

# Supreme Court of Kentucky

DECEMBER 17, 2020 RULINGS

RELEASED: 10:00 A.M.

131. HAROLD MERRITT, ET AL. V. [2018-SC-0155-DG](#) FAYETTE  
 CATHOLIC HEALTH INITIATIVES, INC., **TO BE PUBLISHED**  
 ET AL.

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

ALL SITTING. ALL CONCUR.

**Questions Presented:**

Insurance. Captive insurer. Undisputed facts supported that insurance company was a foreign captive insurer where the business was not registered and did not pay taxes in Kentucky and its principal place of business was in the Cayman Islands. As such, the Unfair Claims Settlement Practice Act was inapplicable pursuant to KRS 304.49-150(1). Company was not in the business of insurance as it only provided captive self-insurance for its parent company with no risk shifting or risk distribution. Trial court did not abuse its discretion in denying further discovery where plaintiff represented the issue was ripe for decision in its motion for declaratory judgment and further discovery could have no effect upon the determination that company was a foreign captive insurer.

132. RONALD EXANTUS V. [2018-SC-0241-MR](#) WOODFORD  
 COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**

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

ALL SITTING. ALL CONCUR.

**Questions Presented:**

Criminal Law. Insanity. Not Guilty but Mentally ill. Inconsistent Verdicts. Jury's verdict was not impermissibly inconsistent where it found defendant not guilty by reason of insanity on counts of murder and first-degree burglary and also guilty but mentally ill on counts of assault arising from the same incident. There was sufficient testimony that would have provided the jury a reasonable basis to conclude that the defendant's mental state shifted during the short period of time in question and that he was having intervals of lucidity during the commission of the crimes. Issues involving directed verdict, jury composition, jury instructions, and evidence of prior bad acts either did not constitute abuse of discretion by the trial court or error meriting reversal.

133. LAURA R. NORMANDIN V.  
SCOTT W. NORMANDIN

[2018-SC-0451-DG](#)  
**TO BE PUBLISHED**

OLDHAM

**OPINION OF THE COURT BY JUSTICE  
KELLER – AFFIRMING IN PART,  
REVERSING IN PART, AND  
REMANDING**

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

**Questions Presented:**

Marital Dissolution. Restricted Stock Units. Trial court improperly classified restricted stock units (RSUs) as entirely nonmarital property. To appropriately classify such assets the trial court applies a presumption that the RSUs are earned over the period between grant and vesting, and the proportion of RSUs acquired for purposes of marital classification is the proportion of time between grant and decree of separation that is marital. This presumption may be rebutted by the parties. Because trial court did not include RSU income in the income calculation for child support, the child support calculation is also reversed. However, trial court's determination of the wife's reasonable needs and the amount of ordered maintenance was not an abuse of discretion.

134. KIMBERLY HOWARD, AS EXECUTRIX  
OF THE ESTATE OF EMMA JEAN  
HALL, DECEASED V.  
BIG SANDY AREA DEVELOPMENT  
DISTRICT, INC.

[2018-SC-0601-DG](#)  
**TO BE PUBLISHED**

MAGOFFIN

**OPINION OF THE COURT BY CHIEF  
JUSTICE MINTON - AFFIRMING**

ALL SITTING. ALL CONCUR.

**Questions Presented:**

Governmental Immunity. *Comair*  
Analysis. Integral State Government  
Function. Applying a case-by-case analysis of  
whether an entity performs an integral state  
government function, the area development district  
does not enjoy governmental immunity under  
*Comair v. Lexington-Fayette Urban County Airport  
Corp.* Summary judgment was appropriate where  
undisputed facts indicate that BSADD did not  
render medical services to its homecare clients and  
did not have a heightened duty of care to the  
plaintiff, and there was no evidence of breach  
under a general standard of care.

