

KENTUCKY COURT OF APPEALS

JULY 12, 2024 MINUTES

RELEASED: 10:00 A.M.

427. COMMONWEALTH OF KENTUCKY v. C.R.  
**AND**  
COMMONWEALTH OF KENTUCKY v. J.W.  
  
**OPINION REVERSING AND REMANDING BY JUDGE A. JONES**  
  
CALDWELL, J. (CONCURS) AND TAYLOR, J. (CONCURS IN PART AND DISSENTS IN PART AND WRITES SEPARATE OPINION)
- [2022-CA-0531-MR](#)  
[2022-CA-0533-MR](#)  
**NOT TO BE PUBLISHED**
- FAYETTE
428. CARL LEMONT HAZELWOOD v. SHAWNA EVETTE HAZELWOOD  
  
**OPINION REVERSING AND REMANDING BY JUDGE ACREE**  
  
KAREM, J. (CONCURS) AND TAYLOR, J. (CONCURS)
- [2022-CA-0817-MR](#)  
**NOT TO BE PUBLISHED**
- MARION
429. JEREMY STEVEN DELK v. CYNTHIA MAE DELK  
  
**OPINION AFFIRMING BY JUDGE EASTON**  
  
ACREE, J. (CONCURS) AND GOODWINE, J. (CONCURS)
- [2022-CA-1197-MR](#)  
**NOT TO BE PUBLISHED**
- JESSAMINE
430. CHARLES M. STOWERS v. COMMONWEALTH OF KENTUCKY  
  
**OPINION AFFIRMING BY JUDGE CALDWELL**  
  
CETRULO, J. (CONCURS) AND A. JONES, J. (CONCURS)
- [2023-CA-0179-MR](#)  
**NOT TO BE PUBLISHED**
- WARREN

**KENTUCKY COURT OF APPEALS**

**JULY 12, 2024 MINUTES**

**RELEASED: 10:00 A.M.**

431. MICHAEL WILSON, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS FIREFIGHTER v. WESLEY ENGLAND, ET AL. [2023-CA-0223-MR](#) **TO BE PUBLISHED** HART
- OPINION REVERSING AND REMANDING BY JUDGE CALDWELL**
- ACREE, J. (CONCURS) AND LAMBERT, J. (CONCURS)
432. ABD'AL-AZEEZ JALAL HAKIM v. COMMONWEALTH OF KENTUCKY [2023-CA-0265-MR](#) **NOT TO BE PUBLISHED** MONTGOMERY
- OPINION AFFIRMING BY JUDGE KAREM**
- ACREE, J. (CONCURS) AND ECKERLE, J. (CONCURS)
433. MICHAEL ANTHONY MILLINER v. MARY ALLISON MILLINER [2023-CA-0279-MR](#) [2023-CA-0282-MR](#) **NOT TO BE PUBLISHED** BULLITT
- OPINION AND ORDER REVERSING AND REMANDING ON DIRECT APPEAL AND AFFIRMING ON CROSS-APPEAL BY JUDGE LAMBERT**
- COMBS, J. (CONCURS) AND MCNEILL, J. (CONCURS)
434. ELI ZUSSTONE v. COMMONWEALTH OF KENTUCKY [2023-CA-0295-MR](#) **NOT TO BE PUBLISHED** JEFFERSON
- OPINION AFFIRMING BY JUDGE GOODWINE**
- CETRULO, J. (CONCURS) AND A. JONES, J. (CONCURS)

KENTUCKY COURT OF APPEALS

JULY 12, 2024 MINUTES

RELEASED: 10:00 A.M.

