

COURT OF APPEALS OF KENTUCKY

09/16/2005 AT 10:00 A.M.

PAGE 1 OF 10

1010	PENDLETON (JAMES E.) VS. PENDLETON (CYNTHIA R.), ET AL. OPINION AFFIRMING GUIDUGLI (PRESIDING JUDGE) MINTON (CONCURS) AND ROSENBLUM (CONCURS)	2003-CA-0695-MR NOT TO BE PUBLISHED	JEFFERSON
1011	HARRIS (LONNIE) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING IN PART, REVERSING AND REMANDING IN PART MCANULTY (PRESIDING JUDGE) COMBS (CONCURS) AND MILLER (CONCURS)	2003-CA-1857-MR 2004-CA-0562-MR TO BE PUBLISHED	CASEY
1012	MICKENS (MICHAEL) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING IN PART AND VACATING AND REMANDING IN PART ROSENBLUM (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND MINTON (CONCURS)	2003-CA-2303-MR NOT TO BE PUBLISHED	JEFFERSON
1013	WADE (GORDON) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING MINTON (PRESIDING JUDGE) SCHRODER (CONCURS) AND TAYLOR (CONCURS)	2004-CA-0588-MR NOT TO BE PUBLISHED	MONTGOMERY
1014	FORJONE (RICKEY) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING TACKETT (PRESIDING JUDGE) COMBS (CONCURS) AND HENRY (CONCURS)	2004-CA-1038-MR NOT TO BE PUBLISHED	CLARK
1015	CLARK (LOIS), ET AL. VS. CITY OF FRANKFORT, ET AL. OPINION AFFIRMING MCANULTY (PRESIDING JUDGE) GUIDUGLI (CONCURS IN RESULT ONLY) AND MINTON (CONCURS)	2004-CA-1202-MR NOT TO BE PUBLISHED	FRANKLIN

COURT OF APPEALS OF KENTUCKY

09/16/2005 AT 10:00 A.M.

PAGE 2 OF 10

1016	BROWN (MARLO) VS. COMMONWEALTH OF KENTUCKY OPINION REVERSING AND REMANDING MINTON (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND ROSENBLUM (CONCURS)	2004-CA-1332-MR NOT TO BE PUBLISHED	JEFFERSON
1017	CONN (CHARLES C.), ET AL. VS. CONN (MARJORIE), ET AL. OPINION AFFIRMING VANMETER (PRESIDING JUDGE) HENRY (CONCURS) AND TACKETT (CONCURS)	2004-CA-1361-MR TO BE PUBLISHED	MADISON
1018	HATTON (RONALD G.) VS. HATTON (DEBRA R.) OPINION AFFIRMING TACKETT (PRESIDING JUDGE) HENRY (CONCURS) AND VANMETER (CONCURS)	2004-CA-1370-MR NOT TO BE PUBLISHED	KENTON
1019	METRO MEDICAL IMAGING, LLC VS. COMMONWEALTH OF KENTUCKY, ET AL. OPINION AFFIRMING HENRY (PRESIDING JUDGE) COMBS (CONCURS) AND TACKETT (CONCURS)	2004-CA-1463-MR TO BE PUBLISHED	FRANKLIN
1020	BAKER (KATHERINE S.) VS. BAKER (MARTIN) OPINION VACATING AND REMANDING ROSENBLUM (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND MINTON (CONCURS)	2004-CA-1485-ME NOT TO BE PUBLISHED	JEFFERSON
1021	LIBERTY ROAD CHRISTIAN SCHOOL VS. TODD COUNTY HEALTH DEPARTMENT, ET AL. OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) DYCHE (CONCURS) AND TAYLOR (CONCURS)	2004-CA-1583-MR NOT TO BE PUBLISHED	TODD

COURT OF APPEALS OF KENTUCKY

09/16/2005 AT 10:00 A.M.