135. DEPARTMENT FOR COMMUNITY  
BASED SERVICES, CABINET FOR  
HEALTH AND FAMILY SERVICES V.  
REBECCA BAKER

[2018-SC-0610-DG](#)  
**TO BE PUBLISHED**

MCLEAN

**OPINION OF THE COURT BY JUSTICE  
LAMBERT - REVERSING AND  
VACATING**

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

**Questions Presented:**

Investigative Authority of Administrative Agency. Child Neglect. KRS 532.045. Opinion of the Court reversing Court of Appeals' holding that Cabinet for Health and Family Services may only investigate allegations of neglect when alleged perpetrator is a "parent, guardian, or person exercising custodial control or supervision," and holding that the Cabinet has broad investigative power under KRS 620.050(4) which includes the power to investigate an allegation of abuse against a person in a "position of authority" or "position of special trust" as the terms are defined in KRS 532.045. Court further held that while Cabinet had the authority to investigate the allegations of neglect against appellee, the Cabinet did not meet the burden of proof required to substantiate the allegations against appellee and vacated the finding of neglect against appellee.

136. NORTHERN KENTUCKY AREA  
DEVELOPMENT DISTRICT V.  
MARY WILSON

[2018-SC-0665-DG](#)  
**TO BE PUBLISHED**

BOONE

**OPINION OF THE COURT BY CHIEF  
JUSTICE MINTON - REVERSING**

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

**Questions Presented:**

Kentucky Whistleblower Act. Employer. *Comair* Analysis. Although it is a public agency, NKADD is not a political subdivision of the Commonwealth of Kentucky applying the *Comair v. Lexington-Fayette Urban County Airport Corp.* analysis. NKADD is an organizational entity which provides a multitude of services primarily tailored to a local area's concerns, few of which are governed by statute, and NKADD is not necessary to the services it helps to provide. Not being integral to a governmental function, NKADD does not meet the definition of "employer" in KRS 61.102(1).

137. COMMONWEALTH OF KENTUCKY EX  
REL. J. MICHAEL BROWN,  
SECRETARY OF THE GOVERNOR'S  
EXECUTIVE CABINET **V.**  
STARS INTERACTIVE HOLDINGS  
(IOM) LTD., F/K/A AMAYA GROUP  
HOLDINGS (IOM) LTD., ET AL.

[2019-SC-0058-DG](#)  
**TO BE PUBLISHED**

FRANKLIN

**AND**

STARS INTERACTIVE HOLDINGS  
(IOM) LTD., F/K/A AMAYA GROUP  
HOLDINGS (IOM) LTD., ET AL. **V.**  
COMMONWEALTH OF KENTUCKY EX  
REL. J. MICHAEL BROWN,  
SECRETARY OF THE GOVERNOR'S  
EXECUTIVE CABINET

[2019-SC-0209-DG](#)  
**TO BE PUBLISHED**

FRANKLIN

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

ALL SITTING. KELLER, LAMBERT,  
AND NICKELL, JJ., CONCUR.  
VANMETER, J., DISSENTS BY  
SEPARATE OPINION, IN WHICH  
MINTON, C.J., AND HUGHES, J., JOIN.

**Questions Presented:**

KRS 372.040. Loss Recovery Act. Standing. Opinion of the Court reversing the Court of Appeals' holding that the Commonwealth of Kentucky lacked standing to sue under the Loss Recovery Act. Court held that the term "person" as used in the Act was not limited to a natural person, and accordingly, the Commonwealth did not lack standing to bring lawsuit to recover gambling losses paid by Kentucky citizens to an unlawful internet gambling website. Court also found internet gambling sites are "winners" under the Act, and that trial court did not err in its calculation of damages and that an award of treble damages was appropriate.

138. A.H., THE MINOR CHILD OF JAMES HATCHER, BY AND THROUGH HEIDI GALLO, MOTHER, GUARDIAN, NEXT FRIEND AND ADMINISTRATRIX OF THE ESTATE OF JAMES HATCHER, ET AL. **V.**  
LOUISVILLE METRO GOVERNMENT, ET AL.

