

SUPREME COURT OF KENTUCKY

MINUTES

JANUARY 25, 2007

RELEASED: 10:00 A.M.

1. MICHAEL CAIN V. [2006-SC-000477-MR](#) FROM COURT
HON. LISABETH HUGHES ABRAMSON, **TO BE PUBLISHED** OF APPEALS
JUDGE, JEFFERSON CIRCUIT COURT
AND
COMMONWEALTH OF KENTUCKY
(REAL PARTY IN INTEREST)
OPINION OF THE COURT BY
JUSTICE SCOTT – AFFIRMING

2. CUMBERLAND VALLEY [2000-SC-000951-DG](#) BELL
CONTRACTORS, INC., AND [2004-SC-001121-DG](#)
DEL RIO, INC.V. **TO BE PUBLISHED**
BELL COUNTY COAL CORPORATION
AND DARRELL HUFF
OPINION OF THE COURT BY
JUSTICE MINTON – REVERSING
SCOTT, J., NOT SITTING.

3. CHARLES W. STRATTON V. [2005-SC-000307-MR](#) CAMPBELL
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF THE
COURT – AFFIRMING

4. COURTNEY TROWELL V. [2005-SC-000516-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF THE
COURT – AFFIRMING

5. JEFFREY MORNINGSTAR V. [2005-SC-000894-MR](#) PIKE
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF THE
COURT – AFFIRMING

6. STERLING J. RANEY V. [2006-SC-000030-MR](#) BELL
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF THE
COURT – AFFIRMING

SUPREME COURT OF KENTUCKY

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| 7. | JAMES RICHARD TURLEY V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u> | 2006-SC-000088-MR
NOT TO BE PUBLISHED | FAYETTE |
| 8. | JOHN RONNIE OSBORNE V.
EAGLE COAL CO. # 10, ET AL.
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u> | 2006-SC-000187-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 9. | LINDA ROSS V.
THREAVE MAIN STUD, ET AL.
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u>
SCHRODER, J., DISSENTS BY
SEPARATE OPINION IN WHICH
LAMBERT, C.J., AND
SCOTT, J., JOIN. | 2006-SC-000190-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 10. | FEDERICO PANTOJA-LOPEZ V.
ELK HILL FARM, ET AL.
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u>
MCANULTY, J., NOT SITTING. | 2006-SC-000213-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 11. | OLIVER HINKLE V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u> | 2006-SC-000397-MR
2005-SC-000342-MR
NOT TO BE PUBLISHED | KNOX |

OPINIONS AND ORDERS – JANUARY 25, 2007

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|---|---|---------------------|
| LISA LYNNE COGAN V.
KENTUCKY BAR ASSOCIATION
ORDER RESTORED MOVANT TO
THE PRACTICE OF LAW. | 2006-SC-000639-KB
TO BE PUBLISHED | IN SUPREME
COURT |
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OPINIONS AND ORDERS – JANUARY 25, 2007

KENTUCKY BAR ASSOCIATION V. MARK B. GELLER ORDER PERMANENTLY DISBARRED RESPONDENT FROM THE PRACTICE OF LAW.	<u>2006-SC-000793-KB</u> TO BE PUBLISHED	IN SUPREME COURT
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ROBERT MARK BEAL V. KENTUCKY BAR ASSOCIATION ORDER SUSPENDED MOVANT FROM THE PRACTICE OF LAW FOR THE PERIOD OF TWO YEARS.	<u>2006-SC-000918-KB</u> TO BE PUBLISHED	IN SUPREME COURT
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**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
JANUARY 18, 2007**

ALICE SOUTH HUME, ET AL. V. FRANKLIN COUTY FISCAL COURT, ET AL.	2006-SC-000499-D	FRANKLIN
COMMONWEALTH OF KENTUCKY V. AMANDA R. GADDIE	2006-SC-000575-DG	HARDIN
CHRISTIE RICHARDSON V. LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT	2006-SC-000502-D	JEFFERSON
CHRISTOPHER M. PENINGTON V. HEATHER M. MARCUM (F/K/A MILES)	2006-SC-000642-DG	BOYD
COMMONWEALTH OF KENTUCKY V. BOBBY A. JONES	2006-SC-000650-D	MONTGOMERY
CHRISTOPHER EARL NAIL V. COMMONWEALTH OF KENTUCKY	2006-SC-000753-DG	HARDIN

