, C.J.; ABRAMSON, CUNNINGHAM,
KELLER, NOBLE AND VENTERS, JJ., SITTING.
MINTON, C.J.; ABRAMSON, KELLER, NOBLE
AND VENTERS, JJ., CONCUR. CUNNINGHAM,
J., DISSENTS. WRIGHT, J., NOT SITTING.

SUPREME COURT OF KENTUCKY

DECEMBER 17, 2015

RELEASED: 10:00 A.M.

OPINION AND ORDERS – DECEMBER 10, 2015

JANICE WARD V. JKP INVESTMENTS, LLC., ET AL. ORDER GRANTED DISCRETIONARY REVIEW, VACATED THE COURT OF APPEALS DECISION AND REMANDED TO THE COURT OF APPEALS FOR FURTHER CONSIDERATION IN LIGHT OF THIS COURT’S RECENT DECISION IN CARTER V. BULLITT HOST, ___ S.W.3D ___ (KY. 2015) (FINAL ORDER OCTOBER 15, 2015). MINTON, C.J.; ABRAMSON, CUNNINGHAM, KELLER, NOBLE AND VENTERS, JJ., SITTING. MINTON, C.J.; ABRAMSON, KELLER, NOBLE AND VENTERS, JJ., CONCUR. CUNNINGHAM, J., DISSENTS. WRIGHT, J., NOT SITTING.	2015-SC-000099-D	JEFFERSON
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OPINION AND ORDERS – DECEMBER 17, 2015

KENTUCKY BAR ASSOCIATION V. DAVID LYNN HILL ORDER OF SUSPENSION FROM THE PRACTICE OF LAW FOR 18 MONTHS WITH CONDITIONS. MINTON, C.J.; ABRAMSON, CUNNINGHAM, NOBLE , KELLER, AND VENTERS, JJ., SITTING. ALL CONCUR. WRIGHT, J., NOT SITTING.	2015-SC-000253-KB TO BE PUBLISHED	IN SUPREME COURT
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KENTUCKY BAR ASSOCIATION V. CABELL D. FRANCIS, II ORDER OF SUSPENSION FROM THE PRACTICE OF LAW FOR 60 DAYS WITH CONDITIONS. MINTON, C.J.; ABRAMSON, CUNNINGHAM, KELLER, NOBLE, AND WRIGHT, JJ., SITTING. ALL CONCUR. VENTERS, J., NOT SITTING.	2015-SC-000446-KB TO BE PUBLISHED	IN SUPREME COURT
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MARTY RICHARD MEFFORD V. KENTUCKY BAR ASSOCIATION ORDER OF PERMANENT DISBARMENT FROM THE PRACTICE OF LAW. ALL SITTING. ALL CONCUR.	2015-SC-000571-KB TO BE PUBLISHED	IN SUPREME COURT
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SUPREME COURT OF KENTUCKY

DECEMBER 17, 2015

RELEASED: 10:00 A.M.

OPINION AND ORDERS – DECEMBER 17, 2015

ELIZABETH ROBERTSON MURRAY V.
KENTUCKY BAR ASSOCIATION
**ORDER GRANTED RESTORATION TO THE
PRACTICE OF LAW.**

[2015-SC-000573-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

MINTON, C.J.; ABRAMSON, CUNNINGHAM,
KELLER, NOBLE, AND VENTERS, JJ., SITTING.
ALL CONCUR. WRIGHT, J., NOT SITTING.

KENTUCKY BAR ASSOCIATION V.
AN UNNAMED ATTORNEY
**ORDER PRIVATELY REPRIMANDED
RESPONDENT.**

[2015-SC-000574-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

MINTON, C.J.; ABRAMSON, CUNNINGHAM,
KELLER, NOBLE, AND VENTERS, JJ., SITTING.
ALL CONCUR. WRIGHT, J., NOT SITTING.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
DECEMBER 10, 2015**

SHANNON LEARY V.
COMMONWEALTH OF KENTUCKY

2015-SC-000141-DG

KENTON

CLYDE HAMMOND, JR., ET AL. V.
MONT JACK HAMMOND, ET AL.

2015-SC-000205-DG

MARTIN

COMMONWEALTH OF KENTUCKY,
SECRETARY OF LABOR V.
ESTILL COUNTY FISCAL COURT, ET AL.

2015-SC-000251-DG

FRANKLIN

AND
KENTUCKY OCCUPATIONAL SAFETY AND
HEALTH REVIEW COMMISSION V.
ESTILL COUNTY FISCAL COURT, ET AL.