[2018-SC-0359-DG](#)  
**TO BE PUBLISHED**

JEFFERSON

**AND**

LOUISVILLE METRO GOVERNMENT, ET AL. **V.**

[2019-SC-0158-DG](#)  
**TO BE PUBLISHED**

JEFFERSON

A.H., THE MINOR CHILD OF JAMES HATCHER, BY AND THROUGH HEIDI GALLO, MOTHER, GUARDIAN, NEXT FRIEND AND ADMINISTRATRIX OF THE ESTATE OF JAMES HATCHER, ET AL.

**OPINION OF THE COURT BY JUSTICE NICKELL - AFFIRMING IN PART AND VACATING IN PART**

ALL SITTING. ALL CONCUR.

**Questions Presented:**

Jails. Statutory Duties. Consolidated Government Immunity. Deceased inmate was unable to recover from Louisville Metro Government (LMG) or director of Metro Corrections for a violation of KRS 71.040; the statute applies to the humane treatment of inmate by jailers, and Metro Corrections does not meet the definition of a jailer. LMG and its employees enjoy sovereign immunity afforded to counties when performing a governmental function. Question of whether the consolidation of the duties of the elected offices of jailer and sheriff into LMG violates the jural rights doctrine was not properly preserved for review. The Court declined to recognize a new cause of action for alleged violation of Kentucky Constitution sections 1, 2, 14, and 17 or to allow inmates to sue for money damages for an alleged violation of KRS 71.040.

139. COMMONWEALTH OF KENTUCKY V.  
KEITH JENNINGS

[2019-SC-0248-DG](#)  
**TO BE PUBLISHED**

KENTON

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

ALL SITTING. ALL CONCUR.

**Questions Presented:**

KRS 17.510 and KRS 17.546. Restrictions on Registered Sex Offenders on Probation. Internet Access. First Amendment. Complete bans on internet access as a term of probation may pass constitutional muster in extraordinary cases, but complete bans should be rare and limitations should be limited, focused, and rationally related. However, the probationer failed to challenge the condition at the time of imposition and only objected after he violated the ban and was sanctioned, which is fatal to his appeal.

140. KAREN M. BRAFMAN V.  
COMMONWEALTH OF KENTUCKY

[2019-SC-0449-MR](#)  
**TO BE PUBLISHED**

CHRISTIAN

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

ALL SITTING. ALL CONCUR.

**Questions Presented:**

Arson. Attempted Murder. Hate Crimes. Prosecutorial misconduct was severe enough to warrant reversal where the Commonwealth crafted his questioning to avoid eliciting testimony regarding the defendant's intoxication, which would have obligated the trial court to give the jury an instruction, and then further asserted in closing argument that there was no affirmative testimony regarding intoxication. The cumulative actions of the prosecutor were unnecessarily exploitative and dishonest and misled the jury from the truth on a highly material issue.

141. MARK SMITH AND CHINENA SMITH V. WYNETTA FLETCHER, APRN, ET AL.

[2019-SC-0503-TG](#)  
**TO BE PUBLISHED**

FAYETTE

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

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

**Questions Presented:**

Medical Malpractice Review Panel Act (MRPA). Statute of limitations. On transfer from the Court of Appeals, the Court reverses the trial court's decision to dismiss a medical malpractice claim filed outside the 1-year statute of limitations. Claim was filed and reviewed by the medical malpractice review panel and plaintiffs then filed within the 90-day window provided by the MRPA and before this Court's decision in *Commonwealth v. Claycomb* was final. KRS 413.270 on improper venue is applicable as the medical review panel was quasi-judicial in nature and the plaintiff's "mistake of location" was created by statute upon which plaintiff properly relied.

142. BETH L. MAZE V. JUDICIAL CONDUCT COMMISSION

[2019-SC-0691-RR](#)  
**TO BE PUBLISHED**

IN SUPREME COURT

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

MINTON, C.J.; HUGHES, NICKELL, VANMETER, AND WRIGHT, JJ., SITTING. BECK AND COLLINS, S.J., SITTING. MINTON, C.J.; BECK, COLLINS, HUGHES, NICKELL, WRIGHT, JJ., CONCUR. WRIGHT, J., CONCURS IN RESULT ONLY. LAMBERT AND KELLER, JJ., NOT SITTING.

