

**COURT OF APPEALS OF KENTUCKY**

10/09/2015 AT 10:00 A.M.

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828	GARDNER (BILLY), ET AL. VS. PBI BANK, INC., ET AL. OPINION AFFIRMING KRAMER (PRESIDING JUDGE) ACREE (CONCURS) AND CLAYTON (CONCURS)	<a href="#">2013-CA-001103-MR</a> NOT TO BE PUBLISHED	MARION
829	MAJORS (MARCELLE) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING ACREE (PRESIDING JUDGE) JONES (CONCURS) AND NICKELL (CONCURS)	<a href="#">2013-CA-001588-MR</a> NOT TO BE PUBLISHED	HARDIN
830	COLE (J. DAVID), ET AL. VS. JOHNSON (NORMAN), ET AL. OPINION AFFIRMING ACREE (PRESIDING JUDGE) JONES (CONCURS) AND J. LAMBERT (CONCURS)	<a href="#">2013-CA-001688-MR</a> NOT TO BE PUBLISHED	WARREN
831	WATSON (GEORGE STEPHEN), ET AL. VS. ELSWICK (KENNETH) OPINION AFFIRMING KRAMER (PRESIDING JUDGE) ACREE (CONCURS) AND CLAYTON (CONCURS)	<a href="#">2014-CA-000030-MR</a> NOT TO BE PUBLISHED	SCOTT
832	KENTUCKY RETIREMENT SYSTEMS VS. STEPHENS (DEBRA) OPINION AFFIRMING CLAYTON (PRESIDING JUDGE) JONES (CONCURS) AND VANMETER (DISSENTS AND FILES SEPARATE OPINION)	<a href="#">2014-CA-000039-MR</a> TO BE PUBLISHED	FRANKLIN
833	MILLER (SHIRLEY) VS. GO HIRE EMPLOYMENT DEVELOPMENT, INC., ET AL. OPINION AFFIRMING IN PART, REVERSING IN PART AND REMANDING NICKELL (PRESIDING JUDGE) J. LAMBERT, (CONCURS) AND KRAMER (CONCURS IN PART, DISSENTS IN PART AND FILES A SEPARATE OPINION)	<a href="#">2014-CA-000379-WC</a> TO BE PUBLISHED	WORKERS' COMP

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834	MALONE (KENNETH LEE) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING COMBS (PRESIDING JUDGE) J. LAMBERT (CONCURS) AND VANMETER (CONCURS)	<a href="#">2014-CA-000463-MR</a> NOT TO BE PUBLISHED	JEFFERSON
835	UNITED PARCEL SERVICE, INC. VS. WOODS (ANTHONY), ET AL. OPINION AFFIRMING ACREE (PRESIDING JUDGE) J. LAMBERT (CONCURS) AND THOMPSON (CONCURS)	<a href="#">2014-CA-000570-WC</a> NOT TO BE PUBLISHED	WORKERS' COMP
836	MOFFETT (MELVA), ET AL. VS. SHAW (MANNING P.) OPINION AFFIRMING CLAYTON (PRESIDING JUDGE) KRAMER (CONCURS) AND VANMETER (CONCURS)	<a href="#">2014-CA-000774-MR</a> <a href="#">2014-CA-000879-MR</a> NOT TO BE PUBLISHED	MCCRACKEN
837	DORSEY (FREDERICK) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING MAZE (PRESIDING JUDGE) JONES (CONCURS) AND J. LAMBERT (CONCURS)	<a href="#">2014-CA-000809-MR</a> NOT TO BE PUBLISHED	JEFFERSON
838	COMMONWEALTH OF KENTUCKY VS. FELDHOFF (RICHARD L.), ET AL. OPINION REVERSING AND REMANDING KRAMER (PRESIDING JUDGE) CLAYTON (CONCURS) AND VANMETER (CONCURS)	<a href="#">2014-CA-000965-MR</a> NOT TO BE PUBLISHED	JEFFERSON
839	GELS CO. INC. VS. HESSELGRAVE (KATHERINE) OPINION AFFIRMING STUMBO (PRESIDING JUDGE) J. LAMBERT AND MAZE (CONCURS)	<a href="#">2014-CA-001421-MR</a> NOT TO BE PUBLISHED	JEFFERSON

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840	UNINSURED EMPLOYERS' FUND VS. POPLAR BROOK DEVELOPMENT, LLC, ET AL. OPINION AFFIRMING IN PART, VACATING IN PART, AND REMANDING COMBS (PRESIDING JUDGE) ACREE (CONCURS) AND MAZE (CONCURS)	<a href="#">2014-CA-001758-WC</a> <a href="#">2014-CA-001794-WC</a> TO BE PUBLISHED	WORKERS' COMP
841	M. (J.) VS. R. (C.), ET AL. OPINION AFFIRMING J. LAMBERT (PRESIDING JUDGE) ACREE (CONCURS) AND TAYLOR (CONCURS)	<a href="#">2015-CA-000220-ME</a> NOT TO BE PUBLISHED	WARREN

