

**COURT OF APPEALS OF KENTUCKY**

03/26/2010 AT 10:00 A.M.

PAGE 1 of 9

|     |   |   |           |
|-----|---|---|-----------|
| 302 | MARTINGALE, LLC<br>VS.<br>CITY OF LOUISVILLE, ET AL.<br>OPINION REVERSING AND<br>REMANDING<br>ACREE (PRESIDING JUDGE)<br>STUMBO (CONCURS) AND WINE<br>(CONCURS)                         | <a href="#">2008-CA-000524-MR</a><br>2008-CA-000585-MR<br>NOT TO BE PUBLISHED | JEFFERSON |
| 303 | SCHANDLE (JAMES CRAIG)<br>VS.<br>SCHANDLE (MARY ROSINA), ET AL.<br>OPINION AFFIRMING<br>ACREE (PRESIDING JUDGE)<br>STUMBO (CONCURS) AND WINE<br>(CONCURS)                               | <a href="#">2008-CA-000757-MR</a><br>NOT TO BE PUBLISHED                      | OLDHAM    |
| 304 | ADAMS (KEVIN LAMONT)<br>VS.<br>COMMONWEALTH OF KENTUCKY<br>OPINION AFFIRMING<br>KELLER (PRESIDING JUDGE)<br>ACREE (CONCURS) AND LAMBERT<br>(CONCURS)                                    | <a href="#">2008-CA-000793-MR</a><br>NOT TO BE PUBLISHED                      | JEFFERSON |
| 305 | AKERS (JERRY), ET AL.<br>VS.<br>CROSS (ROSE MARY GENSLER), ET<br>AL.<br>OPINION AFFIRMING<br>MOORE (PRESIDING JUDGE)<br>ACREE (CONCURS) AND WINE<br>(CONCURS)                           | <a href="#">2008-CA-001110-MR</a><br>NOT TO BE PUBLISHED                      | JEFFERSON |
| 306 | STEWART (BEVE)<br>VS.<br>COMMONWEALTH OF KENTUCKY<br>OPINION AFFIRMING<br>NICKELL (PRESIDING JUDGE)<br>VANMETER (CONCURS) AND LAMBERT<br>(CONCURS)                                      | <a href="#">2008-CA-001213-MR</a><br>NOT TO BE PUBLISHED                      | KNOX      |
| 307 | HILL (ANTHONY)<br>VS.<br>COMMONWEALTH OF KENTUCKY<br>OPINION AFFIRMING IN PART,<br>REVERSING IN PART AND REMANDING<br>ACREE (PRESIDING JUDGE)<br>STUMBO (CONCURS) AND WINE<br>(CONCURS) | <a href="#">2008-CA-001376-MR</a><br>2008-CA-001527-MR<br>NOT TO BE PUBLISHED | JEFFERSON |

**COURT OF APPEALS OF KENTUCKY**

03/26/2010 AT 10:00 A.M.

