

SUPREME COURT OF KENTUCKY

DECEMBER 16, 2021 RULINGS

RELEASED: 10:00 A.M.

165. INDEPENDENCE BANK C/O PAUL BRADFORD AND MICHAEL BURNS, AS THE LIMITED GUARDIAN AND LIMITED CONSERVATOR OF ANTHONY W. NOEL V. TREVOR WELCH IN HIS OFFICIAL CAPACITY AS AN EMPLOYEE, SERVANT, AND/OR AGENT OF LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT AND/OR LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT DIVISION OF POLICE, ET AL.

[2019-SC-0192-DG](#)
TO BE PUBLISHED

FAYETTE

OPINION OF THE COURT BY JUSTICE HUGHES - AFFIRMING

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

Questions Presented:

Sovereign Immunity. Waiver. Insurance. Retained Limits. KRS 67.180. Consideration of the effect of a governmental entity's purchase of a retained limits policy authorized by KRS 67.180 on sovereign immunity.

166. LINDSEY CHILDERS, AS ADMINISTRATRIX OF THE ESTATE OF CAMERON PEARSON, ET AL. V. WILLIAM S. ALBRIGHT, ET AL.

[2019-SC-0226-DG](#)
TO BE PUBLISHED

JEFFERSON

OPINION OF THE COURT BY SPECIAL JUSTICE TENNYSON - VACATING AND REMANDING

MINTON, C.J.; CONLEY, HUGHES, KELLER, AND VANMETER, JJ.; AND SPECIAL JUSTICE CHERYL U. LEWIS AND SPECIAL JUSTICE JULIE A. TENNYSON, SITTING. ALL CONCUR. LAMBERT, NICKELL, JJ., NOT SITTING.

Questions Presented:

Tort Law. Self-Defense Immunity. Collateral Order Doctrine. Interlocutory Appeal. Issues on appeal include the application of the collateral order doctrine in a civil case, following an earlier grant of self-defense immunity in a criminal case, and whether denial of self-defense immunity is immediately appealable.

167. LOUISVILLE SW HOTEL, LLC, ET AL. V.
CHARLESTINE LINDSEY, ET AL.

[2019-SC-0539-DG](#)
TO BE PUBLISHED

JEFFERSON

**OPINION OF THE COURT BY JUSTICE
LAMBERT - AFFIRMING AND
REVERSING IN PART**

ALL SITTING. MINTON, C.J.; CONLEY,
HUGHES, AND VANMETER, JJ., CONCUR.
KELLER, J., CONCURS IN RESULT ONLY.
NICKELL, J., CONCURS IN PART AND
DISSENTS IN PART, BY SEPARATE
OPINION.

Questions Presented:

Tort Law. Punitive Damages. Partial Retrial.
In a case arising out of the death of a five-year-old
by drowning in a hotel indoor swimming pool,
issues include the propriety and amount of
punitive damages assessed against the hotel found
35% responsible for the death, as well as the
propriety of compensatory damages following no
jury award for the child's loss of earning capacity,
parental consortium, and pain and suffering.

168. FREDERICK JONES V.
COMMONWEALTH OF KENTUCKY

[2019-SC-0651-DG](#)
TO BE PUBLISHED

JEFFERSON

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

ALL SITTING. ALL CONCUR.

Questions Presented:

Criminal Law. Felony Expungement Fees. KRS
431.073. Poor Persons. KRS 453.190. Issues
include whether circuit courts may waive the fees
required to obtain a felony expungement when the
defendant qualifies as a "poor person" under KRS
453.190.

169. COMMONWEALTH OF KENTUCKY V.
STEVEN D. ROARK

[2020-SC-0080-DG](#)
TO BE PUBLISHED

KNOX

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

ALL SITTING. ALL CONCUR.

