KENTUCKY SUPREME COURT
MARCH 2023

CONTRACTS:

MGG INVESTMENT GROUP LP V. BEMAK N.V., LTD, ET AL.
2021-SC-0561-DG **March 23, 2023**

Opinion of the Court by Chief Justice VanMeter. All sitting. All concur. On appeal from the Court of Appeals' affirmation of dismissal of Appellees in suit by Bemak to enforce security interests on certain thoroughbred horses and mares and their breeding rights, including the Triple Crown winner AMERICAN PHAROAH. The Supreme Court affirmed. This matter arose from the conduct of Zayat Stables and its disposition of several horses and their breeding rights upon which Zayat Stables had granted a security interest to Bemak in exchange for a $30 million loan. Unbeknownst to Bemak, Zayat Stables sold the horses to various entities over a period of several years before ultimately defaulting on the loan. Bemak brought an action against Zayat Stables to recover the loan and discovered the sales during its investigation. Bemak then amended its complaint to include Appellees. All appellees save Yeomanstown Stud moved for dismissal asserting the Federal Food Security Act of 1985 ("FSA") dissolved the security interest upon sale from Zayat Stables. The Circuit Court agreed and granted the motion. Yeomanstown stud sought dismissal based on violations of KRS 413.242 and the statute of limitations. The Circuit Court similarly granted the motion but dismissed without prejudice finding equitable tolling may be applicable. On appeal, the Court of Appeals agreed with the Circuit Court as to the FSA but disagreed to the extent that it found Yeomanstown should have been dismissed with prejudice. The Supreme Court affirmed the Court of Appeals in both respects, finding the plain language of the FSA pre-empted the Kentucky UCC's farm products exception and the FSA's language included thoroughbreds and their breeding rights as "farm products." Accordingly, Bemak's security interests were extinguished upon sale of the thoroughbreds or their breeding rights to their respective purchasers. As to the procedural questions, the Supreme Court found Bemak's action against Yeomanstown did violate KRS 413.242 regardless of the fact that Yeomanstown was brought into the action upon filing of an amended complaint. Further, equitable tolling would not be available to Bemak because Bemak failed to pursue its rights diligently by neglecting to exercise its extensive contractual rights to inspect at any point prior to running of the statute of limitations.

CRIMINAL LAW:

COMMONWEALTH OF KENTUCKY V. ANDREW MCMICHAEL
2021-SC-0207-DG

AND

ANDREW MCMICHAEL V. COMMONWEALTH OF KENTUCKY
[2021-SC-0572-DG] **March 23, 2023**

Opinion of the Court by Justice Lambert. VanMeter, C.J.; Bisig, Conley, Keller, Lambert, and Nickell, JJ., sitting. All concur. Thompson, J., not sitting. McMichael pleaded guilty to theft by unlawful taking over $500, but less than $10,000. The charges resulted from McMichael and a co-defendant removing several pieces of custom stainless-steel siding from a kitchen-less, 1950s-era modular diner which they then sold for $155.81. Most of the siding was later recovered by the owner. At the time of the theft, the diner had sat in a field exposed to the elements for at least fifteen years and was in a significant state of disrepair. As part of his plea agreement, McMichael agreed to pay restitution to the diner's owner. During McMichael's combined sentencing and restitution hearing, the diner's owner was the sole witness for the Commonwealth. The only evidence presented as to the diner's value was the owner's testimony that he bought it in the early 1990s for around $25,000. The owner also presented two estimates from a contracting company. The first, $62,493, was the cost to replace only the siding that was stolen. The second, $221,800, was to replace all the siding so that it would match. The trial court ordered McMichael to pay $62,493 in restitution jointly and severally with his co-defendant.

The Court of Appeals reversed, holding that there was insufficient evidence to support the restitution amount ordered. The Court of Appeals held as a matter of first impression that when a victim's property is damaged, the pre-incident and post-incident values of the property must be established, and the difference between those two values must serve as a cap on restitution. In addition, in this case, the value of the recovered siding must be determined and used to offset the restitution award. On appeal to the Supreme Court, the Commonwealth did not challenge the restitution calculation framework established by the Court of Appeals. Rather, it argued that the Court of Appeals' holding required the owner of damaged property to have heightened qualifications to testify as to its value in contradiction to long-standing precedent. The Supreme Court disagreed with this interpretation and simply reiterated that to establish an item's value for restitution purposes a witness' testimony must be based on reliable facts that have minimal indicum of reliability beyond mere allegation.