PAGE 2 of 9

|     |   |  |           |
|-----|---|--|-----------|
| 308 | CHESTER (CHARLES EDWARD)<br>VS.<br>COMMONWEALTH OF KENTUCKY<br>OPINION AND ORDER DISMISSING<br>NICKELL (PRESIDING JUDGE)<br>MOORE (CONCURS) AND WINE<br>(CONCURS) | <a href="#">2008-CA-001784-MR</a><br>NOT TO BE PUBLISHED | JEFFERSON |
| 309 | CALDWELL (ROBERT)<br>VS.<br>COMMONWEALTH OF KENTUCKY<br>OPINION AFFIRMING<br>KELLER (PRESIDING JUDGE)<br>ACREE (CONCURS) AND LAMBERT<br>(CONCURS)                 | <a href="#">2008-CA-002009-MR</a><br>NOT TO BE PUBLISHED | JEFFERSON |
| 310 | BRISCOE (WINSTON)<br>VS.<br>ROBERTS (LARRY), ET AL.<br>OPINION AFFIRMING<br>TAYLOR (PRESIDING JUDGE)<br>ACREE (CONCURS) AND BUCKINGHAM<br>(CONCURS)               | <a href="#">2008-CA-002024-MR</a><br>NOT TO BE PUBLISHED | FAYETTE   |
| 311 | GIVIDEN (WILLIAM)<br>VS.<br>COMMONWEALTH OF KENTUCKY<br>OPINION AFFIRMING<br>TAYLOR (PRESIDING JUDGE)<br>CLAYTON (CONCURS) AND WINE<br>(CONCURS)                  | <a href="#">2008-CA-002086-MR</a><br>NOT TO BE PUBLISHED | FAYETTE   |
| 312 | YORK (PAUL DWAYNE)<br>VS.<br>COMMONWEALTH OF KENTUCKY<br>OPINION AFFIRMING<br>TAYLOR (PRESIDING JUDGE)<br>ACREE (CONCURS) AND BUCKINGHAM<br>(CONCURS)             | <a href="#">2008-CA-002097-MR</a><br>NOT TO BE PUBLISHED | BOONE     |
| 313 | SLONE (GEARLIENE)<br>VS.<br>MCDOWELL (ROGER M.)<br>OPINION AFFIRMING<br>DIXON (PRESIDING JUDGE)<br>COMBS (CONCURS) AND<br>BUCKINGHAM (CONCURS)                    | <a href="#">2008-CA-002106-MR</a><br>NOT TO BE PUBLISHED | BOYD      |

**COURT OF APPEALS OF KENTUCKY**

03/26/2010 AT 10:00 A.M.

PAGE 3 of 9

|     |  |  |           |
|-----|--|--|-----------|
| 314 | BROCKETT (ROY ALLEN)<br>VS.<br>KENTUCKY PAROLE BOARD, JUSTICE<br>AND PUBLIC SAFETY CABINET<br>OPINION AFFIRMING<br>VANMETER (PRESIDING JUDGE)<br>LAMBERT (CONCURS) AND HARRIS<br>(CONCURS) | <a href="#">2008-CA-002345-MR</a><br>NOT TO BE PUBLISHED | FRANKLIN  |
| 315 | GRIFFIN INDUSTRIES<br>VS.<br>PRIESTER (CHRISTOPHER)<br>OPINION AFFIRMING<br>LAMBERT (PRESIDING JUDGE)<br>KELLER (CONCURS) AND WINE<br>(CONCURS)  | <a href="#">2008-CA-002411-MR</a><br>NOT TO BE PUBLISHED | LOGAN     |
| 316 | BARD (PETER)<br>VS.<br>COMMONWEALTH OF KENTUCKY<br>OPINION AFFIRMING<br>KELLER (PRESIDING JUDGE)<br>ACREE (CONCURS) AND LAMBERT<br>(CONCURS)   | <a href="#">2009-CA-000003-MR</a><br>NOT TO BE PUBLISHED | JEFFERSON |
| 317 | CHRISTIAN (WANDA)<br>VS.<br>KENTUCKY RETIREMENT SYSTEMS ,<br>ET AL.<br>OPINION AFFIRMING<br>VANMETER (PRESIDING JUDGE)<br>LAMBERT (CONCURS) AND HARRIS<br>(CONCURS)                        | <a href="#">2009-CA-000185-MR</a><br>NOT TO BE PUBLISHED | FRANKLIN  |
| 318 | COLLINS (JOSEPH)<br>VS.<br>COMMONWEALTH OF KENTUCKY<br>OPINION REMANDING<br>COMBS (PRESIDING JUDGE)<br>CAPERTON (CONCURS) AND WHITE<br>(CONCURS)   | <a href="#">2009-CA-000252-MR</a><br>NOT TO BE PUBLISHED | JEFFERSON |
| 319 | SHELLEY (DANNY)<br>VS.<br>COMMONWEALTH OF KENTUCKY<br>OPINION AFFIRMING<br>GRAVES (PRESIDING JUDGE)<br>KELLER (CONCURS) AND VANMETER<br>(CONCURS)  | <a href="#">2009-CA-000323-MR</a><br>NOT TO BE PUBLISHED | PULASKI   |

**COURT OF APPEALS OF KENTUCKY**

03/26/2010 AT 10:00 A.M.