Questions Presented:

Criminal Law. Evidence. Hearsay. Former
Testimony Exception. Unavailability of Witness.
Issues include the effect of a witness being
unavailable for testimony and whether the
Commonwealth had the same motive and
opportunity to cross-examine a person during their
guilty plea if the same person were subsequently a
witness at trial.

170. COMMONWEALTH OF KENTUCKY V.
SHUNTRELL D. CONNER

[2020-SC-0099-DG](#)
TO BE PUBLISHED

FULTON

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

ALL SITTING. HUGHES, KELLER, AND
NICKELL, JJ., CONCUR. CONLEY,
LAMBERT, AND VANMETER, JJ., CONCUR
IN RESULT ONLY.

Questions Presented:

Criminal Law. Traffic Stops. Reasonable
Suspicion. Dog Sniff. Issues include whether the
police officer had reasonable suspicion to extend
the traffic stop to accommodate a dog sniff based
on a tip that the passenger was trafficking
methamphetamine and the officer's later
observation of the passenger reaching into the
backseat and placing an item underneath clothing.

171. GREGORY WAHL V.
COMMONWEALTH OF KENTUCKY

[2020-SC-0139-MR](#)
TO BE PUBLISHED

GARRARD

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

ALL SITTING. ALL CONCUR.

Questions Presented:

Criminal Law. Self-Defense Immunity. Hearsay.
Issues include whether the evidence established a
substantial basis for the trial court to form
reasonable grounds for its belief that the force
used was not justified; whether statements made to
emergency personnel pertinent to treatment or
diagnosis were admissible hearsay considering
relevant factors; and whether it was error to
deny defendant's motion for a mistrial and admit
proof of prior convictions.

172. LEGACY CONSULTING GROUP, LLC, ET
AL. V.
BRENDA GUTZMAN, IN HER CAPACITY AS
THE EXECUTRIX OF THE ESTATE OF
GRACE W. MCGAUGHEY, DECEASED, ET
AL.

[2020-SC-0288-DG](#)
TO BE PUBLISHED

FAYETTE

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

ALL SITTING. ALL CONCUR.

Questions Presented:

Annuities. Arbitration Agreements. Insurance.
Securities. Issues include whether an arbitration
clause contained in an annuity application was
enforceable where the annuity had both variable
and fixed characteristics and created a dispute as
to whether the annuity was a security product
subject to arbitration or an insurance product
exempt from arbitration.

173. BORDERS SELF-STORAGE & RENTALS,
LLC V.
COMMONWEALTH OF KENTUCKY,
TRANSPORTATION CABINET,
DEPARTMENT OF HIGHWAYS

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

ALL SITTING. ALL CONCUR.

[2020-SC-0339-DG](#)
TO BE PUBLISHED

LAWRENCE

Questions Presented:

Eminent Domain. Fair Market Value. PVA Value. Issues include whether a property owner should be permitted to introduce the PVA assessment of its property into evidence for purposes of establishing fair market value during eminent domain proceedings.

174. BRETT A. SMITH V.
COMMONWEALTH OF KENTUCKY

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

ALL SITTING. ALL CONCUR.

[2020-SC-0370-MR](#)
TO BE PUBLISHED

HENRY

Questions Presented:

Matter of Right. KRE 404(b). Directed Verdict. Psychotherapy Records. Speedy Trial. Issues in this criminal appeal include whether denial of defendant's motion for directed verdict was appropriate where the evidence presented distinguished between counts of sexual abuse even if they were different than counts described in the jury instructions; whether it was error to introduce evidence of prior incidents of abuse involving the defendant and the victims' mother; whether the trial court abused its discretion by concluding that the victim's psychotherapy records did not contain exculpatory evidence; and whether a delay in the case caused by the Commonwealth's appealing from an interlocutory order relating to the admission of evidence of a similar assault on the victim's sister violated the defendant's right to a speedy trial.

175. CITY OF VERSAILLES, ET AL. V.
SHIRLEY JANE JOHNSON

[2020-SC-0431-DG](#)
TO BE PUBLISHED

WOODFORD

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

ALL SITTING. ALL CONCUR.