435. WALLACE ROGERS v. CHRISTOPHER SHULER, ET AL. [2023-CA-0489-MR](#) JEFFERSON  
**NOT TO BE PUBLISHED**  
**OPINION AFFIRMING BY JUDGE TAYLOR**  
ACREE, J. (CONCURS) AND CETRULO, J. (CONCURS)
436. DAVID ADAMS v. DR. JAWED NASIM [2023-CA-0507-MR](#) OLDHAM  
**NOT TO BE PUBLISHED**  
**OPINION REVERSING AND REMANDING BY JUDGE CALDWELL**  
EASTON, J. (CONCURS) AND TAYLOR, J. (CONCURS)
437. DAICHE HUGHES v. COMMONWEALTH OF KENTUCKY [2023-CA-0557-MR](#) SIMPSON  
**NOT TO BE PUBLISHED**  
**OPINION AFFIRMING BY JUDGE KAREM**  
COMBS, J. (CONCURS) AND A. JONES, J. (CONCURS)
438. CARTER L. BLEVINS, ET AL. v. E.G. BERTRAM, III [2023-CA-0599-MR](#) WAYNE  
**NOT TO BE PUBLISHED**  
**OPINION AFFIRMING BY JUDGE COMBS**  
THOMPSON, C.J. (CONCURS) AND GOODWINE, J. (CONCURS)

KENTUCKY COURT OF APPEALS

JULY 12, 2024 MINUTES

RELEASED: 10:00 A.M.

439. O J REAL ESTATE, LLC, ET AL. v. [2023-CA-0641-MR](#) CALLOWAY  
WALTER W. MEHR, ET AL. [2023-CA-0652-MR](#)  
**NOT TO BE PUBLISHED**  
**OPINION IN APPEAL NO.**  
**2023-CA-0641-MR, AFFIRMING IN**  
**PART, REVERSING IN PART, AND**  
**REMANDING AND IN CROSS-APPEAL**  
**NO. 2023-CA-0652-MR, AFFIRMING**  
**BY JUDGE GOODWINE**  
  
CETRULO, J. (CONCURS) AND  
A. JONES, J. (CONCURS)
440. SUSAN CARTER, ET AL. v. [2023-CA-0644-MR](#) OLDHAM  
SEAN PARIS, PUBLIC **NOT TO BE PUBLISHED**  
ADMINISTRATOR FOR THE ESTATE  
OF JOHN WARREN NICHOLS, III,  
ET AL.  
  
**OPINION AFFIRMING BY JUDGE**  
**L. JONES**  
  
THOMPSON, C.J. (CONCURS) AND  
ACREE, J. (CONCURS)
441. CHRISTOPHER S. NEWMAN v. [2023-CA-0646-MR](#) WEBSTER  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
  
**OPINION AFFIRMING BY JUDGE**  
**COMBS**  
  
THOMPSON, C.J. (CONCURS) AND  
LAMBERT, J. (CONCURS)
442. DAVON BURKE v. [2023-CA-0682-MR](#) KENTON  
KENTON COUNTY FISCAL COURT, **NOT TO BE PUBLISHED**  
ET AL.  
  
**OPINION AFFIRMING BY JUDGE**  
**A. JONES**  
  
KAREM, J. (CONCURS) AND  
MCNEILL, J. (CONCURS)

**KENTUCKY COURT OF APPEALS**

**JULY 12, 2024 MINUTES**

**RELEASED: 10:00 A.M.**

443. MATT MINIARD v. [2023-CA-0737-MR](#) PERRY  
ROBIN MINIARD, IN HIS CAPACITY AS **NOT TO BE PUBLISHED**  
EXECUTOR OF THE ESTATE OF  
RALPH E. MINIARD, JR.
- OPINION AFFIRMING BY JUDGE  
LAMBERT**
- THOMPSON, C.J. (CONCURS) AND  
A. JONES, J. (CONCURS)
444. JERVIS MIDDLETON v. [2023-CA-0771-MR](#) FAYETTE  
LEXINGTON-FAYETTE URBAN **NOT TO BE PUBLISHED**  
COUNTY GOVERNMENT, ET AL.
- OPINION AFFIRMING BY JUDGE  
CETRULO**
- GOODWINE, J. (CONCURS) AND  
A. JONES, J. (CONCURS)
445. MICHAEL S. KARGER, ET AL. v. [2023-CA-0879-MR](#) WHITLEY  
MARTIN CARR, ET AL. **NOT TO BE PUBLISHED**
- OPINION AFFIRMING BY JUDGE  
KAREM**
- COMBS, J. (CONCURS) AND  
A. JONES, J. (CONCURS)
446. KIMBERLY CARPENTER v. [2023-CA-0923-MR](#) FAYETTE  
JUSTIN A. SAUNDERS, M.D., ET AL. **TO BE PUBLISHED**
- OPINION AFFIRMING BY JUDGE  
KAREM**
- ACREE, J. (CONCURS) AND  
ECKERLE, J. (CONCURS)