**ORDERS FOR THE WEEK ENDING 10/09/2015:****ORDERS DISMISSING:**

COMMONWEALTH OF KENTUCKY  
STEVEN L. BESHEAR, GOVERNOR, ET AL  
VS.  
DAVID ADAMS  
ENTERED 10/07/2015

2013-CA-001757-MR

FRANKLIN

PHYLLIS ANN PHELPS, ET AL  
VS.  
FIFTH THIRD BANK, MICHIGAN, INC., ET AL  
ENTERED 10/08/2015

2014-CA-000887-MR

BULLITT

MICHAEL A. CARNEAL  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED 10/08/2015

2014-CA-001083-MR

MCCRACKEN

GLENN D. AUGENSTEIN  
VS.  
DEUTSCHE BANK NATIONAL TRUST COMPANY  
ENTERED 10/08/2015

2014-CA-001101-MR

HENRY

DEBORAH WHITE  
VS.  
KENTUCKY RETIREMENT SYSTEMS  
ENTERED: 10/07/2015

2015-CA-001144-MR

FRANLIN

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CHARLOTTE NELSON JONES, ET AL VS. ROBERT LARRY JONES (NOW KRISTIN JONES, AS EXECUTRIX OF THE ESTATE OF R. LARRY JONES) ENTERED 10/07/2015	2014-CA-001178-MR	JEFFERSON
CORNELL BELL VS. COMMONWEALTH OF KENTUCKY ENTERED 10/08/2015	2014-CA-001357-MR	JEFFERSON
SIDNEY ALLEN VS. STATE FARM AUTOMOBILE PROPERTY & CASUALTY COMPANY, ET AL ENTERED 10/07/2015	2014-CA-001552-MR	MORGAN
LEANN MICHELLE TYLER VS. DWIGHT TYLER ENTERED 10/07/2015	2014-CA-001693-MR	OLDHAM
LESLIE D. WILLIAMS VS. CITMORTGAGE, INC. ENTERED 10/08/2015	2014-CA-001743-MR	JEFFERSON
REBECCA MCCOWAN (HOBBS) VS. PAUL MAYNARD, ET AL ENTERED 10/06/2015	2014-CA-001746-MR	PIKE
JASON R. HARRIS VS. JERRY WRIGHT, PSC ENTERED 10/08/2015	2014-CA-001842-MR	FAYETTE
MICHELLE ELLAM VS. RICHARD ELLAM ENTERED 10/07/2015	2014-CA-001874-MR	JEFFERSON
DENNIS WILLOUGHBY VS. COMMONWEALTH OF KENTYUCKY ENTERED 10/08/2015	2014-CA-001940-MR	MUHLENBERG

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HAZEL ENTERPRISES, LLC VS. CITY NATIONAL BANK, ET AL ENTERED 10/06/2015	2014-CA-001979-MR	BALLARD
TERREL WATTERS VS. COMMONWEALTH OF KENTUCKY ENTERED 10/08/2015	2014-CA-001986-MR	HARDIN
VITALI POPKHADZE AS ADMINISTRATION OF THE ESTATE OF IRINA ILLINA, DECEASED; ET AL VS. IGOR MINTCHENKO, A/K/A IGOR MINTCH, ET AL ENTERED 10/07/2015	2015-CA-000028-MR	BOYLE
TIMOTHY ROUSE VS. COMMONWEALTH OF KENTUCKY ENTERED 10/08/2015	2015-CA-000112-MR	FULTON
WILLIAM HACKNEY, JR. VS. KENNETH DOUGLAS STEELEY, JR. ENTERED: 10/07/2015	2015-CA-000169-MR	HOPKINS
EDWARD WILLIAM SPINGSTON VS. CONNIE LOUISE SPRINGSTON ENTERED 10/07/2015	2015-CA-000215-MR	JEFFERSON
PHILLIP D. HORTON VS. COMMONWEALTH OF KENTUCKY ENTERED 10/08/2015	2015-CA-00223-MR	HART
CHRISTOPHER M. DACRE VS. COMMONWEALTH OF KENTUCKY ENTERED 10/08/2015	2015-A-000279-MR	MCCRACKEN
JAMES D. WHITLOW, ET AL VS. ALLEN A. MILLER, III, ET AL ENTERED 10/07/2015	2015-CA-000301-MR	HART

