

SUPREME COURT OF KENTUCKY

FEBRUARY 16, 2017 MINUTES

RELEASED: 10:00 A.M.

1. PAUL LAMB V. [2015-SC-000255-MR](#) MCCRACKEN
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
JUSTICE VENTERS –
AFFIRMING
ALL SITTING. ALL CONCUR.

Questions Presented:
Conviction of eleven crimes, including drug and firearm offenses-70 years. Trial court properly allowed defendant to waive counsel. Second search of defendant, the search of his person that followed the drug dog's alert on the vehicle was a permissible warrantless search incident to this arrest. Allowing evidence that confidential informant's work resulted in convictions in other cases was not palpable error.

2. CLARENCE L. COBB V. [2016-SC-000063-DG](#) GRAVES
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
JUSTICE WRIGHT –
AFFIRMING
ALL SITTING. ALL CONCUR.

Questions Presented:
Warrantless Search of Impounded Vehicle. Suppression of Evidence. Public Safety Exception. Whether there was reasonable basis to impound a vehicle which was parked in a driveway prior to the arrest of its driver. Whether the public safety exception to the requirement for a search warrant applies to permit the inventory search of an impounded vehicle of a driver arrested by the police for driving on a suspended license.

3. COMMONWEALTH OF KENTUCKY, [2016-SC-000249-WC](#) FROM COURT
UNINSURED EMPLOYERS' FUND V. **TO BE PUBLISHED** OF APPEALS
KARA SIDEBOTTOM, A/K/A KARA
HARVILLE, ET AL.
OPINION OF THE COURT BY
JUSTICE VENTERS –
AFFIRMING
ALL SITTING. ALL CONCUR.

Questions Presented:
Workers Compensation. Average Weekly Wage. Benefits for Variable Wage Employee (salary plus tips) are to be calculated according to KRS 342.140 (d).

SUPREME COURT OF KENTUCKY

FEBRUARY 16, 2017 MINUTES

RELEASED: 10:00 A.M.

4. UNIFUND CCR PARTNERS V. [2015-SC-000117-DG](#) NELSON
CAROL HARRELL
TO BE PUBLISHED

**OPINION OF THE COURT BY
JUSTICE KELLER –
AFFIRMING AND REMANDING**
MINTON, C.J.; CUNNINGHAM,
HUGHES, KELLER, AND WRIGHT, JJ.,
CONCUR. VENTERS, J., DISSENTS
BY SEPARATE OPINION. VANMETER,
J., NOT SITTING.

Questions Presented:
Prejudgment interest. Rights of third party assignee of a debt. Violation of Fair Debt Collection Practices Act. Is a claim for recovery of prejudgment interest at the statutory rate by a third party assignee a violation of the Fair Debt Collection Practices Act?

5. NELLIE FLEMING, ET AL. V. [2015-SC-000161-DG](#) PIKE
EQT GATHERING, LLC.
TO BE PUBLISHED

**OPINION OF THE COURT BY
JUSTICE VENTERS –
AFFIRMING IN PART, REVERSING IN
PART, AND REMANDING**
MINTON, C.J.; CUNNINGHAM,
HUGHES, KELLER, AND VANMETER,
JJ., SITTING. ALL CONCUR. WRIGHT,
J., NOT SITTING.

Questions Presented:
Compensatory and punitive damages for alleged trespass upon land. Trial court erred by directing a verdict in appellants' favor on the issue of liability for the trespass and submitting only the issue of damages for the jury's determination. Adjoining landowners were not indispensable parties to the trespass action.

6. REX ALLEN MURPHY V. [2015-SC-000487-MR](#) PULASKI
COMMONWEALTH OF KENTUCKY
TO BE PUBLISHED

**OPINION OF THE COURT BY
JUSTICE HUGHES –
AFFIRMING IN PART, REVERSING
IN PART, AND REMANDING**
ALL SITTING. MINTON, C.J.;
CUNNINGHAM, KELLER, VANMETER,
AND VENTERS, JJ., CONCUR.
CUNNINGHAM, J., CONCURS BY
SEPARATE OPINION. WRIGHT, J.,
CONCURS IN RESULT ONLY BY
SEPARATE OPINION.