LAZARO POZO-ILLAS V. COMMONWEALTH
[2021-SC-0390-MR] **March 23, 2023**

Opinion of the Court by Justice Lambert. VanMeter, C.J.; Conley, Keller, Lambert, Nickell, and Thompson, JJ., sitting. VanMeter, C.J.; Lambert, Keller, Conley, and Nickell, JJ., concur. Thompson, J., concurs in result only. Bisig,

J., not sitting. Pozo-Illas was driving through a public park doing twice the speed limit while intoxicated. He struck a golf cart occupied by two individuals as it was using a designated cart path to cross a main road. The cart passenger was killed, and the driver was seriously injured. Pozo-Illas was convicted of a host of crimes, including wanton murder.

The Court held: (1) The trial court did not err by excluding evidence of subsequent remedial signage and safety measures placed at the cart path, as it was not relevant. The Court further held that although KRE 407 regarding subsequent remedial measures can apply to criminal cases, its underlying purpose is served only if the criminal defendant was the party responsible for implementing the remedial measures. (2) The trial court did not err by refusing to instruct the jury in accordance with its order taking judicial notice, as the order took notice of the law rather than an adjudicative fact. Accordingly, KRE 201 was not violated. (3) The trial court did not err by declining to hold a *Daubert* hearing prior to the admission of two of the Commonwealth's witnesses, as the defense did not present any evidence to rebut the reliability of the experts' respective conclusions. (4) The trial court did not err by declining to instruct the jury on reckless homicide, as no reasonable juror could have found beyond a reasonable doubt that his conduct was reckless while entertaining reasonable doubt that his conduct was wanton.

DWIGHT TAYLOR V. COMMONWEALTH OF KENTUCKY
2021-SC-0483-DG **March 23, 2023**

Opinion of the Court by Justice Conley. VanMeter, C.J.; Keller, Lambert, Nickell, and Thompson, JJ., concur. Bisig, J., dissents by separate opinion. Dwight Taylor was charged with rape and wanton endangerment after he went home with a woman he met at a night club. She alleged that Taylor had strangled her repeatedly for twenty minutes and raped her, and she testified to her account at trial. A Sexual Assault Nurse Examiner also testified and corroborated much of the victim's account. Taylor testified in his own defense. His story was that he could not recall having sex with the woman, but when he woke up the next morning and got ready to leave, he let it slip that he was married. This angered the complainant and the two began arguing. Taylor admitted to placing his hands around her neck and applying a grip though he insisted it was only for a few moments.

At the conclusion of evidence, Taylor requested and submitted a jury instruction for second-degree wanton endangerment as a lesser-included offense for first-degree wanton endangerment. The difference between the two is the latter requires wanton conduct manifesting "extreme indifference to the value of human life" and the conduct must create a "substantial danger of death or serious physical injury." The trial court denied the requested jury

instruction because the only evidence to support the instruction was Taylor's uncorroborated testimony. The Court of Appeals affirmed, in a 2-1 decision.

The Supreme Court reversed the Court of Appeals, holding that the uncorroborated testimony of a defendant will generally be enough to merit a jury instruction except in certain circumstances. The Court made clear that the jury is the fact-finder and is empowered to weigh the evidence and determine the credibility of witnesses. Because of this, even when a defendant's testimony is uncorroborated, his testimony nonetheless is evidence, and the jury has the authority to believe him and his account. Therefore, uncorroborated testimony will generally support giving a requested jury instruction.