**Questions Presented:**

Judicial Discipline. Appeal from the Judicial Conduct Commission. Affirming the Commission's public reprimand of a retired judge, the Court held that the Commission retained jurisdiction following judge's retirement from office during the pendency of removal proceedings. Issues raised by the judge regarding notice, informal hearing, questioning of judge member, and subpoena of grand jury testimony were not errors. Judge's actions to secure a drug test in a criminal case involving her ex-husband were not justified by the rule of necessity because the existence of drugs in his system would ultimately have no bearing on his culpability for the charges.

143. SANDRA JONES BECK, M.D., ET AL.  
V.  
HON. ERNESTO SCORSONE, ET AL.

[2019-SC-0726-MR](#)  
**TO BE PUBLISHED**

COURT OF  
APPEALS

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

ALL SITTING. ALL CONCUR.

**Questions Presented:**

Discovery. Medical Malpractice. Ex Parte Communication. Opinion of the Court reversing Court of Appeals' denial of writ of prohibition sought by medical defendants in a medical-negligence action. Medical defendants petitioned Court of Appeals for a writ after trial court denied their request for a Qualified Protective Order (QPO), and further, on the trial court's own motion, forbade ex parte communication by defendants and their counsel with plaintiff's treating physicians and healthcare providers. Reviewing the underlying dispute on the merits, the Court remanded the case to the Court of Appeals for issuance of a writ, finding that the trial court acted arbitrarily in issuing its discovery prohibition and disregarded existing precedent on the subject of ex parte communications by medical defendants with plaintiff's treating physicians and healthcare providers.

144. HENDERSON COUNTY HEALTHCARE  
CORPORATION D/B/A REDBANKS  
SKILLED NURSING FACILITY, ET AL.  
V.  
HONORABLE KAREN LYNN WILSON,  
JUDGE, ET AL.

[2020-SC-0001-MR](#)  
**TO BE PUBLISHED**

COURT OF  
APPEALS

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

ALL SITTING. ALL CONCUR.

**Questions Presented:**

Writ of Prohibition. Federal Quality Assurance Privilege (FQAP). Nursing facility sought writ of prohibition to prevent the disclosure of reports associated with the activities of a quality assurance committee. Reversing the Court of Appeals' denial of a writ, this Court adopts a case-by-case approach to the FQAP, allowing the trial court to determine the circumstances surrounding the generation of the document before determining whether the FQAP applies. Documents created by or at the behest of a quality assurance committee and generated for the express purpose of aiding the committee in its work will likely be privileged.



145. DAWN M. GENTRY V.  
JUDICIAL CONDUCT COMMISSION

[2020-SC-0434-RR](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

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

ALL SITTING. ALL CONCUR.

**Questions Presented:**

Judicial removal. Appeal from the decision of the Judicial Conduct Commission. The Court affirms Commission's order to remove judge from the bench based upon 10 of 12 separate counts of judicial misconduct, including counts related to failing to perform her duties fairly and impartially; failing to manage court staff; and failing to act at all times in a manner that promotes public confidence. The Commission's final order was supported by clear and convincing evidence and the sanction of removal was appropriate.

146. DARRELL BROWN V.  
COMMONWEALTH OF KENTUCKY

[2019-SC-0268-MR](#)  
**NOT TO BE PUBLISHED**

HARDIN

**MEMORANDUM OPINION OF THE  
COURT - REVERSING IN PART AND  
AFFIRMING IN PART**

ALL SITTING. ALL CONCUR.

147. KENNETH L. MATTINGLY, JR. V.  
COMMONWEALTH OF KENTUCKY

[2019-SC-0255-MR](#)  
**NOT TO BE PUBLISHED**

JEFFERSON

**MEMORANDUM OPINION OF THE  
COURT - AFFIRMING**

ALL SITTING. ALL CONCUR.