2015-SC-000256-DG

FRANKLIN

TERRANCE MILES V.
COMMONWEALTH OF KENTUCKY

2015-SC-000321-DG

JEFFERSON

LARRY MASSIE, ET AL. V.
DEBORAH NAVY

2015-SC-000499-DGE

GREENUP

SUPREME COURT OF KENTUCKY

DECEMBER 17, 2015

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
DECEMBER 10, 2015**

JASON LEE TODD V. COMMONWEALTH OF KENTUCKY WRIGHT, J., NOT SITTING.	2014-SC-000709-D	WOODFORD
JAMES EDWARDS V. COMMONWEALTH OF KENTUCKY WRIGHT, J., NOT SITTING.	2015-SC-000036-D	BARREN
MARLA WRIGHT V. COMMONWEALTH OF KENTUCKY WRIGHT, J., NOT SITTING.	2015-SC-000072-D	FLEMING
TECO MECHANICAL CONTRACTOR, INC. V. COMMONWEALTH OF KENTUCKY, LABOR CABINET, ET AL. WRIGHT, J., NOT SITTING.	2015-SC-000074-D	FRANKLIN
TEDDY COOPER, ET AL. V. METRO SPECIALTY SURGERY CENTER, LLC VENTERS, J., WOULD GRANT. WRIGHT, J., NOT SITTING.	2015-SC-000075-D	JEFFERSON
JOHN CARROLL, ET AL. V. SHAWN CLAGGETT, ET AL. WRIGHT, J., NOT SITTING.	2015-SC-000098-D	JESSAMINE
T.G. V. COMMONWEALTH OF KENTUCKY WRIGHT, J., NOT SITTING.	2015-SC-000101-D	CHRISTIAN
DIVERSICARE HEALTHCARE SERVICES, INC., ETC., ET AL. V. HELEN HIGGINS, ET AL. WRIGHT, J., NOT SITTING.	2015-SC-000112-D	ELLIOTT
AMANDA GATLIFF V. FIRESTONE INDUSTRIAL PRODUCTS COMPANY, LLC WRIGHT, J., NOT SITTING.	2015-SC-000123-D	WHITLEY

SUPREME COURT OF KENTUCKY

DECEMBER 17, 2015

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
DECEMBER 10, 2015**

DAVID K. RABE V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. WRIGHT, J., NOT SITTING.	2015-SC-000148-D	BOONE
JANET LOUISE LOY V. KENTUCKY RETIREMENT SYSTEMS, ETC., ET AL. WRIGHT, J., NOT SITTING.	2015-SC-000164-D	FRANKLIN
CHARLIE COLEMAN, ET AL. V. CAMPBELL COUNTY PUBLIC LIBRARY BOARD OF TRUSTEES AND GARTH KUHNHEIN, ON BEHALF OF HIMSELF AND ALL OTHERS SIMILARLY SITUATED V. KENTON COUNTY PUBLIC LIBRARY BOARD OF TRUSTEES VENTERS, J., WOULD GRANT. WRIGHT, J., NOT SITTING.	2015-SC-000188-D	CAMPBELL
KEVIN HENDERSON V. COMMONWEALTH OF KENTUCKY WRIGHT, J., NOT SITTING.	2015-SC-000189-D	KENTON
KEVIN HENDERSON V. COMMONWEALTH OF KENTUCKY WRIGHT, J., NOT SITTING.	2015-SC-000193-D	JEFFERSON
ROBERT P. DILLARD, M.D. V. ROBERTA L. SCHAFFNER, M.D. WRIGHT, J., NOT SITTING.	2015-SC-000216-D	JEFFERSON
BROCK RILEY RAMEY V. COMMONWEALTH OF KENTUCKY WRIGHT, J., NOT SITTING.	2015-SC-000222-D	CALLOWAY
RICHARD THOMPSON, ET AL. V. ALEX ARGOTTE, M.D. PSC, ET AL. WRIGHT, J., NOT SITTING.	2015-SC-000223-D	MCCRACKEN

SUPREME COURT OF KENTUCKY

DECEMBER 17, 2015

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
DECEMBER 10, 2015**

GENEVA KING, ET AL. V. BUTLER REST HOME, INC., ETC, ET AL. WRIGHT, J., NOT SITTING.	2015-SC-000227-D	PENDLETON
EARL VINCENT, JR. V. COMMONWEALTH OF KENTUCKY WRIGHT, J., NOT SITTING.	2015-SC-000233-D	EDMONSON
TERRY KOENIG V. PUBLIC PROTECTION CABINET, ET AL. WRIGHT, J., NOT SITTING.	2015-SC-000241-D	FRANKLIN
RODNEY KENNEDY, ET AL. V. DAVID L. PARKS WRIGHT, J., NOT SITTING.	2015-SC-000242-D	JEFFERSON
JACK C. COWAN V. WOODFORD FEED, INC. VENTERS, J., WOULD GRANT. WRIGHT, J., NOT SITTING.	2015-SC-000246-D	WOODFORD
COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, DEPARTMENT FOR MEDICAID SERVICES V. EDGEMONT MANOR NURSING HOME, INC., ET AL. KELLER, J., WOULD GRANT. WRIGHT, J., NOT SITTING.	2015-SC-000249-D	FRANKLIN
ARDEL DELA CALZADA CAGATA V. SANDRA CARRIE TAYLOR WRIGHT, J., NOT SITTING.	2015-SC-000263-D	JEFFERSON
COMMONWEALTH OF KENTUCKY V. ROBERT N. BAKER CUNNINGHAM AND VENTERS, JJ., WOULD GRANT. WRIGHT, J., NOT SITTING.	2015-SC-000264-D	KENTON

