

KENTUCKY COURT OF APPEALS

DECEMBER 22, 2022 MINUTES

RELEASED: 10:00 A.M.

828. THOMAS LEONARD v.  
MERCY REGIONAL EMERGENCY  
MEDICAL SYSTEM, LLC
- [2020-CA-0722-MR](#)  
**NOT TO BE PUBLISHED**
- MCCRACKEN
- OPINION AFFIRMING BY JUDGE TAYLOR**
- LAMBERT, J. (CONCURS) AND  
MAZE, J. (CONCURS)
829. ROBERTO J. FELIX v.  
MELISSA RIVERA
- [2020-CA-0872-MR](#)  
**NOT TO BE PUBLISHED**
- BELL
- OPINION REVERSING AND REMANDING  
BY JUDGE K. THOMPSON**
- ACREE, J. (CONCURS) AND  
DIXON, J. (CONCURS)
830. SARAH WASSON, AS SUPERINTENDENT  
OF THE LEE COUNTY SCHOOLS v.  
KIM WILLIAMS
- [2020-CA-1517-MR](#)  
**NOT TO BE PUBLISHED**
- LEE
- OPINION AFFIRMING BY JUDGE TAYLOR**
- ACREE, J. (CONCURS) AND  
CETRULO, J. (CONCURS)
831. JEFFERY BURKS v.  
COMMONWEALTH OF KENTUCKY
- [2020-CA-1595-MR](#)  
**NOT TO BE PUBLISHED**
- HANCOCK
- OPINION AFFIRMING BY JUDGE TAYLOR**
- DIXON, J. (CONCURS) AND  
MCNEILL, J. (CONCURS)

KENTUCKY COURT OF APPEALS

DECEMBER 22, 2022 MINUTES

RELEASED: 10:00 A.M.

832. ESTATE OF JAMES A. WALKER, III, DECEASED, BY AND THROUGH ANTHONY D. WALKER, ADMINISTRATOR v. STATE FARM FIRE AND CASUALTY COMPANY, ET AL.  
**AND**  
JURMAINE HENDERSON v. STATE FARM FIRE AND CASUALTY INSURANCE COMPANY, ET AL.
- OPINION AFFIRMING APPEAL NO. 2021-CA-0408-MR AND CROSS-APPEAL NO. 2021-CA-0478-MR BY JUDGE TAYLOR**
- CLAYTON, C.J. (CONCURS) AND ACREE, J. (CONCURS)
- [2021-CA-0408-MR](#)  
[2021-CA-0478-MR](#)  
**NOT TO BE PUBLISHED**
- JEFFERSON
833. WILLIAM RUFUS WHITEHOUSE, III v. COMMONWEALTH OF KENTUCKY
- OPINION AFFIRMING BY JUDGE TAYLOR**
- CLAYTON, C.J. (CONCURS) AND ACREE, J. (CONCURS)
- [2021-CA-0592-MR](#)  
**NOT TO BE PUBLISHED**
- OLDHAM
834. NICKALUS T. HOLT v. JUSTIN NEAL O'MALLEY, ET AL.
- OPINION AND ORDER DISMISSING BY JUDGE DIXON**
- LAMBERT, J. (CONCURS) AND L. THOMPSON, J. (CONCURS)
- [2021-CA-0607-MR](#)  
**NOT TO BE PUBLISHED**
- WOODFORD

KENTUCKY COURT OF APPEALS

DECEMBER 22, 2022 MINUTES

RELEASED: 10:00 A.M.

835. DILLON BALDWIN, ADMINISTRATOR OF THE ESTATE OF WILLIAM BALDWIN v. JOHN ROOT, IN HIS OFFICIAL CAPACITY AS LAUREL COUNTY SHERIFF, ET AL. [2021-CA-0754-MR](#) LAUREL  
**NOT TO BE PUBLISHED**
- OPINION AFFIRMING IN PART, REVERSING IN PART, AND REMANDING BY JUDGE CALDWELL**
- CLAYTON, C.J. (CONCURS) AND K. THOMPSON, J. (CONCURS)
836. KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY v. JOSHUA TRENT, ET AL. [2021-CA-0813-MR](#) ROWAN  
**NOT TO BE PUBLISHED**
- OPINION REVERSING AND REMANDING BY JUDGE CALDWELL**
- GOODWINE, J. (CONCURS IN RESULT ONLY) AND JONES, J. (DISSENTS AND DOES NOT FILE SEPARATE OPINION)
837. HEATHER JONES, AS SISTER OF NICOLE WAGNER AND AS ADMINISTRATRIX AND ON BEHALF OF THE ESTATE OF NICOLE WAGNER, ET AL. v. ACUITY, A MUTUAL INSURANCE COMPANY [2021-CA-0834-MR](#) HARRISON  
**TO BE PUBLISHED**
- OPINION AFFIRMING BY JUDGE CETRULO**
- COMBS, J. (CONCURS) AND GOODWINE, J. (CONCURS)

KENTUCKY COURT OF APPEALS

DECEMBER 22, 2022 MINUTES

RELEASED: 10:00 A.M.