148. JAMES DOUGLAS YOUNG V.  
COMMONWEALTH OF KENTUCKY

[2019-SC-0285-MR](#)  
**NOT TO BE PUBLISHED**

WARREN

**MEMORANDUM OPINION OF THE  
COURT - REVERSING AND  
REMANDING**

ALL SITTING. ALL CONCUR

- |      |                                                                      |                                                               |                     |
|------|----------------------------------------------------------------------|---------------------------------------------------------------|---------------------|
| 149. | RONALD TRIPLETT V.<br>COMMONWEALTH OF KENTUCKY                       | <a href="#">2019-SC-0331-MR</a><br><b>NOT TO BE PUBLISHED</b> | MONTGOMERY          |
|      | <b>AND</b>                                                           |                                                               |                     |
|      | RONALD TRIPLETT V.<br>COMMONWEALTH OF KENTUCKY                       | <a href="#">2019-SC-0333-MR</a><br><b>NOT TO BE PUBLISHED</b> | MONTGOMERY          |
|      | <b>MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u></b>            |                                                               |                     |
|      | ALL SITTING. ALL CONCUR.                                             |                                                               |                     |
| 150. | JODY SCOTT V.<br>COMMONWEALTH OF KENTUCKY                            | <a href="#">2019-SC-0348-MR</a><br><b>NOT TO BE PUBLISHED</b> | PIKE                |
|      | <b>MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u></b>            |                                                               |                     |
|      | ALL SITTING. ALL CONCUR.                                             |                                                               |                     |
| 151. | BRANDON KRAATZ V.<br>COMMONWEALTH OF KENTUCKY                        | <a href="#">2019-SC-0350-MR</a><br><b>NOT TO BE PUBLISHED</b> | JEFFERSON           |
|      | <b>MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u></b>            |                                                               |                     |
|      | ALL SITTING. ALL CONCUR.                                             |                                                               |                     |
| 152. | JACKIE BOWE V.<br>COMMONWEALTH OF KENTUCKY                           | <a href="#">2019-SC-0368-MR</a><br><b>NOT TO BE PUBLISHED</b> | MONROE              |
|      | <b>MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u></b>            |                                                               |                     |
|      | ALL SITTING. ALL CONCUR.                                             |                                                               |                     |
| 153. | KENTON COUNTY SHERIFF'S<br>DEPARTMENT V.<br>MIGUEL RODRIGUEZ, ET AL. | <a href="#">2019-SC-0450-WC</a><br><b>NOT TO BE PUBLISHED</b> | COURT OF<br>APPEALS |
|      | <b>MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u></b>            |                                                               |                     |
|      | ALL SITTING. ALL CONCUR.                                             |                                                               |                     |

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|------|-------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|---------------------|
| 154. | DONALD E. COTTLE V.<br>AK STEEL CORPORATION F/K/A<br>ARMCO STEEL CORPORATION,<br>SPECIAL FUND, ET AL. | <a href="#">2019-SC-0646-WC</a><br><b>NOT TO BE PUBLISHED</b> | COURT OF<br>APPEALS |
|      | <b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING</u></b>                                         |                                                               |                     |
|      | ALL SITTING. ALL CONCUR.                                                                              |                                                               |                     |
| 155. | KERRY BARLEY V.<br>COMMONWEALTH OF KENTUCKY                                                           | <a href="#">2019-SC-0671-MR</a><br><b>NOT TO BE PUBLISHED</b> | JEFFERSON           |
|      | <b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING</u></b>                                         |                                                               |                     |
|      | ALL SITTING. ALL CONCUR.                                                                              |                                                               |                     |
| 156. | BILLY DRACE, JR. V.<br>COMMONWEALTH OF KENTUCKY                                                       | <a href="#">2020-SC-0066-MR</a><br><b>NOT TO BE PUBLISHED</b> | OHIO                |
|      | <b>MEMORANDUM OPINION OF THE<br/>COURT - <u>AFFIRMING</u></b>                                         |                                                               |                     |
|      | ALL SITTING. ALL CONCUR.                                                                              |                                                               |                     |
| 157. | KEN ISAACS INTERIORS, INC. V.<br>DELBERT RADER, ET AL.                                                | <a href="#">2020-SC-0110-WC</a><br><b>NOT TO BE PUBLISHED</b> | COURT OF<br>APPEALS |
|      | <b>MEMORANDUM OPINION OF THE<br/>COURT - <u>AFFIRMING</u></b>                                         |                                                               |                     |
|      | ALL SITTING. ALL CONCUR.                                                                              |                                                               |                     |