SUPREME COURT OF KENTUCKY

DECEMBER 17, 2015

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
DECEMBER 10, 2015**

KINDRED HEALTHCARE, INC., ET AL. V. PERRIE GOODMAN, AS EXECUTOR OF THE ESTATE OF LINDA BRUCE, DECEASED, ET AL. WRIGHT, J., NOT SITTING.	2015-SC-000272-D	JEFFERSON
JOSEPH SANSBURY, ET AL. V. CITY COUNCIL OF THE CITY OF HILLVIEW KENTUCKY, ET AL. WRIGHT, J., NOT SITTING.	2015-SC-000276-D	BULLITT
DEREK SULLIVAN V. COMMONWEALTH OF KENTUCKY WRIGHT, J., NOT SITTING.	2015-SC-000277-D	BOONE
AMANDA SPEARS V. ROBERT A. SCHNEIDER, JR., D/B/A SWEET TOOTH CANDIES, ET AL. NOBLE AND VENTERS, JJ., WOULD GRANT. WRIGHT, J., NOT SITTING.	2015-SC-000281-D	CAMPBELL
CHARLES WRIGHT V. BONNIE BLANTON WRIGHT, J., NOT SITTING.	2015-SC-000283-D	FLOYD
JASON GRIFFITH V. COMMONWEALTH OF KENTUCKY WRIGHT, J., NOT SITTING.	2015-SC-000288-D	CAMPBELL
MITCHELL RICE V. COMMONWEALTH OF KENTUCKY WRIGHT, J., NOT SITTING.	2015-SC-000290-D	LARUE
MATTHEW BAKER V. COMMONWEALTH OF KENTUCKY KELLER, J., WOULD GRANT. WRIGHT, J., NOT SITTING.	2015-SC-000291-D	FAYETTE

SUPREME COURT OF KENTUCKY

DECEMBER 17, 2015

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
DECEMBER 10, 2015**

JAMES SCHOOK V. COMMONWEALTH OF KENTUCKY WRIGHT, J., NOT SITTING.	2015-SC-000296-D	JEFFERSON
JAVON HEARN V. COMMONWEALTH OF KENTUCKY WRIGHT, J., NOT SITTING.	2015-SC-000297-D	JEFFERSON
STEVEN WILDT V. PATRICIA WILDT WRIGHT, J., NOT SITTING.	2015-SC-000298-D	JEFFERSON
SEAN ADAMS V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. WRIGHT, J., NOT SITTING.	2015-SC-000302-D	MADISON
JOHN C. PEABODY, ET AL. V. LETA GIPSON, ET AL. WRIGHT, J., NOT SITTING.	2015-SC-000303-D	JEFFERSON
LARRY STIGERS EQUIPMENT, TRAILERS & TRUCKS, LLC. V. C.A.R.S. PROTECTION PLUS, INC., ET AL. WRIGHT, J., NOT SITTING.	2015-SC-000320-D	BULLITT
COMMONWEALTH OF KENTUCKY V. JIMMY R. POSTON, JR. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. WRIGHT, J., NOT SITTING.	2015-SC-000324-D	WAYNE
SEVEN COUNTIES SERVICES, INC. V. RUSSELL H. WILLIAMS WRIGHT, J., NOT SITTING.	2015-SC-000329-D	JEFFERSON

SUPREME COURT OF KENTUCKY

DECEMBER 17, 2015

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
DECEMBER 10, 2015**

COMMONWEALTH OF KENTUCKY V. MATTHEW HELMS WRIGHT, J., NOT SITTING.	2015-SC-000345-D	BOYD
DEANDRE FOULKS V. COMMONWEALTH OF KENTUCKY WRIGHT, J., NOT SITTING.	2015-SC-000350-D	MCCRACKEN
JAMES CARR POTTER V. COMMONWEALTH OF KENTUCKY WRIGHT, J., NOT SITTING.	2015-SC-000378-D	MCCRACKEN
WADE ALVIN STEVENSON, JR. V. COMMONWEALTH OF KENTUCKY WRIGHT, J., NOT SITTING.	2015-SC-000393-D	FAYETTE
EDWARD ONEY V. COMMONWEALTH OF KENTUCKY WRIGHT, J., NOT SITTING.	2015-SC-000464-D	FRANKLIN
CHRISTINA YVONNE RUGGIERO V. JESSAMINE COUNTY DETENTION CENTER WRIGHT, J., NOT SITTING.	2015-SC-000485-D	JESSAMINE