LEIF HALVORSEN V. COMMONWEALTH OF KENTUCKY
2022-SC-0048-TG

AND

JOHNATHAN WAYNE GOFORTH V. COMMONWEALTH OF KENTUCKY
2022-SC-0039-MR

AND

VIRGINIA SUSAN CAUDILL V. COMMONWEALTH OF KENTUCKY
2022-SC-0040-MR

AND

LEIF HALVORSEN V. COMMONWEALTH OF KENTUCKY
2022-SC-0095-TG

Opinion of the Court by Chief Justice VanMeter. VanMeter, C.J.; Conley, Keller, Lambert, and Nickell, JJ., concur. Thompson, J., concurs in result only by separate opinion in which Bisig, J., joins. This case presents two issues: (1) whether the opinion in *Ramos v. Louisiana*, 140 S. Ct. 1390 (2020) on unanimous verdicts should be retroactively applied to prior convictions in a collateral attack and (2) whether defendants' convictions under a combination principal-accomplice jury instruction present a unanimity issue. As to the first issue, the Court held that *Ramos* does not apply retroactively and further, was entirely inapplicable, as the holding in that case does not apply to verdicts in which twelve jurors found the defendant guilty. As to the second issue, the Court held that the defendants' convictions under a principal-accomplice jury instruction cannot be attacked as a nonunanimous verdict where both theories are supported by the evidence. Resultingly, the Supreme Court affirmed the Fayette Circuit Court's denial of the defendants' post-conviction motions

EMPLOYMENT LAW:

MARION HUGHES, ET AL., V. UPS SUPPLY CHAIN SOLUTTIONS, INC., ET AL.
2021-SC-0444-DG **March 23, 2023**

Opinion of the Court by Chief Justice VanMeter. Bisig, Conley, and Nickell, JJ., concur. Thompson, J., dissents by separate opinion in which Keller and Lambert, JJ., join. The issues presented in this appeal include whether Kentucky employers are required to pay employees for time spent undergoing employer-required pre-shift and/or post-shift security screenings when: (1) the U.S. Supreme Court's opinion in *Integrity Staffing Solutions, Inc. v. Busk*, 574 U.S. 27 (2014), holds that employers are not required to pay employees for screening time under federal law, the Portal-to-Portal Act, which was added to the Fair Labor Standards Act in 1947; and (2) Kentucky's General Assembly did not enact the Portal-to-Portal Act when it adopted the state's version of the Fair Labor Standards Act, the Kentucky Wages and Hours Act, in 1974. The majority opinion affirmed the decisions of the Court of Appeals and the Jefferson Circuit Court holding that preliminary and postliminary security screenings required by UPS are not compensable under KRS Chapter 337, under customary rules of statutory construction. The Court reasoned that the Portal-to-Portal Act's exemptions were incorporated into Kentucky law in 1975, when the Department of Workplace Standards applied the Portal-to-Portal Act's exemptions to KRS Chapter 337. Nearly a half century of legislative inaction clearly demonstrates that the legislature has acquiesced to the Department's administrative interpretation. In addition, a federal case, *Vance v. Amazon.com, Inc. (In re Amazon.com, Inc., Fulfillment Ctr. Fair Lab. Standards Act (FLSA) & Wage & Hour Litig.)*, 852 F.3d 601 (6th Cir. 2017), addressed a virtually identical factual situation and applied the Portal-to-Portal Act's exemptions to KRS Chapter 337. The majority opinion noted that a contrary interpretation would be squarely inconsistent with well-settled law concerning the legal force of properly enacted administrative regulations, the Court's precedent regarding the proper application of legislative inaction, and accepted principles of statutory interpretation.

TORTS:

LAUREN SAVAGE, INDIVIDUALLY AND AS ADMINISTRATRIX OF THE ESTATE OF JAMES SAVAGE V. ALLSTATE INSURANCE COMPANY, ET AL.,
2021-SC-0163-DG

AND

COPART OF CONNECTICUT, INC. D/B/A COPART AUTO AUCTIONS, ET AL. V. LAUREN SAVAGE, INDIVIDUALLY AND AS ADMINISTRATRIX OF THE ESTATE OF JAMES SAVAGE
2021-SC-0167-DG **March 23, 2023**

Opinion of the Court by Justice Conley. VanMeter, C.J.; Bisig, Keller, Lambert, and Nickell, JJ., concur. Thompson, J., concurs in result only. James Savage was killed on I-65 after being thrown from his motorcycle and run over by a vehicle driven by Oscar Ramos, an agent for Auto Usados Felix. AUF had bought a Toyota owned by Allstate Insurance Company and a Jeep owned by Property and Casualty Insurance Company of Hartford. Both these vehicles were purchased through Copart of Connecticut, acting as the independent contractor for these insurance companies to sell their vehicles. Both vehicles were salvage-titled vehicles.