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LIQUOR BARN #5 LLC, D/B/A LIQUOR BARN VS. COMMONWEALTH OF KENTUCKY ALCOHOLIC BEVERAGE CONTROL BOARD, ET AL ENTERED 10/07/2015	2015-CA-000358-MR	FRANKLIN
A.H. CORPORATION, D/B/A WORK CLASS SUBARU VS. COMMUNITY TRUST BANK ENTERED 10/07/2015	2015-CA-000378-MR	JESSAMINE
M. E. D. W. VS. CABINET FOR HEALTH AND FAMILY SERVICES, ET AL ENTERED 10/08/2015 AND	2015-CA-000380-ME	PIKE
M. E. D. W. VS. CABINET FOR HEALTH AND FAMILY SERVICES, ET AL ENTERED 10/08/2015 AND	2015-CA-000424-ME	PIKE
M. E. D. W. VS. CABINET FOR HEALTH AND FAMILY SERVICES, ET AL ENTERED 10/08/2015	2015-CA-000476-ME	PIKE
J. H. VS. CABINET FOR HEALTH AND FAMILY SERVICES, ET AL ENTERED 10/08/2015	2015-CA-000447-ME	JEFFERSON
ROGER WELLS VS. WANDA WELLS ENTERED 10/08/2015	2015-CA-000461-MR	LIVINGSTON
RICHARD BRINKE, ET AL VS. ROBERT AND PAT ENGINEERING, INC. ENTERED 10/07/2015	2015-CA-000485-MR	JEFFERSON
HART COUNTY BANK AND TRUST COMPANY VS. HART COUNTY, KENTUCKY ENTERED 10/07/2015	2015-CA-000504-MR	HART

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ANDREA KAE LIN VS. B. MARK MULLORY, ET AL ENTERED 10/08/2015	2014-CA-000528-MR	JEFFERSON
KEIONA SHANICE THOMAS VS. JONATHAN MICHAEL THOMAS ENTERED 10/07/2015	2015-CA-000536-MR	CLARK
JULIA CARTER VS. AMERICAN EXPRESS CENTURION BANK ENTERED 10/07/2015	2015-CA-000537-MR	JEFFERSON
MARK CROSSLAND VS. MARION ADJUSTMENT CENTER ENTERED 10/08/2015	2015-CA-000573-MR	FRANKLIN
JAMIE PURSELL VS. MILLS HEALTH & REHAB CENTER, INC. ENTERED 10/07/2015	2015-CA-000574-MR	GRAVES
RYAN ARNOLD VS. D H CAPITAL MANAGEMENT, INC. ENTERED 10/07/2015	2015-CA-000589-MR	HENRY
ETHAN PAUL KING VS. COMMONWEALTH OF KENTUCKY ENTERED 10/08/2015	2015-CA-000625-MR	FAYETTE
REBECCA HOGAN VS. STEAK N SHAKE OPERSTIONS, INC. ENTERED 10/07/2015	2015-CA-000639-MR	JEFFERSON
JIMMY RANDALL REES VS. JUDY MARIE REES ENTERED 10/07/2015	2015-CA-000664-MR	CAMPBELL

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STEVE BESHEAR, IN HIS OFFICAL CAPACITY AS GOVERNOR OF KENTUCKY VS. DAVID HARDEE, ET AL ENTERED 10/07/2015	2015-CA-000683-MR	FRANKLIN
DIANE MUTH VS. HON.GREGORY A. LAY, JUDGE, LAUREL CIRCUIT COURT AND CHERYL JONES, ET AL ENTERED 10/08/2015	2015-CA-000725-OA	LAUREL
COMMONWEALTH OF KENTUCKY VS. TRE LEMAR SMITH ENTERED 10/08/2015	2015-CA-000744-MR AND 2015-CA-001125-MR	JEFFERSON
M. P. VS COMMONWEALTH OF KENTUCKY, ET AL	2015-CA-000831-ME	KENTON
M. P. VS. COMMONWEALTH OF KENTUCKYM, ET AL ENTERED 10/07/2015	2015-CA-000832-ME	KENTON
JEB DEVELOPMENT LLC VS. JAMES P. CREWS ENTERED 10/08/2015	2015-CA-000866-MR	BARREN
MCCRACKEN BUILDERS PROPERTY AND MANAGEMENT, LLC VS. KY LIEN HILDINGS, LLC, ET AL ENTERED 10/08/2015	2015-CA-000948-MR	MCCRACKEN
WARWICK FOUNDATION, INC. VS. TEBBS S. MOORE, ET AL ENTERED 10/08/2015	2015-CA-000955-MR	MERCER
PIONEER PLAZA OF GEORGETOWN, LLC VS. COMMONWEALTH OF KENTUCKY, ET AL ENTERED 10/07/2015	2015-CA-000956-I	FRANKLIN