838. SHELBY HOWARD v. SAMUEL HOWARD  
**OPINION REVERSING BY JUDGE MCNEILL**  
ACREE, J. (CONCURS) AND L. THOMPSON, J. (CONCURS)
- [2021-CA-0865-MR](#)  
[2021-CA-0965-MR](#)  
**NOT TO BE PUBLISHED**
- ELLIOTT
839. DIANNA LYNN DAVENPORT, IN HER CAPACITY AS PERSONAL REPRESENTATIVE OF THE ESTATE OF PENNY ANN SIMMONS v. KINDRED HOSPITALS LIMITED PARTNERSHIP D/B/A KINDRED HOSPITAL – LOUISVILLE, ET AL.  
**OPINION AFFIRMING BY JUDGE K. THOMPSON**  
TAYLOR, J. (CONCURS) AND L. THOMPSON, J. (CONCURS)
- [2021-CA-0974-MR](#)  
**NOT TO BE PUBLISHED**
- JEFFERSON
840. GARY A. ATKINS v. THE KENTUCKY TRANSPORTATION CABINET  
**OPINION AFFIRMING BY JUDGE K. THOMPSON**  
CLAYTON, C.J. (CONCURS) AND CETRULO, J. (CONCURS)
- [2021-CA-1025-MR](#)  
**NOT TO BE PUBLISHED**
- ELLIOTT
841. LUM ENTERPRISES, LLC v. RUTH MITCHELL, ET AL.  
**OPINION AFFIRMING IN PART AND VACATING IN PART BY CHIEF JUDGE CLAYTON**  
ACREE, J. (CONCURS) AND TAYLOR, J. (CONCURS)
- [2021-CA-1126-MR](#)  
**NOT TO BE PUBLISHED**
- SPENCER

KENTUCKY COURT OF APPEALS

DECEMBER 22, 2022 MINUTES

RELEASED: 10:00 A.M.

842. HOPE WHITE v. [2021-CA-1204-MR](#) WAYNE  
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
- OPINION AFFIRMING BY JUDGE JONES**
- CLAYTON, C.J. (CONCURS) AND  
L. THOMPSON, J. (CONCURS)
843. LOANDREA DAHMER v. [2021-CA-1244-MR](#) WARREN  
WESTERN KENTUCKY UNIVERSITY, **NOT TO BE PUBLISHED**  
ET AL.
- OPINION AFFIRMING BY JUDGE MAZE**
- CLAYTON, C.J. (CONCURS) AND  
CALDWELL, J. (CONCURS)
844. JONATHAN HOWELL v. [2021-CA-1267-MR](#) FLOYD  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
- OPINION REVERSING AND REMANDING  
BY JUDGE LAMBERT**
- JONES, J. (CONCURS) AND  
K. THOMPSON, J. (CONCURS)
845. MARK ALLEN PETERSON v. [2021-CA-1335-MR](#) MASON  
STEPHANIE MARIE PETERSON **NOT TO BE PUBLISHED**
- OPINION AFFIRMING BY CHIEF JUDGE  
CLAYTON**
- JONES, J. (CONCURS) AND  
L. THOMPSON, J. (CONCURS)
846. MARCELLUS PHAGAN v. [2021-CA-1387-MR](#) MCCracken  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
- OPINION AFFIRMING BY JUDGE MAZE**
- CLAYTON, C.J. (CONCURS) AND  
ACREE, J. (CONCURS)

KENTUCKY COURT OF APPEALS

DECEMBER 22, 2022 MINUTES

RELEASED: 10:00 A.M.