Questions Presented:

Torts. Duties of Cemetery Owners. Issues include whether ownership of a cemetery plot suffices to create perpetual ongoing mutuality of benefit, with the accompanying duties owed by cemetery owners to invitees rather than to licensees.

176. CHARLES JUSTICE V.
COMMONWEALTH OF KENTUCKY

[2020-SC-0464-MR](#)
TO BE PUBLISHED

CAMPBELL

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

ALL SITTING. CONLEY, HUGHES,
LAMBERT, NICKELL, AND VANMETER, JJ.,
CONCUR. KELLER, J., CONCURS IN PART
AND DISSENTS IN PART BY SEPARATE
OPINION.

Questions Presented:

Criminal Law. Amended Indictment. Jury Instructions. Issues include whether trial court erred by permitting the Commonwealth to amend its indictment to charge a lesser-included offense without the introduction of additional evidence; whether defendant was entitled to a directed verdict on a charge of attempted rape; whether it was reversible error to permit testimony by medical professionals as to the victim's identification of the perpetrator; and whether jury instructions created a unanimous verdict conflict.

177. JOHN GOBLE V.
JEREMY MICHAEL MATTOX, ET AL.
AND

[2021-SC-0151-MR](#)
TO BE PUBLISHED

SCOTT

AMOS BURDETTE V.
JEREMY MATTOX ET AL.

[2021-SC-0162-MR](#)
TO BE PUBLISHED

SCOTT

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

ALL SITTING. ALL CONCUR.

Questions Presented:

Writ of Mandamus. Special Prosecutors. Consideration of a petition for the issuance of a writ of mandamus alleging that an agreement between the Scott Commonwealth Attorney and the Fayette County Attorney to provide special prosecutors violates the Kentucky Constitution or whether it is permitted pursuant to KRS 15.730.

178. MICHAEL O'BRYAN V. ZIP EXPRESS
(CORRECTLY IDENTIFIED AS RAMP
LOGISTICS, LLC), ET AL.

[2020-SC-0262-WC](#)
TO BE PUBLISHED

COURT OF
APPEALS

**MEMORANDUM OPINION OF THE
COURT - AFFIRMING**

ALL SITTING. ALL CONCUR.

Questions Presented:

Workers' Compensation. Equal Protection. Due Process. Considering the effect of KRS 342.730(4) and its application to pending appeals at the time of enactment in light of this Court's decision in *Cates v. Kroger*, 627 S.W.3d, 864 (2021).

179. RAY HENRY PICKETT V. FORD MOTOR
COMPANY (LAP), ET AL

[2020-SC-0218-WC](#)
NOT TO BE PUBLISHED

COURT OF
APPEALS

**MEMORANDUM OPINION OF THE
COURT - AFFIRMING**

ALL SITTING. ALL CONCUR.

180. ANTHONY HELTON V. TM POWER
ENTERPRISES, INC., ET AL

[2020-SC-0236-WC](#)
NOT TO BE PUBLISHED

COURT OF
APPEALS

**MEMORANDUM OPINION OF THE
COURT - AFFIRMING**

ALL SITTING. ALL CONCUR.

181. ALLEN HENDERSON V.
COMMONWEALTH OF KENTUCKY

[2020-SC-0248-MR](#)
NOT TO BE PUBLISHED

HARDIN

**MEMORANDUM OPINION OF THE
COURT - AFFIRMING**

ALL SITTING. ALL CONCUR.

182. EZELL R. MILLER V. COMMONWEALTH OF
KENTUCKY

[2020-SC-0289-MR](#)
NOT TO BE PUBLISHED

GRAVES

**MEMORANDUM OPINION OF THE
COURT - AFFIRMING**

ALL SITTING. ALL CONCUR.