Questions Presented:
First-degree sodomy, first-degree sexual abuse, and use of a minor in a sexual performance-30 years. "Forcible compulsion." Trial court erred by failing to direct a verdict of acquittal for first-degree sodomy and first-degree sexual abuse. Prosecutorial misconduct did not constitute palpable error. Claim regarding excluded mitigation evidence was not properly preserved for appellate review.

SUPREME COURT OF KENTUCKY

FEBRUARY 16, 2017 MINUTES

RELEASED: 10:00 A.M.

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| 7. | DENNIS CHAMPION V.
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
<u>REVERSING AND REMANDING</u>
ALL SITTING. MINTON, C.J.;
HUGHES, KELLER, VENTERS, AND
WRIGHT, JJ., CONCUR.
CUNNINGHAM AND VANMETER, JJ.,
CONCUR IN RESULT ONLY. | 2015-SC-000570-DG
TO BE PUBLISHED | FAYETTE |
| <p>Questions Presented:
Freedom of Speech. Criminal Penalties. City Ordinances. Whether a city ordinance banning the practice of begging or soliciting upon the public streets or at the intersection of public streets constitutes a violation of free speech and whether such an ordinance can impose criminal penalties for its violation.</p> | | | |
| 8. | COMMONWEALTH OF KENTUCKY,
UNINSURED EMPLOYERS' FUND V.
MICHAEL BROCK, ET AL.
OPINION OF THE COURT BY
JUSTICE VENTERS –
<u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2016-SC-000111-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 9. | ROBERT CARL FOLEY V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2014-SC-000478-MR
NOT TO BE PUBLISHED | MADISON |
| 10. | ANNE M. REARDON V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2014-SC-000646-MR
NOT TO BE PUBLISHED | MEADE |
| 11. | ROBERT CARL FOLEY V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2014-SC-000743-MR
NOT TO BE PUBLISHED | MADISON |

SUPREME COURT OF KENTUCKY

FEBRUARY 16, 2017 MINUTES

RELEASED: 10:00 A.M.

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| 12. | JUAN RAFAEL PELEGRIN VIDAL V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2015-SC-000167-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 13. | RALPH FOLEY V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2015-SC-000348-MR
NOT TO BE PUBLISHED | GREEN |
| 14. | JOSEPH WILLIAMS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2015-SC-000370-MR
NOT TO BE PUBLISHED | CHRISTIAN |
| 15. | CONRAI KABALLAH V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2015-SC-000491-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 16. | DEIONTA HAYES V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2015-SC-000501-MR
NOT TO BE PUBLISHED | FAYETTE |
| 17. | JOHNATHAN YOUNG V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. MINTON, C.J.;
CUNNINGHAM, HUGHES, VANMETER,
VENTERS, AND WRIGHT, JJ., CONCUR.
KELLER, J., CONCURS IN RESULT
ONLY. | 2016-SC-000050-MR
NOT TO BE PUBLISHED | MONROE |

SUPREME COURT OF KENTUCKY

FEBRUARY 16, 2017 MINUTES

RELEASED: 10:00 A.M.

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| 18. | JOHN E. MATLOCK V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2016-SC-000066-MR
NOT TO BE PUBLISHED | WARREN |
| 19. | RIVER VIEW COAL, LLC V.
ANGELA WHITLOCK, ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. MINTON, C.J.;
CUNNINGHAM, HUGHES, KELLER,
VENTERS, AND WRIGHT, JJ.,
CONCUR. VANMETER, J., DISSENTS
WITHOUT OPINION. | 2016-SC-000072-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 20. | TEVIN DEVON WRIGHT V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2016-SC-000089-MR
NOT TO BE PUBLISHED | FAYETTE |
| 21. | LOUIS TORRES V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2016-SC-000228-MR
NOT TO BE PUBLISHED | FAYETTE |
| 22. | JEFFREY LEE KOLLEY V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2016-SC-000339-MR
NOT TO BE PUBLISHED | HARDIN |

SUPREME COURT OF KENTUCKY

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RELEASED: 10:00 A.M.

OPINION AND ORDER – FEBRUARY 16, 2017

MARC ALAN WELLS V.
KENTUCKY BAR ASSOCIATION
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 61 DAYS, PROBATED
FOR 1 YEAR, WITH CONDITIONS.**
MINTON, C.J.; HUGHES, KELLER, VANMETER,
VENTERS, AND WRIGHT, JJ., CONCUR.
CUNNINGHAM, J., NOT SITTING.