847. MATTHEW WORKMAN v. [2022-CA-0003-MR](#) SIMPSON  
KENTUCKY DOWNS, LLC, ET AL. **TO BE PUBLISHED**
- OPINION AFFIRMING BY CHIEF JUDGE CLAYTON**
- JONES, J. (CONCURS) AND  
L. THOMPSON, J. (CONCURS)
848. SABRINA HOBBS v. [2022-CA-0096-MR](#) FLOYD  
HIGHLANDS HOSPITAL CORPORATION, **NOT TO BE PUBLISHED**  
ET AL.
- OPINION AFFIRMING BY JUDGE MAZE**
- CLAYTON, C.J. (CONCURS) AND  
CALDWELL, J. (CONCURS)
849. FORTRESS PROPERTIES, LLC, ET AL. v. [2022-CA-0233-MR](#) LAUREL  
COMMUNITY TRUST BANK, INC., ET AL. **NOT TO BE PUBLISHED**
- OPINION AND ORDER DISMISSING IN PART AND AFFIRMING IN PART BY JUDGE MAZE**
- CLAYTON, C.J. (CONCURS) AND  
CALDWELL, J. (CONCURS)
850. A.T. v. [2022-CA-0489-ME](#) BULLITT  
CABINET FOR HEALTH AND FAMILY [2022-CA-0681-ME](#)  
SERVICES, COMMONWEALTH OF **NOT TO BE PUBLISHED**  
KENTUCKY, ET AL.
- OPINION AFFIRMING BY CHIEF JUDGE CLAYTON**
- MAZE, J. (CONCURS) AND  
MCNEILL, J. (CONCURS)

KENTUCKY COURT OF APPEALS

DECEMBER 22, 2022 MINUTES

RELEASED: 10:00 A.M.

851. C.S. v. [2022-CA-0552-ME](#) ANDERSON  
D.W.P., ET AL. **NOT TO BE PUBLISHED**
- OPINION REVERSING AND REMANDING  
BY JUDGE L. THOMPSON**
- CALDWELL, J. (CONCURS) AND  
GOODWINE, J. (CONCURS)
852. P.A.G. v. [2022-CA-0636-ME](#) WOODFORD  
COMMONWEALTH OF KENTUCKY, [2022-CA-0637-ME](#)  
CABINET FOR HEALTH AND FAMILY **NOT TO BE PUBLISHED**  
SERVICES, ET AL.
- OPINION AFFIRMING BY JUDGE  
CETRULO**
- JONES, J. (CONCURS) AND  
MCNEILL, J. (CONCURS)
853. PEPPY MARTIN v. [2022-CA-0754-MR](#) JEFFERSON  
JEFFREY CALLEN, ET AL. **NOT TO BE PUBLISHED**
- OPINION AFFIRMING BY CHIEF JUDGE  
CLAYTON**
- CALDWELL, J. (CONCURS) AND  
MAZE, J. (CONCURS)
854. D.C.L. v. [2022-CA-0879-ME](#) JEFFERSON  
COMMONWEALTH OF KENTUCKY, **NOT TO BE PUBLISHED**  
CABINET FOR HEALTH AND FAMILY  
SERVICES, ET AL.
- OPINION AFFIRMING BY JUDGE MAZE**
- CLAYTON, C.J. (CONCURS) AND  
MCNEILL, J. (CONCURS)

KENTUCKY COURT OF APPEALS

DECEMBER 22, 2022 MINUTES

RELEASED: 10:00 A.M.

855. KATRINA VOORHEES v. [2022-CA-0942-ME](#) KENTON  
CORTONA PARTNERS, LLC, ET AL. NOT TO BE PUBLISHED

**OPINION AFFIRMING BY CHIEF JUDGE  
CLAYTON**

MAZE, J. (CONCURS) AND  
MCNEILL, J. (CONCURS)

856. C.S.R. v. [2022-CA-0976-ME](#) CAMPBELL  
M.B., ET AL. NOT TO BE PUBLISHED

**OPINION AFFIRMING BY JUDGE MAZE**

CLAYTON, C.J. (CONCURS) AND  
MCNEILL, J. (CONCURS)

857. BRIDGETTE EHLY v. [2022-CA-1316-EL](#) OLDHAM  
COMMONWEALTH OF KENTUCKY,  
STATE BOARD OF ELECTIONS TO BE PUBLISHED

**OPINION AFFIRMING BY JUDGE  
GOODWINE**

CLAYTON, C.J. (CONCURS) AND  
MCNEILL, J. (CONCURS)

**ORDER DISMISSING**

JOSHUA JAYNES v.  
KENNETH WALKER, III, ET AL.

[2022-CA-0128-MR](#)

JEFFERSON

Entered: DECEMBER 16, 2022

**ORDERS DENYING PETITIONS FOR REHEARING**

DANNY RAY SIZEMORE v.  
COMMONWEALTH OF KENTUCKY

[2019-CA-1798-MR](#)

LAUREL

Entered: DECEMBER 15, 2022



**KENTUCKY COURT OF APPEALS**

**DECEMBER 22, 2022 MINUTES**

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

**ORDERS DENYING PETITIONS FOR REHEARING**

BRENT YOAKUM v.  
TT OF B. LOUISVILLE, INC.

[2022-CA-0266-MR](#)

JEFFERSON

**Entered: DECEMBER 14, 2022**