PAGE 3 OF 10

1022	CHILDRESS (DAMON DALE) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING TACKETT (PRESIDING JUDGE) HENRY (CONCURS) AND VANMETER (CONCURS)	2004-CA-1594-MR NOT TO BE PUBLISHED	HART
1023	GRESHAM (BRIAN EDWARD) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) COMBS (CONCURS) AND KNOPF (CONCURS)	2004-CA-1597-MR NOT TO BE PUBLISHED	BALLARD
1024	JOHNSON (SONDRA CAROLE) VS. JOHNSON (GEORGE FRANK) OPINION AND ORDER REMANDING WITH DIRECTIONS COMBS (PRESIDING JUDGE) JOHNSON (CONCURS) AND MCANULTY (DISSENTS AND FILES SEPARATE OPINION)	2004-CA-1622-MR 2004-CA-1657-MR NOT TO BE PUBLISHED	LETCHER
1025	BENNINGFIELD (DANNY D.) VS. PETTIT ENVIRONMENTAL, INC. OPINION AFFIRMING BARBER (PRESIDING JUDGE) JOHNSON (CONCURS IN PART, DISSENTS IN PART AND FILES SEPARATE OPINION) AND MILLER (CONCURS)	2004-CA-1632-MR TO BE PUBLISHED	JEFFERSON
1026	KELLER (TROY) VS. VINCENT (JENNIFER) OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) COMBS (CONCURS) AND KNOPF (CONCURS)	2004-CA-1633-ME NOT TO BE PUBLISHED	MEADE
1027	BLACKBURN (GENE E.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING MINTON (PRESIDING JUDGE) SCHRODER (CONCURS) AND TAYLOR (CONCURS)	2004-CA-1775-MR NOT TO BE PUBLISHED	FLOYD

COURT OF APPEALS OF KENTUCKY

09/16/2005 AT 10:00 A.M.

PAGE 4 OF 10

1028	HARRISON (CLYDE) VS. HARRISON (SANDRA L.) OPINION AFFIRMING IN PART, VACATING IN PART AND REMANDING BUCKINGHAM (PRESIDING JUDGE) COMBS (CONCURS) AND KNOPF (CONCURS)	2004-CA-1968-MR NOT TO BE PUBLISHED	HARDIN
1029	DIXON (WENDY M.) VS. STATE FARM MUTUAL INSURANCE COMPANY, ET AL. OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) COMBS (DISSENTS AND FILES SEPARATE OPINION) AND KNOPF (CONCURS AND FILES SEPARATE OPINION)	2004-CA-2039-MR NOT TO BE PUBLISHED	HENDERSON
1030	SHIMKOWIAK (HEATHER) VS. YUCATAN AT THE LANDING, LTD OPINION AFFIRMING TACKETT (PRESIDING JUDGE) COMBS (CONCURS) AND HENRY (CONCURS)	2004-CA-2093-MR NOT TO BE PUBLISHED	KENTON
1031	CLEM (CECIL CARL) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING HUDDLESTON (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND TAYLOR (CONCURS)	2004-CA-2114-MR NOT TO BE PUBLISHED	FAYETTE
1032	BURNS-MAHANES (BERENDA) VS. LOEB, M.D. (THOMAS) OPINION REVERSING IN PART, VACATING IN PART AND REMANDING GUIDUGLI (PRESIDING JUDGE) MINTON (CONCURS) AND ROSENBLUM (CONCURS)	2004-CA-2195-MR NOT TO BE PUBLISHED	JEFFERSON
1033	WHITE (ELLA-CHRISTINE ELIZABETH FISCHER) VS. HYLAND (CASEY) OPINION AFFIRMING ROSENBLUM (PRESIDING JUDGE) GUIDUGLI (CONCURS IN RESULT ONLY AND FILES SEPARATE OPINION) AND MINTON (CONCURS)	2004-CA-2330-ME NOT TO BE PUBLISHED	JEFFERSON

COURT OF APPEALS OF KENTUCKY

09/16/2005 AT 10:00 A.M.

PAGE 5 OF 10

1034	COMMONWEALTH OF KENTUCKY VS. HOLDERMAN (BENJAMIN) OPINION AFFIRMING GUIDUGLI (PRESIDING JUDGE) MINTON (CONCURS) AND ROSENBLUM (CONCURS)	2004-CA-2525-MR NOT TO BE PUBLISHED	JEFFERSON
1035	HON (MICHAEL) VS. UNITED PARCEL SERVICE, ET AL. OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) COMBS (CONCURS) AND KNOPF (CONCURS IN RESULT)	2005-CA-0139-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD
1036	ALEA (JACTA EST) VS. HAEBERLIN (GLENN E.) OPINION AFFIRMING BARBER (PRESIDING JUDGE) BUCKINGHAM (CONCURS) AND JOHNSON (CONCURS IN RESULT ONLY)	2005-CA-0619-MR NOT TO BE PUBLISHED	LYON
1037	JUSTICE (PHYLLIS) VS. COMMUNITY TRUST BANK, ET AL. OPINION AFFIRMING MINTON (PRESIDING JUDGE) SCHRODER (CONCURS) AND TAYLOR (CONCURS)	2005-CA-0678-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD
1038	TYREE (WESLEY) VS. YELLOW TRANSPORTATION / YELLOW FREIGHT SYSTEMS, ET AL. OPINION AFFIRMING ROSENBLUM (PRESIDING JUDGE) KNOPF (CONCURS) AND TACKETT (CONCURS)	2005-CA-0737-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD
1039	GENERAL ELECTRIC VS. LEWIS (BARBARA), ET AL. OPINION AFFIRMING ROSENBLUM (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND MINTON (CONCURS)	2005-CA-1015-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD

* * * * *
ORDERS DENYING MOTION FOR BELATED APPEAL:

COURT OF APPEALS OF KENTUCKY

09/16/2005 AT 10:00 A.M.

PAGE 6 OF 10

SHELTON (ALBERT) 2004-CA-1970-MR ESTILL
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 9/14/05

HAMMONS (J.D.) 2005-CA-1356-MR PULASKI
VS.
POPPLEWELL (BRENDA)
ENTERED: 9/12/05

* * * * *
ORDER DENYING PETITION FOR REHEARING:

CINCINNATI GAS AND ELECTRIC 2004-CA-1252-MR BOYD
COMPANY
VS.
APPALACHIAN FUELS, LLC. ET AL.
ENTERED: 9/13/05

* * * * *
ORDER AFFIRMING:

COLLIER (CHARLES) 2005-CA-1509-MR OLDHAM
VS.
COMMONWEALTH OF KENTUCKY, ET AL.
ENTERED: 9/14/05

* * * * *
ORDER DENYING CR 76.36 RELIEF:

CROSS (JASON H.), ET AL. 2005-CA-1443-OA IN COURT OF
VS. APPEALS
HON. PHILLIP ROGERS PATTON, JUDGE
BARREN CIRCUIT COURT, ET AL.
ENTERED: 9/12/05

COURT OF APPEALS OF KENTUCKY

09/16/2005 AT 10:00 A.M.

PAGE 7 OF 10

* * * * *

ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW:

B.B. (A CHILD UNDER EIGHTEEN) 2005-CA-0254-DR ADAIR
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 9/14/05

D.D. (CHILD UNDER EIGHTEEN) 2005-CA-1344-DR MERCER
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 9/15/05

* * * * *

ORDER DENYING PETITION FOR WRIT OF PROHIBITION:

BROWN (NATHANIEL BARKLEY, JR) 2005-CA-1293-OA IN COURT OF
VS. APPEALS
HON. JUDITH MCDONALD-BURKMAN,
JUDGE JEFFERSON CIRCUIT COURT
ENTERED: 9/15/05

* * * * *

ORDER REVERSING AND REMANDING:

CARPENTER (JEFFREY L.) 2005-CA-0509-ME LOGAN
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 9/14/05

* * * * *

ORDER GRANTING PETITION FOR REHEARING AND ORDER MODIFYING OPINION
RENDERED ON JULY 1, 2005. THE ATTACHED OPINION IS SUBSTITUTED IN ITS
ENTIRETY:

JONES (BOBBY A.) 2004-CA-0952-MR MONTGOMERY
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 9/16/05

* * * * *

ORDERS DISMISSING AS MOOT:

TIPTON (EARL) 2005-CA-0444-MR POWELL
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 9/14/05

* * * * *

ORDERS DISMISSING AS MOOT: (CONTINUED)

BARTEL (MICHAEL A.)
VS.
HON. JUDY A. HALL, JUDGE CHRISTIAN CIRCUIT COURT, ET AL.
ENTERED: 9/12/05 2005-CA-1612-OA IN COURT OF APPEALS

COURT OF APPEALS OF KENTUCKY

09/16/2005 AT 10:00 A.M.