[2016-SC-000662-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 9, 2017**

UNIVERSITY OF LOUISVILLE V.
MARK ROTHSTEIN
HUGHES, J., NOT SITTING.

2016-SC-000220-DG

FRANKLIN

COMMONWEALTH OF KENTUCKY V.
WILLIAM ROY HELM, JR.

2016-SC-000370-DG

HARDIN

RICHARD STORM V.
LOUIS MARTIN

2016-SC-000457-DG

JEFFERSON

COMMONWEALTH OF KENTUCKY, CABINET
FOR HEALTH AND FAMILY SERVICES, ETC. V.
LETTIE SEXTON, ETC., ET AL.

2016-SC-000529-DG

HARLAN

AND

COVENTRY HEALTH AND LIFE INSURANCE
COMPANY. V.
LETTIE SEXTON, ETC., ET AL.

2016-SC-000534-DG

HARLAN

AND

LETTIE SEXTON, ETC. V.
COMMONWEALTH OF KENTUCKY, CABINET
FOR HEALTH AND FAMILY SERVICES, ET AL.

2016-SC-000540-DG

HARLAN

SALLY CAROL GRASCH V.
ALBERT FRANKLIN GRASCH, JR.
VANMETER, J., NOT SITTING.

2016-SC-000591-DG

FAYETTE

STEPHEN MARCHESE V.
ALLISON AEBERSOLD

2016-SC-000644-DGE

JEFFERSON

SUPREME COURT OF KENTUCKY

FEBRUARY 16, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 9, 2017**

RALPH PERKINS V. COMMONWEALTH OF KENTUCKY	2016-SC-000152-D	FULTON
NORTON HOSPITALS, INC., ETC. V. JANE M. MEFFORD	2016-SC-000210-D	JEFFERSON
TERRY GRUBB V. COMMONWEALTH OF KENTUCKY	2016-SC-000221-D	CLAY
ROBERT HUXOL, ET AL. V. DAVIESS COUNTY FISCAL COURT, ET AL.	2016-SC-000224-D	DAVIESS
DOUGLAS A. WAIN V. LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT	2016-SC-000226-D	FAYETTE
SHERMAN D. PERRY V. COMMONWEALTH OF KENTUCKY	2016-SC-000239-D	MARTIN
JASON ANTHONY CAMPBELL V. COMMONWEALTH OF KENTUCKY	2016-SC-000250-D	MUHLENBERG
ROBERT HENRY MILES V. COMMONWEALTH OF KENTUCKY	2016-SC-000251-D	FAYETTE
JOE TAYLOR V. COMMONWEALTH OF KENTUCKY	2016-SC-000267-D	FULTON
SANDRA GAFFNEY, ET AL. V. DAVID YAKIMOVICZ, ET AL.	2016-SC-000286-D	BOYD
BRANDON HAWKINS V. COMMONWEALTH OF KENTUCKY WRIGHT, J., WOULD GRANT.	2016-SC-000294-D	CHRISTIAN
COMMONWEALTH OF KENTUCKY V. CECIL WILLIAM HOLLERAN	2016-SC-000316-D	FAYETTE

SUPREME COURT OF KENTUCKY

FEBRUARY 16, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 9, 2017**

JONATHAN DYER V. DIONNE HARDIN, KENTUCKY STATE PENITENTIARY, ETC., ET AL.	2016-SC-000371-D	LYON
DARIEN J. DALTON V. COMMONWEALTH OF KENTUCKY VANMETER, J., NOT SITTING.	2016-SC-000408-D	GRAVES
CITY OF MANCHESTER, KENTUCKY V. EA PARTNERS, PLC	2016-SC-000412-D	CLAY
JAMES HARRIS, ET AL. V. RYAN LIBKE, ET AL.	2016-SC-000415-D	SHELBY
STEPHEN NUNN V. COMMONWEALTH OF KENTUCKY VANMETER, J., NOT SITTING.	2016-SC-000418-D	FAYETTE
JOHN VEITCH V. COMMONWEALTH OF KENTUCKY, PUBLIC PROTECTION CABINET, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2016-SC-000422-D	FRANKLIN
EDWARD H. FLINT V. NATIONWIDE INSURANCE COMPANY CUNNINGHAM, KELLER, VANMETER, VENTERS, AND WRIGHT, JJ., AND JOHN S. REED, SPECIAL JUSTICE, SITTING. NORMAN E. HARNED, SPECIAL JUSTICE, NOT SITTING.	2016-SC-000423-D	JEFFERSON
ADRIAN BROWN V. KENTUCKY DEPARTMENT OF CORRECTIONS VANMETER, J., NOT SITTING.	2016-SC-000424-D	FRANKLIN
BOBBY PERRY V. COMMONWEALTH OF KENTUCKY	2016-SC-000430-D	KENTON