PAGE 4 of 9

|     |   |  |           |
|-----|---|--|-----------|
| 320 | WOODEN (GERALD R.)<br>VS.<br>COMMONWEALTH OF KENTUCKY<br>OPINION AFFIRMING<br>WINE (PRESIDING JUDGE)<br>MOORE (CONCURS) AND NICKELL<br>(CONCURS)                            | <a href="#">2009-CA-000325-MR</a><br>NOT TO BE PUBLISHED | HARDIN    |
| 321 | BARNETT (ANDREA)<br>VS.<br>LOVELY (KATHY)<br>OPINION AFFIRMING<br>GRAVES (PRESIDING JUDGE)<br>KELLER (CONCURS) AND VANMETER<br>(CONCURS)                                    | <a href="#">2009-CA-000359-MR</a><br>NOT TO BE PUBLISHED | MAGOFFIN  |
| 322 | CORDER (MATTHEW B.)<br>VS.<br>LOUISVILLE POLICE MERIT BOARD , ET<br>AL.<br>OPINION AFFIRMING<br>KELLER (PRESIDING JUDGE)<br>ACREE (CONCURS) AND LAMBERT<br>(CONCURS)        | <a href="#">2009-CA-000366-MR</a><br>NOT TO BE PUBLISHED | JEFFERSON |
| 323 | HATTER (DAGAN)<br>VS.<br>COMMONWEALTH OF KENTUCKY<br>OPINION AFFIRMING<br>TAYLOR (PRESIDING JUDGE)<br>ACREE (CONCURS) AND BUCKINGHAM<br>(CONCURS)                           | <a href="#">2009-CA-000481-MR</a><br>NOT TO BE PUBLISHED | FRANKLIN  |
| 324 | DOTSON (ROLAND), ET AL.<br>VS.<br>GRANGE MUTUAL CASUALTY<br>COMPANY , ET AL.<br>OPINION AFFIRMING<br>GRAVES (PRESIDING JUDGE)<br>KELLER (CONCURS) AND VANMETER<br>(CONCURS) | <a href="#">2009-CA-000482-MR</a><br>NOT TO BE PUBLISHED | POWELL    |
| 325 | MOUTARDIER (TIMOTHY)<br>VS.<br>KENTUCKY RETIREMENT SYSTEMS ,<br>ET AL.<br>OPINION AFFIRMING<br>TAYLOR (PRESIDING JUDGE)<br>ACREE (CONCURS) AND BUCKINGHAM<br>(CONCURS)      | <a href="#">2009-CA-000643-MR</a><br>NOT TO BE PUBLISHED | FRANKLIN  |

**COURT OF APPEALS OF KENTUCKY**

03/26/2010 AT 10:00 A.M.