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE
MOTION FOR DISCRETIONARY REVIEW – DECEMBER 11, 2015**

BRYANT PENDELTON V. COMMONWEALTH OF KENTUCKY KELLER, NOBLE, VENTERS AND ABRAMSON, JJ., SITTING. ALL CONCUR.	2015-SC-000521-D	TODD
OSCAR D. ADAMS V. COMMONWEALTH OF KENTUCKY KELLER, NOBLE, VENTERS AND ABRAMSON, JJ., SITTING. ALL CONCUR.	2015-SC-000598-D	JEFFERSON

SUPREME COURT OF KENTUCKY

DECEMBER 17, 2015

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – DECEMBER 17, 2015

COUNCIL ON DEVELOPMENTAL
DISABILITIES, INC. V.
CABINET FOR HEALTH AND FAMILY
SERVICES.

[2013-SC-000357-DG](#)
TO BE PUBLISHED

FRANKLIN

**ORDER MODIFIED THE OPINION OF THE
COURT BY JUSTICE NOBLE RENDERED
SEPTEMBER 24, 2015, BY SUBSTITUTION OF
THIS OPINION IN LIEU OF THE ORIGINAL
OPINION.**

MINTON, C.J.; ABRAMSON, CUNNINGHAM,
KELLER, NOBLE AND VENTERS, JJ., SITTING.
ALL CONCUR. WRIGHT, J., NOT SITTING.

NOBE BAKER, ETC., ET AL. V.
MAGNUM HUNTER PRODUCTION, INC.
**MINTON, C.J.; ABRAMSON, CUNNINGHAM,
KELLER, NOBLE AND VENTERS, JJ., SITTING.
ALL CONCUR. WRIGHT, J., NOT SITTING.**

2013-SC-000497-DG

HARLAN

COURT ORDERS DISMISSING

REX COAL COMPANY, INC. V.
HON. HENRY STUART JOHNSON, JUDGE,
HARLAN, CIRCUIT COURT, ET AL.
**CUNNINGHAM, KELLER, NOBLE, AND
VENTERS, JJ., SITTING. ALL CONCUR.**
ENTERED: OCTOBER 27, 2015

2015-SC-000156-MR

FROM COURT
OF APPEALS

ANTHA K. SMITH V.
HON. ANGELA MCCORMICK BISIG,
JUDGE, JEFFERSON CIRCUIT COURT, ET AL.
ENTERED: NOVEMBER 19, 2015

2015-SC-000507-MR

FROM COURT
OF APPEALS

EDDIE BUNNELL, ET AL. V.
HON. KEN M. HOWARD, JUDGE, HARDIN,
CIRCUIT COURT, ET AL.
**KELLER, NOBLE, VENTERS AND ABRAMSON,
JJ., SITTING. ALL CONCUR.**
ENTERED: DECEMBER 11, 2015

2015-SC-000517-MR

FROM COURT
OF APPEALS

SUPREME COURT OF KENTUCKY

DECEMBER 17, 2015

RELEASED: 10:00 A.M.

COURT ORDERS

IN RE:

DR. GARY BROWN, DMD, PSC., ET AL. V. 2015-SC-000588-CL FEDERAL
TRAVELERS CASUALTY INSURANCE
COMPANY OF AMERICA, ET AL.
**ORDER DENIED REQUEST FOR
CERTIFICATION OF THE LAW.**
MINTON, C.J.; ABRAMSON, CUNNINGHAM,
NOBLE, KELLER AND VENTERS, JJ., SITTING.
ALL CONCUR. WRIGHT, J., NOT SITTING.
ENTERED: DECEMBER 17, 2015

CHOUL LYOUNG SHIN V. 2015-SC-000610-MR JEFFERSON
COMMONWEALTH OF KENTUCKY
**ORDER DENIED MOTION FOR BELATED
APPEAL.**
KELLER, NOBLE, VENTERS AND ABRAMSON,
JJ., SITTING. ALL CONCUR.
ENTERED: DECEMBER 11, 2015

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

ROBERT JAMES SCHMIDT, JR. V. 2015-SC-000626-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT
ENTERED: OCTOBER 30, 2015

REBECCA E. WALKER V. 2015-SC-000627-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT
ENTERED: OCTOBER 30, 2015

TAYLOR MARSHALL HUBBARD V. 2015-SC-000628-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT
ENTERED: OCTOBER 30, 2015

PAUL ARNOLD NIDICH V. 2015-SC-000692-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT
ENTERED: DECEMBER 15, 2015