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 9, 2017**

WILLIAM ELLIS PATTERSON V. COMMONWEALTH OF KENTUCKY VANMETER, J., NOT SITTING.	2016-SC-000446-D	HENDERSON
ANTHONY THOMAS GRIMES V. COMMONWEALTH OF KENTUCKY VANMETER, J., NOT SITTING.	2016-SC-000447-D	DAVISS
RUBEN RIOS SALINAS V. KENTUCKY DEPARTMENT OF CORRECTIONS, ET AL. VANMETER, J., NOT SITTING.	2016-SC-000450-D	FRANKLIN
JESSE MULLINS V. MATTHEW M. GRABER, M.D., ET AL.	2016-SC-000455-D	FAYETTE
WESTERN KENTUCKY COCA-COLA BOTTLING COMPANY, INC. V. THOMAS SHIRRELL, ET AL.	2016-SC-000458-D	TAYLOR
AND KROGER LIMITED PARTNERSHIP I V. THOMAS SHIRRELL, ET AL.	2016-SC-000480-D	TAYLOR
THE HARRISON MEMORIAL HOSPITAL, INC., ETC. V. WELLCARE HEALTH INSURANCE COMPANY OF KENTUCKY, INC., ETC.	2016-SC-000464-D	FRANKLIN
JOHNSON COUNTY BOARD OF EDUCATION V. PETITION COMMITTEE, ETC, ET AL. KELLER AND WRIGHT, JJ., WOULD GRANT.	2016-SC-000469-D	JOHNSON

SUPREME COURT OF KENTUCKY

FEBRUARY 16, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 9, 2017**

D.W. V. CABINET FOR HEALTH AND FAMILY SERVICES, ETC., ET AL. AND D.W. V. CABINET FOR HEALTH AND FAMILY SERVICES, ETC., ET AL.	2016-SC-000471-DE 2016-SC-000472-DE	UNION UNION
ABC, INC., ETC. V. COMMONWEALTH OF KENTUCKY, EX REL. JACK CONWAY, ETC. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. VANMETER AND WRIGHT, JJ., WOULD GRANT.	2016-SC-000473-D	FRANKLIN
THE CADLE COMPANY, ET AL. V. GASBUSTERS PRODUCTION 1 LIMITED PARTNERSHIP, ET AL. VANMETER, J., NOT SITTING.	2016-SC-000478-D	LAWRENCE
MELISSA COLEMAN GUARDIAN, ETC., ET AL. V. DANIEL MOSS, ET AL.	2016-SC-000479-D	WARREN
MARCIE WALKER V. GEORGE BROCK, AS NATURAL PARENT AND NEXT FRIEND OF CHRISTOPHER BROCK (A MINOR), ET AL.	2016-SC-000512-D	KNOX
TERRY FARMER V. KENTUCKY EXECUTIVE BRANCH ETHICS COMMISSION	2016-SC-000519-D	FRANKLIN
LAWRENCE STINNETT V. COMMONWEALTH OF KENTUCKY	2016-SC-000520-D	WARREN
BRADLEY PRUITT V. ELLEN BIELEFELD PRUITT	2016-SC-000535-D	JEFFERSON

SUPREME COURT OF KENTUCKY

FEBRUARY 16, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 9, 2017**

RAYMOND EVANS V. APRIL (EVANS) HESS, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. VANMETER, J., NOT SITTING.	2016-SC-000541-DE	BOONE
BUDDY BROCK V. COMMONWEALTH OF KENTUCKY, EX REL. BRIANNA BROCK	2016-SC-000556-DE	PULASKI
WILLIAM S. SULLIVAN V. LEIGH ANN SULLIVAN	2016-SC-000559-DE	GALLATIN
CARLA COWAN, ET AL. V. LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, ETC. VANMETER, J., NOT SITTING.	2016-SC-000570-D	JEFFERSON
JOHN DAVID LEE, ET AL. V. JILL L. LEE (NOW STANLEY), ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2016-SC-000573-D	JEFFERSON
BOARD OF TRUSTEES OF THE KENTUCKY RETIREMENT SYSTEMS V. CITY OF FORT WRIGHT, KENTUCKY	2016-SC-000588-D	FRANKLIN
TERRY A. MOORE V. MEGHAN R. MOORE THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. VANMETER, J., NOT SITTING.	2016-SC-000597-DE	HARDIN
JAMES CONLON V. STEVEN R. HAISE, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. WRIGHT, J., WOULD GRANT. VANMETER, J., NOT SITTING.	2016-SC-000604-D	JEFFERSON