- | | | | |
|------|---|---|------------------|
| 183. | RESCARE, INC. V. PATRICIA MONTGOMERY (CAIN), ET AL | 2020-SC-0307-WC
NOT TO BE PUBLISHED | COURT OF APPEALS |
| | MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u> | | |
| | ALL SITTING. ALL CONCUR. | | |
| 184. | BETTY MASSEY V. PACCAR D/B/A DYNACRAFT, ET AL. | 2020-SC-0328-WC
NOT TO BE PUBLISHED | COURT OF APPEALS |
| | MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u> | | |
| | ALL SITTING. ALL CONCUR. | | |
| 185. | JERRY MULLINS V. PUBLISHERS PRINTING COMPANY LLC, ET AL. | 2020-SC-0341-WC
NOT TO BE PUBLISHED | COURT OF APPEALS |
| | MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u> | | |
| | ALL SITTING. ALL CONCUR. | | |
| 186. | MARLON HENSON V. COMMONWEALTH OF KENTUCKY | 2020-SC-0343-MR
NOT TO BE PUBLISHED | HARDIN |
| | MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u> | | |
| | ALL SITTING. ALL CONCUR. | | |
| 187. | DEBRA SUE DARNELL V. SAPUTO DAIRY, ET AL. | 2020-SC-0364-WC
NOT TO BE PUBLISHED | COURT OF APPEALS |
| | MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u> | | |
| | ALL SITTING. ALL CONCUR. | | |

- | | | | |
|------|---|---|------------------|
| 188. | BOBBY L. HAMMONDS V.
COMMONWEALTH OF KENTUCKY | 2020-SC-0368-MR
NOT TO BE PUBLISHED | JACKSON |
| | MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u> | | |
| | ALL SITTING. MINTON, C.J.; CONLEY, HUGHES, LAMBERT, NICKELL, AND VANMETER, JJ., CONCUR. KELLER, J., CONCURS IN RESULT ONLY. | | |
| | | | |
| 189. | JBS SWIFT V.
ANA MABEL DUMOIS BUENO, ET AL. | 2020-SC-0463-WC
NOT TO BE PUBLISHED | COURT OF APPEALS |
| | MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u> | | |
| | ALL SITTING. MINTON, C.J.; CONLEY, LAMBERT, KELLER, NICKELL, AND VANMETER, JJ., CONCUR. HUGHES, J., CONCURS IN RESULT ONLY. | | |
| | | | |
| 190. | STEPHEN FLYNN V.
BUYERS PARADISE FURNITURE, INC. ET AL. | 2020-SC-0468-WC
NOT TO BE PUBLISHED | COURT OF APPEALS |
| | MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u> | | |
| | ALL SITTING. ALL CONCUR. | | |
| | | | |
| 191. | KIMBERLY COFFEY V.
MCCREARY COUNTY FISCAL COURT, ET AL. | 2020-SC-0510-WC
NOT TO BE PUBLISHED | COURT OF APPEALS |
| | MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u> | | |
| | ALL SITTING. ALL CONCUR. | | |
| | | | |
| 192. | CEDAR LAKE PARK PLACE V.
PENNY BERRY, ET AL. | 2021-SC-0052-WC
NOT TO BE PUBLISHED | COURT OF APPEALS |
| | MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u> | | |
| | ALL SITTING. ALL CONCUR. | | |

193. O'REILLY AUTOMOTIVE STORES, INC. V. [2021-SC-0096-WC](#) COURT OF
TONY ERNSPIKER, ET AL. **NOT TO BE PUBLISHED** APPEALS

**MEMORANDUM OPINION OF THE
COURT - AFFIRMING**

ALL SITTING. ALL CONCUR.

194. ALAN HUMMEL V. [2021-SC-0164-MR](#) KENTON
HONORABLE GREGORY M. BARTLETT, ET AL. **NOT TO BE PUBLISHED**

**MEMORANDUM OPINION OF THE
COURT - AFFIRMING**

ALL SITTING. ALL CONCUR.