KENTUCKY COURT OF APPEALS

JULY 12, 2024 MINUTES

RELEASED: 10:00 A.M.

447. MAXWELL RIGDON, ET AL. v. [2023-CA-0984-MR](#) HARDIN  
JEFFREY ENGLAND, ET AL. **TO BE PUBLISHED**
- OPINION REVERSING AND  
REMANDING BY JUDGE COMBS**
- THOMPSON, C.J. (CONCURS) AND  
LAMBERT, J. (CONCURS)
448. W.F.B. v. [2023-CA-1013-ME](#) PIKE  
CABINET FOR HEALTH AND FAMILY [2023-CA-1014-ME](#)  
SERVICES, ET AL. **NOT TO BE PUBLISHED**
- OPINION AFFIRMING BY JUDGE  
ECKERLE**
- EASTON, J. (CONCURS) AND  
LAMBERT, J. (CONCURS)
449. PERRY DEARFIELD, INTERVENING [2023-CA-1015-MR](#) CARTER  
PETITIONER, ET AL. v. **NOT TO BE PUBLISHED**  
MIKQUAN JOHNSON, INTERVENING  
RESPONDENT, ET AL.
- OPINION AFFIRMING BY JUDGE  
EASTON**
- ACREE, J. (CONCURS) AND  
MCNEILL, J. (CONCURS)
450. M.E. WOOD v. [2023-CA-1019-MR](#) LOGAN  
BRUCE CLEWELL, ET AL. **TO BE PUBLISHED**
- OPINION AFFIRMING BY JUDGE  
CETRULO**
- GOODWINE, J. (CONCURS) AND  
KAREM, J. (CONCURS)

KENTUCKY COURT OF APPEALS

JULY 12, 2024 MINUTES

RELEASED: 10:00 A.M.

451. KYLE LINK v. [2023-CA-1073-MR](#) MEADE  
KAYLA LINK TO BE PUBLISHED
- OPINION VACATING AND  
REMANDING BY JUDGE KAREM**
- CETRULO, J. (CONCURS) AND  
GOODWINE, J. (CONCURS)
452. SENECA PLACE, LLC, ET AL. v. [2023-CA-1096-MR](#) JEFFERSON  
GARY BIBBS, AS ADMINISTRATOR OF NOT TO BE PUBLISHED  
THE ESTATE OF WILLIE D. BIBBS,  
DECEASED
- OPINION AFFIRMING BY CHIEF  
JUDGE THOMPSON**
- COMBS, J. (CONCURS) AND  
LAMBERT, J. (CONCURS)
453. CHRISTINE COOPER v. [2023-CA-1098-MR](#) FAYETTE  
DONALD COOPER NOT TO BE PUBLISHED
- OPINION AFFIRMING BY JUDGE  
EASTON**
- ACREE, J. (CONCURS) AND  
MCNEILL, J. (CONCURS)
454. SHARRONN ADAIR v. [2023-CA-1100-MR](#) JEFFERSON  
REBA EMBERTON, ET AL. TO BE PUBLISHED
- OPINION REVERSING AND  
REMANDING BY JUDGE CETRULO**
- GOODWINE, J. (CONCURS) AND  
KAREM, J. (CONCURS)

KENTUCKY COURT OF APPEALS

JULY 12, 2024 MINUTES

RELEASED: 10:00 A.M.