**OPINION AND ORDERS - December 17, 2020**

- |                                                    |                                                           |                     |
|----------------------------------------------------|-----------------------------------------------------------|---------------------|
| KENTUCKY BAR ASSOCIATION V.<br>EDMUND VICTOR SMITH | <a href="#">2020-SC-0071-KB</a><br><b>TO BE PUBLISHED</b> | IN SUPREME<br>COURT |
| <b>OPINION AND ORDER - SUSPENDING</b>              |                                                           |                     |
| ALL SITTING. ALL CONCUR.                           |                                                           |                     |

**OPINION AND ORDERS - December 17, 2020**

KENTUCKY BAR ASSOCIATION V.  
MICHAEL C. SKOUTERIS

[2020-SC-0230-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**OPINION AND ORDER - DISBARRING**

ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V.  
JASON NICHOLAS MARTIN

[2020-SC-0292-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**OPINION AND ORDER - PUBLIC  
REPRIMAND**

ALL SITTING. ALL CONCUR.

WILLIAM LAWRENCE SUMMERS V.  
KENTUCKY BAR ASSOCIATION

[2020-SC-0451-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**OPINION AND ORDER - TEMPORARILY  
SUSPENDING**

ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V.  
CHARLES EDWIN JOHNSON

[2020-SC-0503-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**OPINION AND ORDER - INDEFINITE  
SUSPENSION**

ALL SITTING. ALL CONCUR.

**ORDER GRANTING DISCRETIONARY REVIEW (ORAL ARGUMENT) – December 9, 2020**

COMMONWEALTH OF KENTUCKY V. STEVEN D. ROARK	<a href="#">2020-SC-0080-DG</a>	KNOX
SEILLER WATERMAN, LLC, ET AL. V. BARDSTOWN CAPITAL CORPORATION, ET AL.	<a href="#">2020-SC-0312-DG</a>	JEFFERSON
JOHNNY R. COX V. COMMONWEALTH OF KENTUCKY	<a href="#">2020-SC-0391-DG</a>	FAYETTE

**ORDER GRANTING EXPEDITED DISCRETIONARY REVIEW (NO ORAL ARGUMENT) – December 9, 2020**

B. B. V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL.	<a href="#">2020-SC-0488-DGE</a>	FRANKLIN
CABINET FOR HEALTH AND FAMILY SERVICES, COMMONWEALTH OF KENTUCKY, ET AL. V. H. L. O.	<a href="#">2020-SC-0276-DGE</a>	LETCHER

**ORDER GRANTING DISCRETIONARY REVIEW (NO ORAL ARGUMENT) – December 9, 2020**

COMMONWEALTH OF KENTUCKY V. SHUNTRELL D. CONNER	<a href="#">2020-SC-0099-DG</a>	FULTON
JAMES D. NICHOLS V. ZURICH AMERICAN INSURANCE COMPANY	<a href="#">2020-SC-0284-DG</a>	JEFFERSON
BEN MARTIN V. DURBIN WALLACE	<a href="#">2020-SC-0437-DG</a>	SCOTT

**ORDER GRANTING DISCRETIONARY REVIEW AND REMANDING– December 9, 2020**

LINDA G. HOLT, ET AL. V. THOMPSON  
HINE, LLP  
LAMBERT AND NICKELL, JJ., NOT  
SITTING. CRAWFORD AND JOHNS, S.J.,  
SITTING.