OPINION AND ORDERS - December 16, 2021

WILLIAM DAVID RYE V.
KENTUCKY BAR ASSOCIATION

[2021-SC-0419-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**OPINION AND ORDER SUSPENDING
(PROBATED)**

ALL SITTING. ALL CONCUR.

MYRA DESHAWN CHENAULT V.
KENTUCKY BAR ASSOCIATION

[2021-SC-0331-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**OPINION AND ORDER GRANTING
REINSTATEMENT**

ALL SITTING. ALL CONCUR.

ORDER GRANTING DISCRETIONARY REVIEW AND REMANDING - December 08, 2021

M.S., ET AL. V. [2021-SC-0160-DGE](#) HENDERSON
COMMONWEALTH OF KENTUCKY

NICKELL, J., WOULD NOT GRANT
DISCRETIONARY REVIEW FOR THE
REASONS STATED IN HIS DISSENT IN
*M.A.B. V. COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH AND FAMILY
SERVICES*, ___ S.W.3d. (Ky. 2021)(final
November 18, 2021)

CARL EDWIN STONE, EXECUTOR OF THE [2019-SC-0047-DG](#) JEFFERSON
ESTATE OF CATHY STONE V.
DEAN DAIRY HOLDINGS, LLC D/B/A DEAN
MILK COMPANY, LLC, ET AL.

COMMONWEALTH OF KENTUCKY V. JACK [2019-SC-0720-DG](#) OLDHAM
JOE HOLLAND

**ORDER GRANTING DISCRETIONARY REVIEW (NO ORAL ARGUMENT) - December 08,
2021**

STEPHEN SHAW, ET AL. V. [2021-SC-0055-DG](#) TAYLOR
LAURA CALDWELL, ET AL.

KENTUCKY STATE UNIVERSITY V. [2021-SC-0130-DG](#) FRANKLIN
DARWIN NATIONAL ASSURANCE
COMPANY N/K/A ALLIED WORLD
SPECIALTY INSURANCE COMPANY

LAUREN SAVAGE, INDIVIDUALLY AND AS [2021-SC-0163-DG](#) JEFFERSON
ADMINISTRATRIX OF THE ESTATE OF
JAMES SAVAGE V.
ALLSTATE INSURANCE COMPANY, ET AL.

COPART OF CONNECTICUT, INC. D/B/A [2021-SC-0167-DG](#) JEFFERSON
COPART AUTO AUCTIONS, ET AL. V.
LAUREN SAVAGE, INDIVIDUALLY AND AS
ADMINISTRATRIX OF THE ESTATE OF
JAMES SAVAGE

ORDER GRANTING DISCRETIONARY REVIEW (NO ORAL ARGUMENT) - December 08, 2021

DOLORES ZEPEDA V. CENTRAL MOTORS, INC.	2021-SC-0204-DG	SCOTT
COMMONWEALTH OF KENTUCKY V. ANDREW MCMICHAEL	2021-SC-0207-DG	JEFFERSON
ERIE INSURANCE EXCHANGE V. MEGAN JOHNSON, ET AL.	2021-SC-0312-DG	FLOYD
JUNE MCGAHA, ET AL. V. SUZANNE MCGAHA, ET AL.	2021-SC-0351-DG	RUSSELL

ORDER DENYING DISCRETIONARY REVIEW - December 08, 2021

SUZANNE ANDRESS, ET AL. V. ST. ELIZABETH MEDICAL CENTER, INC. ET AL.	2020-SC-0595-D	KENTON
REBECCA CUNDIFF, AS THE EXECUTRIX OF THE ESTATE OF PHILLIP CUNDIFF V. DR. ALLEN CHENG, ET AL.	2021-SC-0147-D	JEFFERSON
TIMOTHY JOHN FELKER V. COMMONWEALTH OF KENTUCKY NICKELL, J., WOULD GRANT DISCRETIONARY REVIEW.	2021-SC-0173-D	FAYETTE
DAN GIBSON V. RON JONES, ET AL.	2021-SC-0177-D	PULASKI
MICHAEL SCOTT HARNEY V. COMMONWEALTH OF KENTUCKY	2021-SC-0184-D	FAYETTE