There were several issues before the Court and its rulings were as follows: first, Hartford was not the owner of the Jeep for insurance liability purposes because Copart had executed a bona fide sale prior to the collision. Copart did not need to obtain proof of insurance from Oscar Ramos prior to delivering possession of the Jeep because the certificate of title had been delivered to AUF four days prior. Second, the statutory scheme in Kentucky prohibits placement of tags on salvage-titled vehicles, because tags are only required for vehicles that are sold for use on the highways of Kentucky, and the General Assembly has declared that salvage-titled vehicles are not usable upon the highways of Kentucky. Third, the Court reversed the Court of Appeals by holding that Copart was not an employer or "otherwise directing" Ramos when he drove the vehicles from the Copart facilities, therefore it had no duty to ensure he drove the vehicles lawfully. Fourth, the Court reversed improper fact-finding by the Court of Appeals. Fifth, the Court refused to hold that strict liability applies to all claims based upon violations of KRS Chapter 186A.500. Sixth, the Court reversed the Court of Appeals by holding the trial court did not abuse its discretion in allowing the withdrawal of an admission. The record demonstrated the discovery period had been re-opened for two months following the withdrawal, and Savage could have taken the necessary depositions in that time so there was no prejudice from the withdrawal. Finally, the Court abrogated *Aull v. Houston*, 345 S.W.3d 232 (Ky. App. 2010), holding that Social Security Disability payments function as a substitute for income and may be considered for damages purposes by a jury in a wrongful death suit.

WORKERS' COMPENSATION:

PERRY COUNTY BOARD OF EDUCATION V. MARK CAMPBELL, ET AL.
2022-SC-0119-WC **March 23, 2023**

Opinion of the Court by Justice Keller. VanMeter, C.J.; Bisig, Conley, Keller, Nickell, and Thompson, JJ., sitting. All concur. Lambert, J., not sitting. Mark Campbell was working for Perry County Board of Education when he injured his knee in 2018. The injury required a meniscal repair. Following the successful arthroscopy, Campbell continued to experience knee pain. He ultimately underwent total knee replacement surgery to treat his ongoing pain. Perry County Board of Education filed a medical fee dispute against the total knee replacement, arguing that Campbell's condition requiring further treatment was not caused by his initial work injury and that the total knee replacement was neither reasonable nor necessary to treat his condition. An ALJ disagreed, finding causation as well as reasonableness and necessity of the surgery. The Workers' Compensation Board affirmed, and the Court of Appeals affirmed the Board.

On appeal to the Supreme Court, first, Perry County Board of Education argued that the ALJ improperly relied upon inferences instead of medical opinion evidence in reaching his conclusions on causation. Second, it argued that the ALJ erred by relying on inferences instead of medical opinion evidence to determine that the total knee replacement was reasonable and necessary.

The Supreme Court affirmed the lower tribunals. Specifically, the Court held that the ALJ's findings satisfied *Finley v. DBM Technologies*, 217 S.W.3d 261 (Ky. App. 2007). It further held that the ALJ properly relied on inferences from medical evidence regarding causation, reasonableness, and necessity under *Kingery v. Sumitomo Electric Wiring*, 481 S.W.3d 492 (Ky. 2015).

ATTORNEY DISCIPLINE:

FRED GARLAND GREENE V. KENTUCKY BAR ASSOCIATION
2022-SC-0425-KB **March 23, 2023**

Opinion and Order of the Court. VanMeter, C.J., Bisig, Conley, Keller, Lambert, and Nickell, sitting. All concur. Thompson, J., not sitting. Fred Garland Greene moved the Supreme Court for reinstatement to the practice of law pursuant to Kentucky Supreme Court Rule (SCR) 3.510(2). The Court accepted the recommendations of the Kentucky Bar Association's Character and Fitness Committee and Board of Governors and denied Greene's application for reinstatement.

Greene has been temporarily suspended from the practice of law three times since his admission to the bar in 1972. The most recent of these suspensions came in 2019 and was for three years. Pursuant to SCR 3.502, a lawyer suspended for more than 181 days must undergo a reapplication process and cannot be reinstated to the practice of law except by order of the Supreme Court.

The Court boiled its inquiry down to whether Greene "is now of good moral character and is a fit and proper person to be reentrusted with the confidence and privilege of being an attorney at law." *In re* Cohen, 706 S.W.2d 832, 834 (Ky. 1986). The Court found that Greene was not and focused its analysis on Greene's lack of candor, failure to appreciate his wrongdoing, and lack of rehabilitation. Specifically, Greene misrepresented facts regarding his suspension from the practice of law and minimized his misconduct. He displayed a lack of candor and failed to fully disclose civil cases against him—including two cases filed against him during his reapplication process.