455. JAMISON BURNS v. ELIZABETH BURNS [2023-CA-1131-MR](#) MEADE  
**NOT TO BE PUBLISHED**  
**OPINION AFFIRMING BY CHIEF JUDGE THOMPSON**  
COMBS, J. (CONCURS) AND LAMBERT, J. (CONCURS)
456. INTERACTIVE EDUCATION CONCEPTS, INC. v. KENTUCKY FINANCE AND ADMINISTRATION CABINET, ET AL. [2023-CA-1151-MR](#) FRANKLIN  
**NOT TO BE PUBLISHED**  
**OPINION AFFIRMING BY JUDGE CETRULO**  
GOODWINE, J. (CONCURS) AND KAREM, J. (CONCURS)
457. CAROL SATTLER, ET AL. v. VANESSA D. BURNS, ET AL. [2023-CA-1161-MR](#) JEFFERSON  
**NOT TO BE PUBLISHED**  
**OPINION AFFIRMING BY JUDGE COMBS**  
THOMPSON, C.J. (CONCURS) AND LAMBERT, J. (CONCURS)
458. SOUTH CENTRAL BANK v. JEAN JOHNSON, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED [2023-CA-1171-ME](#) HARDIN  
**NOT TO BE PUBLISHED**  
**OPINION AFFIRMING BY JUDGE CALDWELL**  
ECKERLE, J. (CONCURS) AND MCNEILL, J. (CONCURS)



KENTUCKY COURT OF APPEALS

JULY 12, 2024 MINUTES

RELEASED: 10:00 A.M.

459. THE ESTATE OF JOSHUA ADAM FUSON, BY ADMINISTRATRIXES, AMY HICKMAN AND DAFFENY SNEED FUSON, ET AL. v. MERCY REGIONAL EMERGENCY MEDICAL SYSTEM, LLC, ET AL. [2023-CA-1242-MR](#) **TO BE PUBLISHED** MCCRACKEN
- OPINION AFFIRMING IN PART, REVERSING IN PART, AND REMANDING BY CHIEF JUDGE THOMPSON**
- COMBS, J. (CONCURS) AND LAMBERT, J. (CONCURS)
460. B.L.B. v. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. [2023-CA-1360-ME](#) [2023-CA-1361-ME](#) **NOT TO BE PUBLISHED** CHRISTIAN
- OPINION AFFIRMING BY JUDGE COMBS**
- CALDWELL, J. (CONCURS) AND EASTON, J. (CONCURS)
461. DARIUS BOWIE v. TYOKIA BOWIE [2023-CA-1391-ME](#) **NOT TO BE PUBLISHED** JEFFERSON
- OPINION VACATING AND REMANDING BY JUDGE A. JONES**
- THOMPSON, C.J. (CONCURS) AND LAMBERT, J. (CONCURS)
462. A.W., A CHILD UNDER THE AGE OF EIGHTEEN v. COMMONWEALTH OF KENTUCKY [2023-CA-1487-ME](#) **NOT TO BE PUBLISHED** PENDLETON
- OPINION AND ORDER DISMISSING BY JUDGE CETRULO**
- GOODWINE, J. (CONCURS) AND KAREM, J. (CONCURS)

**KENTUCKY COURT OF APPEALS**

**JULY 12, 2024 MINUTES**

**RELEASED: 10:00 A.M.**

463. KEVIN CHRISTOPHER SHARPTON v. [2024-CA-0138-ME](#) WARREN  
KATHERINE AMANDA LOTT, ET AL. **NOT TO BE PUBLISHED**

**OPINION AFFIRMING BY CHIEF  
JUDGE THOMPSON**

COMBS, J. (CONCURS) AND  
LAMBERT, J. (CONCURS)

464. GENERAL MOTORS, LLC v. [2024-CA-0367-WC](#) WORKERS'  
GIOVANNI SMITH, ET AL. **TO BE PUBLISHED** COMPENSATION  
BOARD

**OPINION AFFIRMING BY JUDGE  
KAREM**

CETRULO, J. (CONCURS) AND  
GOODWINE, J. (CONCURS)

**ORDER GRANTING MOTION TO PUBLISH OPINION**

RANDALL GOINS v. [2023-CA-0438-MR](#) KENTON  
COMMONWEALTH OF KENTUCKY

**Entered: JULY 12, 2024**

**ORDERS DISMISSING**

YURI OSYKA v. [2023-CA-0589-MR](#) JEFFERSON  
INDUSTRIAL CONTROL SOLUTIONS, INC.