PAGE 5 of 9

|     |  |  |                  |
|-----|--|--|------------------|
| 326 | ALLEN (JAMES H.)<br>VS.<br>COMMONWEALTH OF KENTUCKY<br>OPINION AFFIRMING<br>TAYLOR (PRESIDING JUDGE)<br>ACREE (CONCURS) AND BUCKINGHAM<br>(CONCURS)  | <a href="#">2009-CA-000645-MR</a><br>NOT TO BE PUBLISHED | KENTON           |
| 327 | SHAMAEIZADEH (ALI)<br>VS.<br>SHAMAEIZADEH (PATRICIA)<br>OPINION VACATING AND REMANDING<br>COMBS (PRESIDING JUDGE)<br>DIXON (CONCURS) AND BUCKINGHAM<br>(CONCURS)                             | <a href="#">2009-CA-000696-ME</a><br>NOT TO BE PUBLISHED | JOHNSON          |
| 328 | HASSIE (DAVID)<br>VS.<br>HIGHLEY MOTORS, INC., ET AL.<br>OPINION AFFIRMING<br>WINE (PRESIDING JUDGE)<br>KELLER (CONCURS) AND LAMBERT<br>(CONCURS)  | <a href="#">2009-CA-001263-WC</a><br>NOT TO BE PUBLISHED | WORKERS'<br>COMP |
| 329 | MOUNTAIN CLAY, INC.<br>VS.<br>CRAWFORD (RAY), ET AL.<br>OPINION AFFIRMING IN PART,<br>REVERSING IN PART AND REMANDING<br>LAMBERT (PRESIDING JUDGE)<br>KELLER (CONCURS) AND WINE<br>(CONCURS) | <a href="#">2009-CA-001287-WC</a><br>NOT TO BE PUBLISHED | WORKERS'<br>COMP |
| 330 | B. (B. A.)<br>VS.<br>N. (C. K.), ET AL.<br>OPINION AFFIRMING<br>VANMETER (PRESIDING JUDGE)<br>KELLER (CONCURS) AND GRAVES<br>(CONCURS)   | <a href="#">2009-CA-001331-ME</a><br>NOT TO BE PUBLISHED | MCCREARY         |
| 331 | RICE (SEAN IAN)<br>VS.<br>RICE (STACEY)<br>OPINION AFFIRMING<br>DIXON (PRESIDING JUDGE)<br>NICKELL (CONCURS) AND KNOPF<br>(CONCURS)  | <a href="#">2009-CA-001385-ME</a><br>NOT TO BE PUBLISHED | JEFFERSON        |

**COURT OF APPEALS OF KENTUCKY**

03/26/2010 AT 10:00 A.M.

PAGE 6 of 9

|     |  |  |                  |
|-----|--|--|------------------|
| 332 | L. (S.N.)<br>VS.<br>V. (R.), JR.; A. (V.) K.A.;<br>AND (V.) A.N.M., A MINOR CHILD<br>OPINION AFFIRMING<br>CLAYTON (PRESIDING JUDGE)<br>NICKELL (CONCUR IN RESULT ONLY)<br>AND KNOPF (CONCUR IN RESULT<br>ONLY) | <a href="#">2009-CA-001498-ME</a><br>NOT TO BE PUBLISHED | FAYETTE          |
| 333 | MEHIC (SENAD)<br>VS.<br>R. C. TWAY COMPANY , ET AL.<br>OPINION AFFIRMING<br>KELLER (PRESIDING JUDGE)<br>ACREE (CONCURS) AND LAMBERT<br>(CONCURS)   | <a href="#">2009-CA-001538-WC</a><br>NOT TO BE PUBLISHED | WORKERS'<br>COMP |
| 334 | R. (S.)<br>VS.<br>N. (J.), ET AL.<br>OPINION VACATING AND REMANDING<br>ACREE (PRESIDING JUDGE)<br>MOORE(CONCURS) AND BUCKINGHAM<br>(DISSENTS AND FILES A SEPARATE<br>OPINION)                                  | <a href="#">2009-CA-001621-ME</a><br>TO BE PUBLISHED     | MARSHALL         |
| 335 | HUDSON (MATTHEW)<br>VS.<br>CAVEHILL CEMETERY , ET AL.<br>OPINION AFFIRMING<br>KNOPF (PRESIDING JUDGE)<br>LAMBERT (CONCURS IN RESULT<br>ONLY) & THOMPSON (DISSENTS AND<br>FILES SEPARATE OPINION)               | <a href="#">2009-CA-001845-WC</a><br>NOT TO BE PUBLISHED | WORKERS'<br>COMP |

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ORDER DENYING PETITION FOR REHEARING, DENYING MOTION TO DE-PUBLISH OPINION AND GRANTING MOTION TO MODIFY:

COMMONWEALTH OF KENTUCKY,  
ENERGY AND ENVIROMENT CABINET,  
FORMERLY ENVIRONMENTAL AND PUBLIC  
PROTECTION CABINET  
VS.  
VERNON SPURLOCK,  
D/B/A VERNON SPURLOCK;  
AND WAR EAGLE COAL COMPANY  
ENTERED: 03/26/2010

2008-CA-001184-MR  
AND  
2008-CA-001275-MR

CLAY

**COURT OF APPEALS OF KENTUCKY**

03/26/2010 AT 10:00 A.M.