KENTUCKY BAR ASSOCIATION V. MELISSA JAN WILLIAMSON
2022-SC-0461-KB **March 23, 2023**

Opinion and Order of the Court. All sitting. All concur. Mellissa Jan Williamson represented a client in a dissolution of marriage proceeding. Williamson failed to adequately communicate with her client and failed to include her client's interest in her husband's 401k in the parties' settlement. Williamson continued to ignore her client's communications attempts and closed her office without notifying her client. When the client filed a bar complaint regarding Williamson's misconduct, Williamson did not respond or otherwise participate in the disciplinary process. This case came to the Supreme Court as a default matter. The Court found Williamson guilty of violating Kentucky Supreme Court Rule (SCR) 3.130(1.4)(a), regarding communication with clients; SCR 3.130(1.4)(b), regarding adequate explanation to clients; and SCR 3.130(8.1)(b), regarding the failure to respond during the disciplinary process. The Court suspended Williamson from the practice of law for thirty days for these violations.

KENTUCKY BAR ASSOCIATION V. MICHAEL R. P. CALILUNG
2022-SC-0469-KB **March 23, 2023**

Opinion and Order of the Court. All sitting. All concur. As relevant to this action, Michael R. P. Calilung represented two separate probate estates. Regarding the first of those estates, Calilung filed sworn, incomplete periodic settlements from 2006-2018. In those settlements, he indicated estate funds had been distributed. During that time, he filed four motions for extensions of time, claiming additional documents were needed to effectuate final settlement.

One of the filings mentioned an overpayment to the IRS and another a claim pending against the Kentucky State Treasurer. Calilung failed to resolve either matter. In 2019, the probate court ordered Calilung to show cause and prohibited him from withdrawing any funds related to the estate. Calilung was supposed to provide the court and the public administrator a sworn accounting including the identity of all people and institutions holding estate assets and the value of the assets held. He was also to provide correspondence regarding the estate's unclaimed property, proof of distributions of bequests, a listing of documents related to his four prior motions for extensions of time, and a listing of remaining heirs. In response, Calilung filed a two-page pleading the probate court described as "woefully unresponsive to the court's directives." Calilung offered no explanation for either his failure to satisfy the show cause order or for the decade-long delay in administering and closing the estate.

The second estate was before the same probate court. In the second estate, Calilung filed a petition to probate the estate in 2015 and filed the initial inventory a few months later in 2016. Over the next four years, Calilung received multiple notices for failures to file inventories or periodic settlements. The court entered an order removing Calilung as counsel.

Calilung was charged with violating SCR 3.130(1.3) for his failure to act with reasonable diligence and promptness in representing both estates; SCR 3.130(3.3(a)(1) for knowingly making false statements of fact or law to the probate court regarding the first estate; SCR 3.130(3.4)(c) for knowingly disobeying an obligation under the rules of the probate court related to first estate; and SCR 3.130(8.4)(c) for engaging in conduct involving fraud, deceit, or misrepresentation as to the first estate.

The KBA trial commissioner found that, while Calilung had not violated SCR 3.130(8.4)(c), he had committed the remaining violations. The Board of Governors agreed with the trial commissioner's recommendation to suspend Calilung from the practice of law for 120 days, with 60 to serve and the balance probated for two years on the conditions of no further disciplinary charges and the successful completion of the Ethics and Professional Enhancement Program within twelve months. The Court adopted the Board's recommendation and suspended Calilung for 120 days for violating SCR 3.130(1.3), (3.3)(a)(1), and (3.4)(c). Sixty days of that suspension were to be served with the remainder probated for two years with the conditions recommended by the trial commissioner.

ROBERT LAWRENCE POOLE V. KENTUCKY BAR ASSOCIATION
2022-SC-0486-KB **March 23, 2023**

Opinion and Order of the Court. All sitting. All concur. Robert Lawrence Poole pleaded guilty to seven counts of promoting human trafficking, a Class D

felony. The Kentucky Bar Association's Inquiry Commission issued a single charge against Poole for violating Kentucky Supreme Court Rule (SCR) 3.130(8.4)(b), which provides it is misconduct "for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects." Poole admits his conduct violated this rule and asked the Supreme Court to allow him to withdraw his membership under terms of permanent disbarment pursuant to SCR 3.480(3). The Court granted the motion and permanently disbarred Poole.