SUPREME COURT OF KENTUCKY

FEBRUARY 16, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 9, 2017**

GREGORY SHAUN CURTIS V. 2016-SC-000605-D FAYETTE
COMMONWEALTH OF KENTUCKY
**THE OPINION OF THE COURT OF APPEALS
IS ORDERED NOT TO BE PUBLISHED.
VANMETER, J., NOT SITTING.**

DAVID WILKINS V. 2016-SC-000621-D FAYETTE
GLENN BROWN, ET AL.
VANMETER, J., NOT SITTING.

ANGELA MOBLEY (NOW DAVIS) V. 2016-SC-000622-DE JEFFERSON
ROBERT C. MOBLEY

M.M., ET AL. V. 2016-SC-000654-DE JEFFERSON
COMMONWEALTH OF KENTUCKY, CABINET
FOR HEALTH AND FAMILY SERVICES
KELLER AND WRIGHT, JJ., WOULD GRANT.

COURT ORDER GRANTING MOTION TO TRANSFER

MATTHEW G. BEVIN, IN HIS OFFICIAL 2016-SC-000642-TG FRANKLIN
CAPACITY AS GOVERNOR OF THE
COMMONWEALTH OF KENTUCKY V.
ANDY BESHEAR, IN HIS OFFICIAL
CAPACITY AS ATTORNEY GENERAL OF THE
COMMONWEALTH OF KENTUCKY
ALL SITTING. ALL CONCUR.
ENTERED: JANUARY 9, 2017

COURT ORDERS DENYING MOTION TO TRANSFER – FEBRUARY 16, 2017

COMMONWEALTH OF KENTUCKY V. 2016-SC-000620-T BRECKINRIDGE
JULIA A. BROWN
ALL SITTING. ALL CONCUR.

NANCY A. BARONE KREMER, ETC. V. 2016-SC-000633-T CAMPBELL
SANITATION DISTRICT NO. 1, ETC.
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

FEBRUARY 16, 2017 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING MOTION TO TRANSFER – FEBRUARY 16, 2017

ROBERT JOHNSON, ET AL. V. 2016-SC-000634-T CAMPBELL
SANITATION DISTRICT NO. 1, ETC.
ALL SITTING. ALL CONCUR.

DANIEL HEEB, ET AL. V. 2016-SC-000635-T CAMPBELL
SANITATION DISTRICT NO. 1, ETC.
ALL SITTING. ALL CONCUR.

KENNETH PLATTNER, ET AL. V. 2016-SC-000636-T CAMPBELL
SANITATION DISTRICT NO. 1, ETC.
ALL SITTING. ALL CONCUR.

DOROTHY SAUERBECK, ET AL. V. 2016-SC-000637-T CAMPBELL
SANITATION DISTRICT NO. 1, ETC.
ALL SITTING. ALL CONCUR.

KENNETH STUDER V. 2016-SC-000638-T CAMPBELL
SANITATION DISTRICT NO. 1, ETC.
ALL SITTING. ALL CONCUR.

KEITH NELTNER, ET AL. V. 2016-SC-000639-T CAMPBELL
SANITATION DISTRICT NO. 1, ETC.
ALL SITTING. ALL CONCUR.

ALONZA GRAY, ET AL. V. 2016-SC-000640-T CAMPBELL
SANITATION DISTRICT NO. 1, ETC.
ALL SITTING. ALL CONCUR.