ORDER DENYING DISCRETIONARY REVIEW - December 08, 2021

ERIC JONES, ET AL. V. JENNIFER WRIGHT SMALLWOOD, AS ADMINISTRATRIX OF THE ESTATE OF RYAN ALAN SMALLWOOD, DECEASED, ET AL.	2021-SC-0185-D	MONTGOMERY
ERIN MONAHAN (NOW ISLER) V. GAVIN SCHILLING	2021-SC-0202-D	JEFFERSON
VIVIAN HILL V. CHI KENTUCKY, INC., ET AL.	2021-SC-0203-D	FAYETTE
JASON BOWLES V. COMMONWEALTH OF KENTUCKY	2021-SC-0205-D	WARREN
KY MOTEL, INC. V. KENTUCKY OAKS MALL COMPANY, LTD, ET AL. NICKELL, J., WOULD GRANT DISCRETIONARY REVIEW.	2021-SC-0214-D	MCCRACKEN
TONY WRIGHT COFFEY, ET AL. V. LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, ET AL.	2021-SC-0218-D	FAYETTE
JAN MARIA CURRIN, ET AL. V. ESTATE OF JOHN C. BENTON, JR., BY MARY R. MARCUM, AS EXECUTRIX	2021-SC-0222-D	BOONE
TERRY O'BANNON V. COMMONWEALTH OF KENTUCKY	2021-SC-0224-D	MUHLENBERG
JAMES HARRISON V. JASON GIBSON, ET AL.	2021-SC-0226-D	OHIO

ORDER DENYING DISCRETIONARY REVIEW - December 08, 2021

JESSICA HAILEY ROBINSON V. COMMONWEALTH OF KENTUCKY	<u>2021-SC-0231-D</u>	ROCKCASTLE
MICHELLE PHILLIPS, ET AL. V. ANN D. BALL, ET AL.	<u>2021-SC-0236-D</u>	TAYLOR
ANN RAMSER, ET AL. V. CATHOLIC CHARITIES OF LOUISVILLE, INC., ET AL.	<u>2021-SC-0238-D</u>	JEFFERSON
YUSUF MURAD V. GEICO INDEMNITY INSURANCE COMPANY	<u>2021-SC-0240-D</u>	JEFFERSON
ROBERT MARKHAM TAYLOR V. COMMONWEALTH OF KENTUCKY	<u>2021-SC-0260-D</u>	FAYETTE
MICHAEL KELLEY, ET AL. V. US BANK N.A., ET AL.	<u>2021-SC-0263-D</u>	JEFFERSON
DENNIS AND SUSAN DOLAN V. LOUISVILLE JEFFERSON COUNTY METRO SEWER DISTRICT (MSD), ET AL.	<u>2021-SC-0295-D</u>	JEFFERSON
BONNIE SAUER, ET AL. V. KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY NICKELL, J., WOULD GRANT DISCRETIONARY REVIEW.	<u>2021-SC-0310-D</u>	MASON
CONNIE LYNN MCDANIEL V. RICK T. MCDANIEL	<u>2021-SC-0332-DE</u>	LAUREL
DAYTON JONES V. COMMONWEALTH OF KENTUCKY ET AL.	<u>2021-SC-0333-D</u>	FRANKLIN

ORDER DENYING DISCRETIONARY REVIEW - December 08, 2021

SHEILA JEAN BURDEN, ET AL. V. [2021-SC-0337-D](#) MUHLENBERG
THE ESTATE OF SHELBY WALKER, JR., ET
AL.

ANGELA FERNANDEZ V. [2021-SC-0350-D](#) WARREN
KELLEY HAMMERS, ET AL.