SUPREME COURT OF KENTUCKY

MINUTES

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JANUARY 18, 2007**

JAMES T. MILLER, ET AL. V. CITY OF ANCHORAGE, ET AL.	2006-SC-000106-D	JEFFERSON
SHIRLEY MAE HATFIELD V. KENTUCKY RETIREMENT SYSTEMS, ET AL.	2006-SC-000415-D	FRANKLIN
LARRY E. WATKINS-EL V. ERNIE FLETCHER, GOVERNOR	2006-SC-000446-D	JEFFERSON
STANLEY WAYNE ROBERTS V. COMMONWEALTH OF KENTUCKY	2006-SC-000475-D	PULASKI
JEFFREY ALLEN BECKHAM V. COMMONWEALTH OF KENTUCKY COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED	2006-SC-000518-D	HENDERSON
CONNIE MARSHALL V. ARTHUR SAMUEL	2006-SC-000531-D	JEFFERSON
COMMONWEALTH OF KENTUCKY V. CHRIS MONIN	2006-SC-000536-D	MARION
WILLIAM R. THOMAS V. KEN ALLEN AND DOLORES A. ALLEN	2006-SC-000538-D	HOPKINS
RODNEY PEVELER V. HON. DAVID H. JERNIGAN, JUDGE, MUHLENBERG CIRCUIT COURT AND COMMONWEALTH OF KENTUCKY	2006-SC-000540-D	MUHLENBURG
KENNETH WAYNE LUKE V. COMMONWEALTH OF KENTUCKY	2006-SC-000541-D	DAVISS

SUPREME COURT OF KENTUCKY

MINUTES

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JANUARY 18, 2007**

GERRI HOLLINS V. JOE GUY HAGAN REALTORS COMPANY, LLC, ET AL	2006-SC-000581-D	JEFFERSON
KENNETH WILLIAM FRAZIER V. COMMONWEALTH OF KENTUCKY	2006-SC-000585-D	JEFFERSON
CITY OF SIMPSONVILLE V. MARY KEARNEY	2006-SC-000588-D	SHELBY
RANDY LEINENBACH V. COMMONWEALTH OF KENTUCKY	2006-SC-000623-D	HANCOCK
CHARLES RUNYON, ET AL. V. BRENDA COLEMAN, ET AL.	2006-SC-000627-D	PIKE
JOHN W. BACKER V. LARRY S. ROBERTS; KENNETH W. SMITH; AND ROBERTS AND SMITH, A PARTNERSHIP	2006-SC-000630-D	FAYETTE
DAVID LEE DUKE V. MELISSA ANN DUKE	2006-SC-000646-D	CARTER
KEA-HAM CONTRACTING, INC. V. FLOYD COUNTY DEVELOPMENT AUTHORITY, ET AL.	2006-SC-000649-D	FLOYD
THERESA M. GERSTLE V. ROGER DALE FISHER	2006-SC-000664-D	JEFFERSON
CITY OF FRANKFORT V. JAMES DAVENPORT, ET AL.	2006-SC-000691-D	FRANKLIN
SAMANTHA WINDHAM V. COMMONWEALTH OF KENTUCKY	2006-SC-000702-D	CHRISTIAN

SUPREME COURT OF KENTUCKY

MINUTES

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JANUARY 18, 2007**

RYAN M. DAVIS V. COMMONWEALTH OF KENTUCKY	2006-SC-000731-D	CASEY
THOMAS EDWARD CLEMENTS, ET AL. V. JESSAMINE COUNTY FISCAL COURT, ET AL.	2006-SC-000734-D	JESSAMINE
JILL MUDD V. COMMONWEALTH OF KENTUCKY	2006-SC-000760-D	NELSON
DALE WILLIS V. COMMONWEALTH OF KENTUCKY	2006-SC-000789-D	BELL
JAMES CLOUD V. COMMONWEALTH OF KENTUCKY	2006-SC-000806-D	BELL
VINCENT INGABRAND V. COMMONWEALTH OF KENTUCKY	2006-SC-000824-D	HENRY
JIM LATTNER V. COMMONWEALTH OF KENTUCKY	2006-SC-000836-D	FAYETTE
DANNY CHAMBERS V. COMMONWEALTH OF KENTUCKY	2006-SC-000871-D	LEE

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE
MOTION FOR DISCRETIONARY REVIEW – JANUARY 18, 2007**

STEVEN LYNN HEARLD V. COMMONWEALTH OF KENTUCKY	2006-SC-000840-D	OHIO
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SUPREME COURT OF KENTUCKY

MINUTES

JANUARY 25, 2007

RELEASED: 10:00 A.M.