COURT ORDERS DENYING PETITION FOR REHEARING – FEBRUARY 16, 2017

KENTUCKY PROPERTIES HOLDING, LLC V. 2014-SC-000368-DG GALLATIN
DONALD SPROUL
**MINTON, C.J.; CUNNINGHAM, HUGHES,
KELLER, VENTERS, AND WRIGHT, JJ.,
CONCUR. VANMETER, J., NOT SITTING.**

SUPREME COURT OF KENTUCKY

FEBRUARY 16, 2017 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – FEBRUARY 16, 2017

GARY MARTIN V. STEPHEN O'DANIEL AND MIKE SAPP V. STEPHEN O'DANIEL AND BOBBY MOTLEY V. STEPHEN O'DANIEL ALL SITTING. ALL CONCUR.	2014-SC-000373-DG 2014-SC-000389-DG 2014-SC-000394-DG	FRANKLIN FRANKLIN FRANKLIN
ARCHIE VIRES, JR. V. COMMONWEALTH OF KENTUCKY ALL SITTING. ALL CONCUR.	2015-SC-000177-MR	POWELL
DEER RUN ESTATES, LLC V. HON. DARREN W. PECKLER, JUDGE, MERCER CIRCUIT COURT, ET AL. ALL SITTING. ALL CONCUR.	2015-SC-000390-MR	FROM COURT OF APPEALS
MATTHEW SMITH, A/K/A MADDIE SMITH V. COMMONWEALTH OF KENTUCKY ALL SITTING. ALL CONCUR.	2015-SC-000451-MR	KENTON

COURT ORDERS DISMISSING

HERSHEL W. MANNAHAN, ET AL. V. HON. SUSAN SCHULTZ GIBSON, JUDGE, JEFFERSON CIRCUIT COURT, ET AL. MINTON, C.J.; CUNNINGHAM, HUGHES, KELLER, VENTERS AND WRIGHT, JJ., SITTING. ALL CONCUR. VANMETER, J., NOT SITTING. ENTERED: FEBRUARY 10, 2017	2013-SC-000693-MR	FROM COURT OF APPEALS
SHAYNA HUBERS V. COMMONWEALTH OF KENTUCKY WRIGHT, CUNNINGHAM, HUGHES AND KELLER, JJ., SITTING. ALL CONCUR. ENTERED: FEBRUARY 10, 2017	2015-SC-000643-MR	CAMPBELL

SUPREME COURT OF KENTUCKY

FEBRUARY 16, 2017 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

THOMAS CATHERSON V. JAMIE MATAISZ DOLL. WRIGHT, CUNNINGHAM, HUGHES AND KELLER, JJ., SITTING. ALL CONCUR. ENTERED: FEBRUARY 10, 2017	2016-SC-000516-D	OLDHAM
FINANCE AND ADMINISTRATION CABINET. DEPARTMENT OF REVENUE V. NETFLIX, INC. WRIGHT, CUNNINGHAM, HUGHES AND KELLER, JJ., SITTING. ALL CONCUR. ENTERED: FEBRUARY 10, 2017	2016-SC-000539-T	FRANKLIN
DOLLAR TREE STORES, INC. V. PATTI-ANN DAVIS, ET AL. ENTERED: JANUARY 19, 2017	2016-SC-000543-WC	FROM COURT OF APPEALS
DENNIS JACKSON V. COMMONWEALTH OF KENTUCKY ENTERED: DECEMBER 14, 2016	2016-SC-000545-D	BREATHITT
ANTHONY YANCEY V. COMMONWEALTH OF KENTUCKY ENTERED: JANUARY 11, 2017	2016-SC-000614-D	JEFFERSON
DANIEL BEASLEY V. COMMONWEALTH OF KENTUCKY ENTERED: JANUARY 18, 2017	2016-SC-000696-D	WARREN
TAYLOR GOWER V. ALFA VISION INSURANCE CORPORATION WRIGHT, CUNNINGHAM, HUGHES AND KELLER, JJ., SITTING. ALL CONCUR. ENTERED: FEBRUARY 10, 2017	2016-SC-000697-D	MCCRACKEN

SUPREME COURT OF KENTUCKY

FEBRUARY 16, 2017 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

GLENN RAHAN DONEGHY V. 2017-SC-000017-D FAYETTE
WKYT 27 NEWS FIRST
**WRIGHT, CUNNINGHAM, HUGHES AND
KELLER, JJ., SITTING. ALL CONCUR.**
ENTERED: FEBRUARY 10, 2017