JAMES HARRISON V. [2021-SC-0357-D](#) FRANKLIN
PATRICIA A. ALLEN, ET AL.

JOSEPHINE MCCLURE, INDIVIDUALLY [2021-SC-0362-D](#) RUSSELL
AND AS ADMINISTRATRIX OF THE
ESTATE OF JAMES E. MCCLURE, ET AL. V.
JERRI MCCLURE FRENCH, INDIVIDUALLY
AND AS REGISTERED AGENT FOR
MCCLURE CORPORATION, ET AL.

COMMONWEALTH OF KENTUCKY V. [2021-SC-0376-D](#) BUTLER
MICHAEL B. FOWLER

BRENDA COOK, ET AL. V. [2021-SC-0387-D](#) JEFFERSON
LAWANDA IRVIN, ET AL.

MARY JANET WILLIAMS, ET AL. V. [2021-SC-0421-D](#) HENDERSON
HENDERSON COUNTY, KENTUCKY, FOR
AND BEHALF OF THE HENDERSON CITY-
COUNTY AIRPORT, ET AL.

ORDER DENYING DISCRETIONARY REVIEW AND DEPUBLISHING - December 10, 2021

JULIUS J. PAOLI, III V. [2021-SC-0318-D](#) MARION
TERESA W. PAOLI

PETITION FOR REHEARING DENIED - December 16, 2021

ANDY BESHEAR, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE COMMONWEALTH OF KENTUCKY, ET AL. [2021-SC-0126-I](#) SCOTT
V.
GOODWOOD BREWING COMPANY, LLC, D/B/A LOUISVILLE TAPROOM, FRANKFORT BREWPUB, AND LEXINGTON BREWPUB, ET AL.

CRAIG BRAMLETT, ET AL. **V.** [2020-SC-0232-DG](#) PIKE
ARNOLD J. RYAN, JR., ET AL.

B. B. **V.** [2020-SC-0488-DGE](#) FRANKLIN
COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL.

DANIEL SMITH **V.** [2021-SC-0050-DGE](#) WARREN
JASON MCCOY

ORDER MODIFYING - December 16, 2021

ROGER EPPERSON **V.** [2019-SC-0724-MR](#) WARREN
COMMONWEALTH OF KENTUCKY

ORDER GRANTING MODIFICATION OF RENDERED OPINION

ALL SITTING. ALL CONCUR.

COMMONWEALTH OF KENTUCKY **V.** [2020-SC-0058-DG](#) FAYETTE
IKIA ANDERSON CLAYBORNE

ORDER GRANTING PETITION FOR MODIFICATION

ALL SITTING. ALL CONCUR.

LEAH STACY FINK **V. KENTUCKY BAR ASSOCIATION** [2021-SC-0315-KB](#) IN SUPREME COURT

ORDER DENYING MOTION FOR RECONSIDERATION AND MODIFYING OPINION AND ORDER

ALL SITTING. ALL CONCUR.

ORDER DISMISSING - December 09, 2021

JAMES DALE HIGHTOWER V.
KATHLEEN KENNEY ET AL.

[2021-SC-0389-D](#)

FRANKLIN

**CONLEY, HUGHES, KELLER, AND
VANMETER, JJ., SITTING. ALL CONCUR.**

**ORDER WITHDRAWING FROM THE KENTUCKY BAR ASSOCIATION - December 02,
2021**

RHONDA SUE FREY V.
KENTUCKY BAR ASSOCIATION

[2021-SC-0545-KB](#)

IN SUPREME
COURT

PATRICK TIMOTHY NESBITT V.
KENTUCKY BAR ASSOCIATION

[2021-SC-0546-KB](#)

IN SUPREME
COURT

**ORDER WITHDRAWING FROM THE KENTUCKY BAR ASSOCIATION - December 13,
2021**

EDWARD NEAL CHANEY III V.
KENTUCKY BAR ASSOCIATION

[2021-SC-0560-KB](#)

IN SUPREME
COURT