**Entered: JUNE 27, 2024**

MAGGIE ANDERSON v. [2023-CA-0801-MR](#) PIKE  
PAUL COLEMAN

**Entered: JUNE 28, 2024**

FLAGSHIP COMMUNITIES REIT, ET AL. v. [2023-CA-0915-MR](#) KENTON  
CITY OF ELSMERE, KENTUCKY, ET AL.

**Entered: JUNE 27, 2024**

KENTUCKY COURT OF APPEALS

JULY 12, 2024 MINUTES

RELEASED: 10:00 A.M.

**ORDERS DISMISSING**

OAK KNOLL MEADOWS FARM, INC. v.  
GEORGE S. BUSH D/B/A BUSH RACING

[2023-CA-1009-MR](#)

WOODFORD

**Entered: JULY 02, 2024**

S.G.W. v.  
CABINET FOR HEALTH AND FAMILY  
SERVICES, ET AL.

[2023-CA-1034-ME](#)

[2023-CA-1036-ME](#)

HARDIN

**Entered: JUNE 27, 2024**

CHRISTOPHER HENSON v.  
AMBER HENSON

[2023-CA-1143-MR](#)

LEWIS

**Entered: JUNE 27, 2024**

DAVID HENDERSON, ET AL. v.  
ESTATE OF DENNIS THOMAS, ET AL.

[2023-CA-1154-MR](#)

TRIGG

**Entered: JULY 02, 2024**

TRISHA KANUSZEWSKI v.  
TERENCE KANUSZEWSKI

[2023-CA-1200-MR](#)

SCOTT

**Entered: JUNE 27, 2024**

ELMER C. MAGGARD, PH.D. v.  
PUBLIC PROTECTION CABINET OFFICE OF  
CLAIMS AND APPEALS, ET AL.

[2023-CA-1272-MR](#)

FRANKLIN

**Entered: JUNE 27, 2024**

KENTUCKY COURT OF APPEALS

JULY 12, 2024 MINUTES

RELEASED: 10:00 A.M.

**ORDERS DISMISSING**

IRVINE OPERATING COMPANY, LLC D/B/A [2024-CA-0058-MR](#) ESTILL  
IRVINE NURSING AND REHABILITATION  
CENTER, ET AL. v.  
HEATHER RIDDELL, AS ADMINISTRATRIX OF  
THE ESTATE OF IRENE BOYD, DECEASED AND  
ON BEHALF OF THE WRONGFUL DEATH  
BENEFICIARIES OF IRENE BOYD

**Entered: JUNE 27, 2024**

SHELLY HOGAN KING, ET AL. v. [2024-CA-0211-MR](#) BARREN  
THOMAS DAVIS

**Entered: JUNE 27, 2024**

LAUREN LEE STEWART v. [2024-CA-0275-MR](#) KENTON  
JENNA ROSE RICE

**Entered: JUNE 27, 2024**

JUSTIN HULLMAN v. [2024-CA-0356-MR](#) WARREN  
KERBY BASHAM

**Entered: JULY 01, 2024**

ROBERT THOMAS v. [2024-CA-0391-MR](#) CAMPBELL  
STEVEN TOWNSEND, ADMINISTRATOR OF  
THE ESTATE OF BETTY JO THOMAS, ET AL.

**Entered: JULY 02, 2024**

KENTUCKY COURT OF APPEALS

JULY 12, 2024 MINUTES

RELEASED: 10:00 A.M.

**ORDERS DISMISSING**

MC MATRIX, LLC v.  
OWNERS INSURANCE COMPANY, ET AL.