PATRICIA JACKSON, ET AL. V. 2017-SC-000048-D WARREN
ROLAND WALL, CRNA, ET AL.
ENTERED: FEBRUARY 7, 2017

COURT ORDERS

MARY STORY V. 2014-SC-000626-DG FRANKLIN
KENTUCKY COURT OF JUSTICE
DISMISSAL APPEAL BOARD, ET AL.
**THE VOTE OF THE SIX MEMBERS OF THIS
COURT PARTICIPATING IN THE
DETERMINATION OF THIS APPEAL BEING
EQUALLY DIVIDED, PURSUANT TO SCR 1.020,
THE OPINION OF THE COURT OF APPEALS
HEREBY STANDS AFFIRMED.**
HUGHES, VENTERS AND VANMETER, JJ.,
WOULD AFFIRM THE OPINION OF THE COURT
OF APPEALS. CUNNINGHAM, KELLER AND
WRIGHT, JJ., WOULD REVERSE THE
OPINION OF THE COURT OF THE APPEALS.
MINTON, C.J., NOT SITTING.
ENTERED: FEBRUARY 16, 2017

CHARLES HARDIN, M.D. V. [2015-SC-000572-DGE](#) MAGOFFIN
JOHN MONTGOMERY, ET AL. **TO BE PUBLISHED**

AND [2015-SC-000575-DGE](#) MAGOFFIN
MAGOFFIN COUNTY BOARD OF **TO BE PUBLISHED**
ELECTIONS, ET AL. V.

JOHN MONTGOMERY, ET AL.
**ORDER CORRECTED THE OPINION OF THE
COURT BY JUSTICE VENTERS RENDERED
AUGUST 25, 2016, BY SUBSTITUTION OF
THIS OPINION IN LIEU OF THE ORIGINAL
OPINION.**
ENTERED: DECEMBER 27, 2016

SUPREME COURT OF KENTUCKY

FEBRUARY 16, 2017 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS

ADMINISTRATIVE OFFICE OF THE
COURTS V.

2016-SC-000233-WC

FROM COURT
OF APPEALS

KATHY BLEVINS, ET AL.

**THE VOTE OF THE SIX MEMBERS OF THIS
COURT PARTICIPATING IN THE
DETERMINATION OF THIS APPEAL BEING
EQUALLY DIVIDED, PURSUANT TO SCR 1.020,
THE OPINION OF THE COURT OF APPEALS
HEREBY STANDS AFFIRMED AND THE
OPINION RENDERED BY THE COURT OF
APPEALS IS ORDERED NOT TO BE PUBLISHED.**

CUNNINGHAM, KELLER AND WRIGHT, JJ.,
WOULD AFFIRM THE OPINION OF THE COURT
OF APPEALS. HUGHES, VENTERS AND
VANMETER, JJ., WOULD REVERSE THE
OPINION OF THE COURT OF THE APPEALS.
MINTON, C.J., NOT SITTING.

ENTERED: FEBRUARY 16, 2017

KENTUCKY BAR ASSOCIATION V.
CHRISTINA ROSE EDMONDSON
**ORDER MODIFIED THE OPINION AND ORDER
ENTERED DECEMBER 15, 2016, BY
SUBSTITUTION OF THIS OPINION AND ORDER
IN LIEU OF THE ORIGINAL OPINION AND
ORDER.**

[2016-SC-000388-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

ENTERED: DECEMBER 15, 2016

SUN HEALTHCARE GROUP, INC., ET AL. V.
ELECTIONS, ET AL. V.
CHARLES GLENN HUBBARD, ETC.
ORDER GRANTED INTERLOCUTORY RELIEF.
ALL SITTING. ALL CONCUR

2016-SC-000616-I

HANCOCK

ENTERED: FEBRUARY 16, 2017

SUPREME COURT OF KENTUCKY

FEBRUARY 16, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE
KENTUCKY BAR ASSOCIATION**

**MERRIE KRISTIN WINFREY V.
KENTUCKY BAR ASSOCIATION
ENTERED: DECEMBER 15, 2016**

2016-SC-000671-KB

**IN SUPREME
COURT**

**DAVID RICHARD LANGDON V.
KENTUCKY BAR ASSOCIATION
ENTERED: DECEMBER 15, 2016**

2016-SC-000672-KB

**IN SUPREME
COURT**

**GARY JOE HOLLOWAY V.
KENTUCKY BAR ASSOCIATION
ENTERED: FEBRUARY 8, 2017**

2017-SC-000064-KB

**IN SUPREME
COURT**