VISAHARAN SIVASUBRAMANIAM V. KENTUCKY BAR ASSOCIATION
2022-SC-0489-KB **March 23, 2023**

Opinion and Order of the Court. All sitting. All concur. The Supreme Court suspended Visaharan Sivasubramaniam from the practice of law for five years after he admitted to violating Kentucky Supreme Court Rule (SCR) 3.130(8.4)(b). That rule provides it is misconduct for an attorney to "commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects." Sivasubramaniam was indicted for two counts of subscribing to false United States income tax returns. Sivasubramaniam, who is also a physician, admitted he knowingly inflated business expenses at his medical practice, resulting in an underpayment of federal taxes and pleaded guilty. He paid full restitution to the federal government in the amount of $300,000. He got the money to repay the federal government from his father-in-law. Sivasubramaniam executed a promissory note for the amount and is current on his payments.

Sivasubramaniam applied for reinstatement to the practice of law, completed the required continuing legal education, and paid all necessary fees. The Kentucky Bar Association and Sivasubramaniam submitted a joint application to the Character and Fitness Committee. The Committee accepted the joint filing and submitted its findings of fact, conclusions of law, and recommendation to the Board of Governors recommending Sivasubramaniam be reinstated to the practice of law. The Board of Governors unanimously recommended Sivasubramaniam's application for reinstatement be approved by the Court subject to conditions. Because Sivasubramaniam was forthcoming about his misconduct, met all the conditions for reinstatement, and has been rehabilitated, the Court readmitted him to the practice of law with conditions.

F. DENNIS ALERDING V. KENTUCKY BAR ASSOCIATION
2022-SC-0528-KB **March 23, 2023**

Dennis Alerding represented a criminal client, quoting a $10,000 fee. The client paid him $9,800, which Aldering deposited directly into his operating

account. Aldering also failed to maintain contemporaneous time records to verify he had earned the funds paid. However, he was subsequently able to show he had earned the entirety of the fee.

The Inquiry Commission filed a charge against Alerding, alleging he violated Kentucky Supreme Court Rule (SCR) 3.130(1.15)(e), which requires lawyers to deposit legal fees in client trust accounts an withdraw them only as the fees are earned. Aldering admitted he violated the rule and requested the Court find him guilty of the charge. The Kentucky Bar Association and Alerding had entered into a negotiated sanction pursuant to SCR 3.480(2) and the parties requested the Court publicly reprimand Alerding for his misconduct. After examining prior cases, the Court agreed this was an appropriate sanction and imposed the public reprimand.

KENTUCKY BAR ASSOCIATION V. KENNETH LAWRENCE SALES
2023-SC-0020-KB **March 23, 2023**

The Kentucky Bar Association's Inquiry Commission opened two separate cases regarding Kenneth Lawrence Sales for various misconduct. In the first case, he missed numerous deadlines in a client's case in federal court. He eventually filed a motion to dismiss the claim without his client's knowledge, failed to turn over a settlement to his client until after disciplinary action was filed, and stopped communicating with his client.

In another case, Sales failed to respond to discovery in a timely manner and failed to appear at the hearing on a motion for summary judgment. The trial court gave Sales additional time to respond to the motion for summary judgment and Sales still failed to respond. The case was transferred to another judge and Sales did not respond to the motion in writing, though he did appear at the hearing and argued orally. Opposing counsel later discovered Sales's license to practice law was suspended during the pendency of that action and reported this misconduct to the KBA.

A KBA trial commissioner found Sales violated Kentucky Supreme Court Rule (SCR) 3.130(1.3) twice, regarding diligence; SCR 3.130(1.4)(a)(3), regarding keeping clients reasonably informed; SCR 3.130(1.15)(b), regarding client funds; SCR 3.130(3.4)(c), regarding obeying obligations pursuant to a court's rules; and SCR 3.130(5.5)(a), regarding practicing law without a valid license. The trial commissioner recommended Sales be suspended from the practice of law for one year for these violations. Neither Sales nor the KBA filed a notice of review to the Supreme Court and the Court adopted the trial commissioner's report and recommendation.