PAGE 7 of 9

ORDER DENYING PETITION FOR REHEARING AND GRANTING MODIFICATION IN PART:

BARBER CABINET COMPANY, INC. 2008-CA-001948-MR JESSAMINE  
VS.  
LUNDY L. SPARKS; PAMELA M. SPARKS;  
LEXINGTON UNIQUE COMFORT OF KY, LLC;  
B.A. PARKER HOMES, LLC; FIFTH THIRD  
MORTGAGE COMPANY; E-Z BUILDERS, LLC; AND  
RICK SMITH EXCAVATING, INC.  
ENTERED: 03/26/2010

ORDER GRANTING MOTION TO PUBLISH:

RORY KENT HILL 2008-CA-001752-MR HARDIN  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED: 03/26/2010

ORDERS DENYING PETITION FOR REHEARING:

ROBERT HAMLIN AND 2008-CA-000603-MR BOYLE  
MARY HAMLIN  
VS.  
DANVILE-BOYLE COUNTY BOARD  
OF ADJUSTMENT, ET AL  
ENTERED: 03/22/2010

ELIZABETH S. JAMES, ET AL 2009-CA-000667-MR BOYD  
VS.  
ASHLAND HOSPITAL CORPORATION  
D/B/A KING'S DAUGHTERS MEDICAL CENTER  
ENTERED: 03/25/2010

COURT OF APPEALS OF KENTUCKY

03/26/2010 AT 10:00 A.M.

PAGE 8 of 9

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ORDERS DISMISSING:

WILLIAM A. MCKAY  
VS.  
GLENN ARTHUR MOORE, ET AL  
ENTERED: 03/22/2010  
2008-CA-002051-MR  
LAUREL

LEONARD MARTIN  
VS.  
HON. JOHNNY HARRIS  
JUDGE, FLOYD CIRCUIT COURT  
ENTERED: 03/24/2010  
2010-CA-000435-MR  
COURT OF APPEALS

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ORDER DENYING PETITION FOR REHEARING FROM PREVIOUS WEEK ENDING 03/19/2010:

CHRISTINE SIZEMORE  
VS.  
EUGENE SIZEMORE AND  
LINDA SIZEMORE  
ENTERED: 03/19/2010  
2008-CA-002025-MR  
CLAY

ORDER DENYING PETITION FOR WRIT OF PROHIBITION:

DENISE MARIE FOX  
VS.  
HON. DONNA L. DELAHANTY  
JUDGE, JEFFERSON CIRCUIT COURT  
AND  
THOMAS C. MINA  
AND DENISE MARIE FOX  
VS.  
THOMAS C. MINA  
ENTERED: 03/18/2010  
2010-CA-000155-OA  
AND  
2010-CA-000458-OA  
JEFFERSON



**COURT OF APPEALS OF KENTUCKY**

03/26/2010 AT 10:00 A.M.

PAGE 9 of 9

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ORDERS DISMISSING FROM PREVIOUS WEEK ENDING 01/15/2010:

|                                     |                   |       |
|-------------------------------------|-------------------|-------|
| CHARLES VANCE, ET AL                | 2009-CA-000658-MR | FLOYD |
| VS.                                 | AND               |       |
| FLOYD GREENE INSURANCE, INC.; ET AL | 2009-CA-000769-MR |       |
| AND                                 |                   |       |
| DEVIN NEWSOME                       |                   |       |
| VS.                                 |                   |       |
| FLOYD GREENE INSURANCE,             |                   |       |
| INC.; ET AL                         |                   |       |
| ENTERED: 01/13/2010                 |                   |       |