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CLARA SUSAN BINKLEY SHEETS  
VS.  
STEVEN RAY SHEETS  
ENTERED 10/08/2015

2015-CA-001004-MR

SHELBY

JAMES NOLL  
VS.  
JENNIFER NOLL  
ENTERED 10/08/2015

2015-CA-001041-MR

KENTON

PAUL WILLIAM HANAHI-MARTIN  
VS.  
SAORI HANAHI, F/N/A SAORI HANAHI-MARTIN  
ENTERED 10/08/2015

2015-CA-001051-MR

FAYETTE

D. C. M., ET AL  
VS.  
N. D. H.  
ENTERED 10/08/2015

2015-CA-001117-ME

MEADE

COMMONWEALTH OF KENTUCKY  
UNEMPLOYMENT INSURANCE COMMISSION  
VS.  
BILL A. PRIM, ET AL  
AND

2015-CA-001149-MR

CHRISTIAN

COMMONWEALTH OF KENTUCKY  
UNEMPLOYMENT INSURANCE COMMISSION  
VS.  
BILL A. PRIM, ET AL  
ENTERED 10/07/2015

2015-CA-001151-MR

CHRISTIAN

FINANCE AND ADMINISTRATION CABINET,  
DEPARTMENT OF REVENUE  
VS.  
MARK F. SOMMER, ET AL  
ENTERED 10/07/2015

2015-CA-001195-MR

FRANKLIN

**ORDER DENYING PETITION FOR REHARING WEEK ENDING 10/09/2015:**

KEVIN E. MARCUM  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED 10/08/2015

2013-CA-002098-MR

PULASKI

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GREGORY BOYD VS. COMMONWEALTH OF KENTUCKY ENTERED 10/07/2015	2014-CA-000655-MR	JEFFERSON
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ANGELO KREE HESTER VS. COMMONWEALTH OF KENTUCKY ENTERED 10/07/2015	2014-CA-001075-MR	FAYETTE
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RANDY THOMPSON, INDIVIDUALLY; VS. COURTNEY BRYAN SMITH ENTERED 10/06/2015	2015-CA-001188-MR	KNOTT
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**ORDERS DENYING MOTION FOR INTERLOCUTORY RELIEF FOR WEEKENDING 10/09/2015:**

SM NEWCO PADUCAH, LLC VS. KENTUCKY OAKS MALL COMPANY ENTERED 10/07/2015	2014-CA-000900-I	MCCRACKEN
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STANLEY M. CHESLEY VS. MILDRED ABBOTT, ET AL ENTERED 10/07/2015	2015-CA-001066-I	BOONE
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SCOTTY HEDGESPETH, ET AL VS. TAYLOR COUNTY FISCAL COURT ENTERED 10/07/2015	2015-CA-001401-I	TAYLOR
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**ORDERS DENYING ORIGINAL ACTIONS FOR WEEKENDING 10/09/2015:**

STANLEY M. CHESLEY VS. HON. JAMES R. SCHRAND, BOONE CIRCUIT COURT AND MILDRED ABBOTT, ETAL ENTERED 10/07/2015	2015-CA-001067-OA	BOONE
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BAPTIST HEALTHCARE RICHMOND, INC. 2015-CA-001175-OA MADISON  
VS.  
HON. WILLIAM CLOUSE, JR., JUDGE, MADISON CIRCUIT COURT  
AND  
TIM AGEE, INDIVIDUALLY, ET AL  
ENTERED 10/08/2015

WEST AMERICAN INSURANCE COMPANY 2015-CA-001201-OA PIKE  
VS.  
HON. JOHNNY HARRIS, SPECIAL JUDGE, PIKE CIRCUIT COURT  
AND  
GLENN BEVINS, ET AL  
ENTERED 10/08/2015

NORTON HOSPITALS, INC 2015-CA-001324-OA JEFFERSON  
D/B/A NORTON HOSPITAL  
VS.  
HON. BARRY L. WILLET, JUDGE, JEFFERSON CIRCUIT COURT  
AND  
THOMAS K. ELLIOTT, ET AL  
ENTERED 10/07/2015

**ORDERS FOR THE WEEK ENDING 10/02/2015:**

**ORDERS DENYING MOTION TO RECONSIDER:**

LEWIS DAVENPORT 2014-CA-001671-MR OLDHAM  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED 10/02/2015

MICHAEL L. TAYLOR 2015-CA-001015-MR ADAIR  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED 10/02/2015