PAGE 8 OF 10

* * * * *

ORDERS DISMISSING APPEAL:

FRY (JOHN) VS. MAXIM CRANE WORKS, ET AL. ENTERED: 9/12/05	2003-CA-2415-MR	CAMPBELL
COVINGTON (DELWARD C.) VS. COMMONWEALTH OF KENTUCKY ENTERED: 9/14/05	2004-CA-0979-MR	MERCER
WAGERS (BOBBY DARRELL) VS. COMMONWEALTH OF KENTUCKY ENTERED: 9/14/05	2004-CA-1454-MR	CLAY
SINGH (BALWINDER), ET AL. VS. RAI CORPORATION OF KENTUCKY, ET AL. ENTERED: 9/12/05	2004-CA-2026-MR	JEFFERSON
AIR RELIEF, INC. VS. EDWARDS (TERRY) ENTERED: 9/14/05	2004-CA-2038-MR	GRAVES
GANT (CHARLES DAMON) VS. GANT (CAROLYN ANN HODGE) ENTERED: 9/12/05	2005-CA-0213-MR 2005-CA-0246-MR	CHRISTIAN
BOEHM (DENNIS) VS. BOEHM (LINDA) ENTERED: 9/12/05	2005-CA-0451-MR	JEFFERSON
CLAUNCH (JERRY), ET AL. VS. LEE (NELL), ET AL. ENTERED: 9/14/05	2005-CA-0608-MR	PULASKI

* * * * *

ORDERS DISMISSING APPEAL CONTINUED:

MCQUADY, JR. (FREDRIC C.) VS. MCQUADY (MABLE LEONA) ENTERED: 9/14/05	2005-CA-0798-ME	FAYETTE
---	-----------------	---------

COURT OF APPEALS OF KENTUCKY

09/16/2005 AT 10:00 A.M.

PAGE 9 OF 10

LEO (AMANDA FORD) 2005-CA-0859-MR JEFFERSON
VS.
HON. ELEANOR GARBER, JUDGE
JEFFERSON FAMILY COURT, ET AL.
ENTERED: 9/14/05

POND RIVER COAL, LLC, ET AL. 2005-CA-0930-MR FRANKLIN
VS. 2005-CA-1451-MR
LYNDON PROPERTY INSURANCE CO.
ENTERED: 9/14/05

COMMONWEALTH OF KENTUCKY, 2005-CA-1079-MR GALLATIN
TRANSPORTION CABINET, DEPARTMENT
OF HIGHWAYS
VS.
STEWART (CLARENCE), ET AL.
ENTERED: 9/14/05

ELKINS (INA LEE), (NOW MULLINS) 2005-CA-1230-MR LETCHER
VS.
ELKINS (JOHN B.)
ENTERED: 9/14/05

THERMOVIEV INDUSTRIES, INC. 2005-CA-1237-MR JEFFERSON
VS. 2005-CA-1499-MR
CLEMMENS (NELSON E.)
ENTERED: 9/14/05

HORNBACK (LINDA FAY) 2005-CA-1371-MR HARDIN
VS.
HYMES, M.D. (WILLIAM), ET AL.
ENTERED: 9/12/05

MARSHALL (CONNIE) 2005-CA-1378-MR JEFFERSON
VS.
MCADAM, III (THOMAS A.)
ENTERED: 9/14/05

DASH, M.D. (NARIMAN), ET AL. 2005-CA-1400-MR BOYD
VS.
ASHLAND HOSPITAL CORPORATION
ENTERED: 9/14/05

* * * * *

ORDERS DISMISSING APPEAL (CONTINUED):

HARRIS (LONNIE) 2005-CA-1402-MR LEE
VS.
ECKMAN (RANDY) WARDEN
ENTERED: 9/14/05

COURT OF APPEALS OF KENTUCKY

09/16/2005 AT 10:00 A.M.

PAGE 10 OF 10

WENTWORTH (ANTHONY W.) VS. ADAMS (JAMES BARTON) ENTERED: 9/14/05	2005-CA-1429-MR	JEFFERSON
STEWART (RICHARD PATRICK) VS. COMMONWEALTH OF KENTUCKY ENTERED: 9/14/05	2005-CA-1454-MR	OWSLEY
TEAGUE (JA-RON) VS. TONY MILLER, CLERK JEFFERSON CIRCUIT COURT, ET AL. ENTERED: 9/14/05	2005-CA-1460-OA	IN COURT OF APPEALS
MALLUCHE (GISELA) VS. MALLUCHE (HARTMUT HORST) ENTERED: 9/12/05	2005-CA-1466-MR	WOODFORD
DRAPER (DJUAN S.) VS. COMMONWEALTH OF KENTUCKY ENTERED: 9/14/05	2005-CA-1519-MR	JEFFERSON