[2019-SC-0596-DG](#)

KENTON

**THE MOTION FOR DISCRETIONARY  
REVIEW IS GRANTED. THE COURT OF  
APPEALS DECISION IS VACATED AND  
THE CASE IS REMANDED TO THE  
COURT OF APPEALS FOR FURTHER  
CONSIDERATION IN LIGHT OF THIS  
COURT’S RECENT DECISION IN SEILLER  
WATERMAN, LLC V. RLB PROPERTIES,  
LTD., 2018-SC-0538-DG, 2020 WL  
4047468.**

**ORDER GRANTING CROSS MOTION FOR DISCRETIONARY REVIEW (ORAL  
ARGUMENT) – December 9, 2020**

BOARD OF TRUSTEES OF THE  
KENTUCKY RETIREMENT SYSTEMS V.  
CITY OF FORT WRIGHT, KENTUCKY, ET  
AL.  
NICKELL, J., NOT SITTING.

[2020-SC-0477-DG](#)

FRANKLIN

**ORDER DENYING MOTION FOR DISCRETIONARY REVIEW AND DEPUBLISHING -  
December 9, 2020**

JACOB WYNN V. DIXIE FUEL COMPANY,  
LLC, ET AL.

[2020-SC-0101-D](#)

HARLAN

COMMONWEALTH OF KENTUCKY V.  
CORBIN STARKS

[2020-SC-0098-D](#)

JEFFERSON

**ORDER DENYING DISCRETIONARY REVIEW – December 9, 2020**

KEON SIMS V. RODNEY BALLARD, COMMISSIONER, DEPARTMENT OF CORRECTIONS	<a href="#">2018-SC-0650-D</a>	FRANKLIN
RICO PENIX V. DEPARTMENT OF CORRECTIONS	<a href="#">2019-SC-0289-D</a>	FRANKLIN
MICHAEL JAMES BUEMI V. COMMONWEALTH OF KENTUCKY	<a href="#">2019-SC-0634-D</a>	CAMPBELL
ROY PRIDGEN, JR. V. LOUISVILLE- JEFFERSON COUNTY METRO GOVERNMENT, ET AL.	<a href="#">2020-SC-0118-D</a>	JEFFERSON
NORTON HEALTHCARE, INC., ET AL. V. STEVEN CROGHAN, ADMINISTRATOR OF THE ESTATE OF AMY L. CROGHAN	<a href="#">2020-SC-0129-D</a>	JEFFERSON
JAMES R. THOMAS V. COMMONWEALTH OF KENTUCKY	<a href="#">2020-SC-0156-D</a>	OWEN
MICHAEL R. HEILIG, M.D. V. LINUS FORE, ET AL.	<a href="#">2020-SC-0180-D</a>	FAYETTE
ELIZABETH VAN METER BOONE V. ALYCE BOONE HOSKINS, INDIVIDUALLY, ET AL VANMETER, J., NOT SITTING.	<a href="#">2020-SC-0187-D</a>	FAYETTE
JAMESON R. MAYO V. COMMONWEALTH OF KENTUCKY	<a href="#">2020-SC-0244-D</a>	LOGAN
DONNIE CREECH, ET AL. V. HARLAN- CUMBERLAND COAL COMPANY, LLC	<a href="#">2020-SC-0254-D</a>	HARLAN
TIM S. COFFMAN V. COMMONWEALTH OF KENTUCKY	<a href="#">2020-SC-0255-D</a>	BELL
JODY JOHNSON, D.O., ET AL. V. PHILLIP CRACE, M.D.	<a href="#">2020-SC-0261-D</a>	FLOYD
WILLIAM J. BEAL V. PPM FULFILLMENT, L.L.C., ET AL.	<a href="#">2020-SC-0271-D</a>	JEFFERSON