[2024-CA-0454-MR](#)

JEFFERSON

**AND**

[2024-CA-0456-MR](#)

DOSTER CONSTRUCTION COMPANY v.  
AUTO-OWNERS INSURANCE COMPANY, ET AL.

[2024-CA-0458-MR](#)

**AND**

HRB LOUISVILLE, LLC v.  
AUTO-OWNERS INSURANCE COMPANY, ET AL.

**Entered: JULY 02, 2024**

RONNIE JOE FORTE v.  
SELITA BROWN

[2024-CA-0472-MR](#)

CHRISTIAN

**Entered: JUNE 27, 2024**

BRUCE LOMINAC v.  
MARTHA L. CHAMBERS, EXECUTRIX OF THE  
ESTATE OF JUNE B. LOMINAC, ET AL.

[2024-CA-0486-MR](#)

MCCREARY

**Entered: JUNE 27, 2024**

MEREDITH L. LAWRENCE v.  
DENTONS BINGHAM GREENEBAUM DOLL, LLP  
F/K/A/ BINGHAM GREENEBAUM DOLL, L.L.P.,  
ET AL.

[2024-CA-0571-MR](#)

GALLATIN

**Entered: JULY 01, 2024**

STAR WIRELESS C/O MAHMOUD ALILI v.  
LATONIA STAR, LLC

[2024-CA-0397-MR](#)

KENTON

**Entered: JUNE 27, 2024**

PORT MIDWAY, LLC, ET AL. v.  
SNAKEMAN PROPERTIES, LLC, ET AL.

[2024-CA-0374-MR](#)

FAYETTE

**Entered: JUNE 27, 2024**

KENTUCKY COURT OF APPEALS

JULY 12, 2024 MINUTES

RELEASED: 10:00 A.M.

**ORDERS DENYING PETITIONS FOR REHEARING**

COMMONWEALTH OF KENTUCKY v.  
C.R.

[2022-CA-0531-MR](#)  
[2022-CA-0533-MR](#)

FAYETTE

**AND**

COMMONWEALTH OF KENTUCKY v.  
J.W.

**Entered: JULY 12, 2024**

BRENDA SHARPE v.  
LAURA WALTERS, IN HER CAPACITY AS  
EXECUTRIX OF THE ESTATE OF JOHN A.  
SHARPE

[2023-CA-0302-MR](#)

JEFFERSON

**Entered: JULY 01, 2024**

JIM TOPOLSKI D/B/A AMERICAN DECK &  
SUNROOM COMPANY v.  
MARY JOHNSON

[2023-CA-0998-MR](#)

FAYETTE

**Entered: JULY 01, 2024**

**ORDERS AFFIRMING**

A.P. v.  
CABINET FOR HEALTH AND FAMILY  
SERVICES, COMMONWEALTH OF KENTUCKY,  
ET AL.

[2024-CA-0564-ME](#)  
[2024-CA-0565-ME](#)

KENTON

**Entered: JULY 03, 2024**

TIMOTHY PERDUE v.  
COMMONWEALTH OF KENTUCKY

[2024-CA-0615-ME](#)

CALLOWAY

**Entered: JULY 01, 2024**

**KENTUCKY COURT OF APPEALS**

**JULY 12, 2024 MINUTES**

**RELEASED: 10:00 A.M.**

**ORDER DENYING MOTION FOR INTERLOCUTORY RELIEF**

ZEDAN RACING STABLES, INC. v.  
CHURCHILL DOWNS INCORPORATED

[2024-CA-0466-I](#)

JEFFERSON

**Entered: JULY 02, 2024**

**ORDER GRANTING PETITION FOR WRIT OF MANDAMUS**

SHAWN D. HAMLET v.  
HON. JAMES ADAMS, SPECIAL JUDGE,  
MARSHALL CIRCUIT COURT, ET AL.

[2024-CA-0233-OA](#)

MARSHALL

**Entered: JULY 01, 2024**