COURT ORDERS GRANTING MOTION TO TRANSFER – DECEMBER 20, 2006

BENJI MANNS V. 2006-SC-000929-TG MAGOFFIN
COMMONWEALTH OF KENTUCKY

CHARLES H. SULLIVAN 2006-SC-000930-TG MEADE
COMMONWEALTH OF KENTUCKY

COURT ORDERS DENYING MOTION TO TRANSFER – JANUARY 25, 2007

MICHAEL SCHNUERLE, ET AL. V. 2006-SC-000771-T JEFFERSON
INSIGHT COMMUNICATION COMPANY,
L.P., AND INSIGHT COMMUNICATIONS
MIDWEST, LLC

COURT ORDERS GRANTING PETITION FOR REHEARING – JANUARY 25, 2007

FRED FURNISH V. 2004-SC-000387-MR KENTON
COMMONWEALTH OF KENTUCKY

COURT ORDERS DENYING PETITION FOR REHEARING – JANUARY 25, 2007

LESTER BOBBITT V. [2005-SC-000487-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY
**ORDER MODIFIED OPINION RENDERED
SEPTEMBER 21, 2006, BY CHANGES TO
PAGES 7 AND 10.**

RICHARD ROCK V. 2005-SC-000290-MR BULLITT
COMMONWEALTH OF KENTUCKY

HARRY ROBERT MCCROBIE, JR. V. 2005-SC-000886-MR TAYLOR
COMMONWEALTH OF KENTUCKY

SUPREME COURT OF KENTUCKY

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JANUARY 25, 2007

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – JANUARY 25, 2007

COMPEX INTERNATIONAL [2005-SC-000228-DG](#) BELL
COMPANY, LIMITED V.
STEPHEN C. TAYLOR; AND
LAURA TAYLOR
**ORDER MODIFIED OPINION
RENDERED OCTOBER 19 2006,
BY SUBSTITUTION OF PAGES 1 AND 2.**

COURT ORDERS

WILEY GIBBS V. [2004-SC-000286-MR](#) LOGAN
COMMONWEALTH OF KENTUCKY
**ORDER CORRECTED OPINION
RENDERED SEPTEMBER 21, 2006,
BY SUBSTITUTION OF PAGES 1 AND 10.**
ENTERED: DECEMBER 21, 2006

ELLA RENEE SASSER INMAN V. [2005-SC-000764-MR](#) LAUREL
COMMONWEALTH OF KENTUCKY
ORDER DISMISSED APPEAL.
ENTERED: JANUARY 18, 2007

JUSTIN HUMBER V. [2005-SC-000993-MR](#) FAYETTE
COMMONWEALTH OF KENTUCKY
ORDER DISMISSED APPEAL.
ENTERED: JANUARY 18, 2007

SUPREME COURT OF KENTUCKY

MINUTES

JANUARY 25, 2007

RELEASED: 10:00 A.M.

COURT ORDERS

NINA BLACKBURN, INDIVIDUALLY
AND AS EXECUTRIX OF THE
ESTATE OF GARY BLACKBURN,
DECEASED, ET AL. **V.**
LODESTAR ENGERGY, INC., ET AL.

[2006-SC-000095-WC](#)

FROM COURT
OF APPEALS

AND

KENTUCKY EMPLOYERS'
MUTUAL INSURANCE **V.**
LODESTAR ENGERGY, INC., ET AL.

[2006-SC-000228-WC](#)

FROM COURT
OF APPEALS

**ORDER CORRECTED OPINION
RENDERED DECEMBER 21, 2006,
BY SUBSTITUTION OF PAGE 1.**

ENTERED: JANUARY 9, 2007

KENTUCKY BAR ASSOCIATION **V.**
DAVID S. O'BRIEN

2006-SC-000571-KB

IN SUPREME
COURT

**ORDER DENIED RESPONDENT'S
MOTION TO RECONSIDER THIS
COURT'S OPINION AND ORDER
ENTERED NOVEMBER 22, 2006.**

ENTERED: JANUARY 25, 2007

OWEN ELECTRIC COOPERATIVE, INC. **V.**
HON. ANTHONY W. FROHLICH, JUDGE,
BOONE CIRCUIT COURT, ET AL.

2006-SC-000744-MR

BOONE

ORDER DISMISSED APPEAL.

ENTERED: JANUARY 18, 2007

SUPREME COURT OF KENTUCKY

MINUTES

JANUARY 25, 2007

RELEASED: 10:00 A.M.

COURT ORDERS

ROGER DALE EPPERSON V. HONORABLE EDDY COLEMAN, JUDGE, LETCHER CIRCUIT COURT; AND COMMONWEALTH OF KENTUCKY, REAL PARTY IN INTEREST AND	2006-SC-000825-OA	FROM COURT OF APPEALS
BENNY LEE HODGE V. HONORABLE EDDY COLEMAN, JUDGE, LETCHER CIRCUIT COURT; AND COMMONWEALTH OF KENTUCKY, REAL PARTY IN INTEREST ORDER DENIED WRIT OF MANDAMUS. ENTERED: JANUARY 25, 2007	2006-SC-000829-OA	FROM COURT OF APPEALS
CAM I, INC., D/B/A PRESTON VIDEO, ET AL. V. LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT, ET AL. ORDER DENIED INTERLOCUTORY RELIEF PURSUANT TO CR 65.09. ENTERED: JANUARY 25, 2007	2006-SC-000915-I	JEFFERSON