**ORDER DENYING DISCRETIONARY REVIEW– December 9, 2020**

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RICHARD MYER V. COMMONWEALTH OF KENTUCKY	<a href="#">2020-SC-0303-D</a>	JEFFERSON
MICHAEL B. FLYNN, M.D., ET AL. V. HAMZA SHEIKH, M.D., ET AL. MINTON, C.J., NOT SITTING. <b>LAMBERT, VANMETER, AND WRIGHT, JJ., WOULD GRANT DISCRETIONARY REVIEW.</b>	<a href="#">2020-SC-0311-D</a>	JEFFERSON
D'ANDRE SWAIN V. COMMONWEALTH OF KENTUCKY	<a href="#">2020-SC-0316-D</a>	JEFFERSON
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KATRINA L. WILLIS, EXECUTRIX OF THE ESTATE OF MORRIS BEASLEY V. NICOLE M. FORD, ADMINISTRATRIX OF THE ESTATE OF CYNTHIA BEASLEY, ET AL. NICKELL, J., NOT SITTING.	<a href="#">2020-SC-0324-D</a>	JEFFERSON
ERIC DYE V. COMMONWEALTH OF KENTUCKY	<a href="#">2020-SC-0330-D</a>	WARREN
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CHRISTIAN RICHARD MARTIN V. COMMONWEALTH OF KENTUCKY	<a href="#">2020-SC-0360-DE</a>	CHRISTIAN
HOME-OWNERS INSURANCE COMPANY V. TABATHA COLLETT, ET AL. VANMETER, J., NOT SITTING.	<a href="#">2020-SC-0374-D</a>	JACKSON
SULEMA TAMAYO RAMIREZ V. CHARISE SHIVELY, ET AL.	<a href="#">2020-SC-0376-D</a>	JEFFERSON
RICKEY D. MCALLISTER V. COMMONWEALTH OF KENTUCKY <b>LAMBERT, J., WOULD GRANT DISCRETIONARY REVIEW.</b>	<a href="#">2020-SC-0435-D</a>	FULTON
DARRELL FOSTER V. COMMONWEALTH OF KENTUCKY	<a href="#">2020-SC-0436-D</a>	CALLOWAY
BRITTANIE HAWKS V. DWAYNE CLARK, DIRECTOR, LOUISVILLE METRO DEPARTMENT OF CORRECTIONS, ET AL.	<a href="#">2020-SC-0450-DE</a>	JEFFERSON
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**ORDER DISMISSING - December 14, 2020**

SHANE BRIGHT V. KENTUCKY PAROLE BOARD	<a href="#">2020-SC-0264-D</a>	FRANKLIN
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**ORDER DISMISSING (DEFICIENCY)**

KELLER, LAMBERT, NICKELL, WRIGHT,  
JJ., SITTING. ALL CONCUR.

ARMINTA GILL V. MAR-CONE APPLIANCE PARTS CO.; HONORABLE JOHN H. MCCRAKEN, ADMINISTRATIVE LAW JUDGE; AND WORKERS COMPENSATION BOARD	<a href="#">2020-SC-0299-WC</a>	COURT OF APPEALS
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**ORDER GRANTING JOINT MOTION TO  
DISMISS**

KELLER, LAMBERT, NICKELL, WRIGHT,  
JJ., SITTING. ALL CONCUR.

**ORDER DISMISSING - December 14, 2020**

S.S. V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, PETITIONER AND NEXT FRIEND OF A.S., A CHILD; ET AL.

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[2020-SC-0407-T](#)

WARREN

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KAREEM EDWARDS V.  
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RICARDO D. TAYLOR V.  
COMMONWEALTH OF KENTUCKY

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CONRAI ANDRE KABALLAH, JR. V.  
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**ORDER DENYING PETITION FOR REHEARING AND MODIFYING OPINION**

ALL SITTING. ALL CONCUR.

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[2018-SC-0666-MR](#)

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**ORDER DENYING PETITION FOR REHEARING**

ALL SITTING. ALL CONCUR.

**ORDER DENYING PETITION FOR REHEARING - December 17, 2020**

JUSTIN CURRY V.  
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[2019-SC-0306-MR](#)

JEFFERSON

**ORDER DENYING PETITION FOR  
REHEARING AND MODIFYING OPINION**

ALL SITTING. ALL CONCUR.

**ORDER WITHDRAWING FROM KENTUCKY BAR ASSOCIATION – November 17,  
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DONNA ANN CHU V. KENTUCKY BAR  
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IN SUPREME  
COURT

JONATHAN CLARK BAIRD V. KENTUCKY  
BAR ASSOCIATION

[2020-SC-0542-KB](#)

IN SUPREME  
COURT