

SUPREME COURT OF KENTUCKY

FEBRUARY 15, 2018 MINUTES

RELEASED: 10:00 A.M.

1. IN RE: LOGAN HICKEY V.
GENERAL ELECTRIC COMPANY
**OPINION OF THE COURT BY
JUSTICE VANMETER –
CERTIFYING THE LAW**
ALL SITTING. ALL CONCUR.

[2017-SC-000135-CL](#) FEDERAL
TO BE PUBLISHED

Questions Presented:
A plaintiff may bring a private right of action under KRS 446.070 against an employer for an alleged violation of KRS 341.990(6)(a), Kentucky’s criminal prohibition against making false statements during unemployment proceedings.

2. MICHAEL TODD HILTON V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE HUGHES –
AFFIRMING**
ALL SITTING. ALL CONCUR.

[2015-SC-000452-MR](#) HARDIN
TO BE PUBLISHED

Questions Presented:
Murder, First-degree Assault, Second-degree Assault, Operating a Motor Vehicle Under Influence of Alcohol which impairs driving ability, PFO I – Life Imprisonment. Trial court did not abuse its discretion in refusing to grant a change of venue; in admitting defendant’s incriminating statement; in denying the request for a mistrial; in refusing to grant a continuance; or in failing to remove jurors for cause. It was harmless error in this case for the trial court to permit testimony about what would constitute an appropriate sentence for the crimes.

3. GREGORY TRRAFT V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE WRIGHT –
AFFIRMING**
MINTON, C.J.; CUNNINGHAM,
HUGHES, KELLER, VENTERS, AND
WRIGHT, JJ., SITTING. ALL
CONCUR. VANMETER, J., NOT
SITTING.

[2015-SC-000470-DG](#) BOONE
TO BE PUBLISHED

Questions Presented:
Criminal Law. 4th Amendment. Traffic Stop. License Plate Reader. The police have reasonable suspicion to conduct a traffic stop based solely on a license plate reader alert indicating that the owner of a vehicle has a pending warrant.

SUPREME COURT OF KENTUCKY

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| 4. | COMMONWEALTH OF KENTUCKY,
JUSTICE AND PUBLIC SAFETY
CABINET, ET AL. V.
VIRGINIA GAITHER, ETC.
OPINION OF THE COURT BY
JUSTICE HUGHES –
<u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | <u>2016-SC-000345-DG</u>
TO BE PUBLISHED | FRANKLIN |
| <p>Questions Presented:
Board of Claims. Post-judgment Interest on Award. Whether and when interest may accrue on an award made by the Board of Claims.</p> | | | |
| 5. | QUINTON R. HUDDLESTON V.
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
JUSTICE VENTERS –
<u>AFFIRMING</u>
ALL SITTING. ALL CONCUR.
CUNNINGHAM, J., ALSO CONCURS
BY SEPARATE OPINION IN WHICH
HUGHES AND WRIGHT, JJ., JOIN. | <u>2016-SC-000673-MR</u>
TO BE PUBLISHED | JEFFERSON |
| <p>Questions Presented:
Murder, Criminal Attempt to Commit Murder-Life without the possibility of Parole. Overruling <i>Perdue v. Commonwealth</i>, parole eligibility information is admissible during the capital sentencing phase of the trial; its exclusion in this case was harmless error. Commonwealth’s introduction during the guilt phase of evidence of other crimes committed by the defendant against the victim’s family was properly. Trial court did not err in admitting the testimony of a witness who was three years old at the time of the crimes and six years old at the time of the trial.</p> | | | |
| 6. | JAMIE GROCE V.
VANMETER CONTRACTING, INC.,
ET AL.
OPINION OF THE COURT BY
JUSTICE VENTERS –
<u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | <u>2017-SC-000225-WC</u>
TO BE PUBLISHED | FROM COURT
OF APPEALS |
| <p>Questions Presented:
Workers’ Compensation. Employer’s settlement of KOSHA citations was not dispositive of the KRS 342.165(1) safety violation issue. Administrative Law Judge determined from the evidence that the employer did not violate employee safety regulations.</p> | | | |

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7. RICHARD YATES V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE WRIGHT –
AFFIRMING IN PART, REVERSING
IN PART**
ALL SITTING. ALL CONCUR.

[2015-SC-000504-MR](#)
TO BE PUBLISHED

FULTON

Questions Presented:

Incest, first-degree unlawful transaction with a minor, use of a minor in a sexual performance, first-degree unlawful imprisonment, and first-degree sexual abuse-70 years. Reindictment and retrial for unlawful transaction with a minor and sexual abuse did not violate the proscription against double jeopardy. Where the new charges added after a successful appeal were based on no new evidence or testimony, and the Commonwealth's reasoning for adding the new charges was contradicted by its strategy during the first trial, there was a reasonable likelihood of prosecutorial vindictiveness meriting dismissal of the new charges.

8. ANTHONY BROWN V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY CHIEF
JUSTICE MINTON –
AFFIRMING IN PART, VACATING IN
PART, AND REMANDING**
ALL SITTING. ALL CONCUR.

[2016-SC-000551-MR](#)
TO BE PUBLISHED

CHRISTIAN

Questions Presented:

Manslaughter and PFO I – 20 years and \$7,571.51 in criminal restitution. Imposition of criminal restitution at sentencing requires, at the least, minimal procedural due process. Evidence of probation violations, like evidence of parole violations, can be admissible evidence in the penalty phase of a criminal trial. Trial court did not err when it allowed the use of Brown's prior conviction for drug possession as a qualifier for PFO enhancement.

SUPREME COURT OF KENTUCKY

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9. COMMONWEALTH OF KENTUCKY V. [2016-SC-000346-DG](#) MUHLENBERG
DONNA MARIE BLAKE
OPINION OF THE COURT BY
JUSTICE VANMETER –
REVERSING
ALL SITTING. ALL CONCUR.

Questions Presented:
Criminal Law. Traffic Stop. Collective Knowledge Doctrine. Traffic stop was supported by reasonable, articulable suspicion when a fellow officer observed possible drug-dealing activity.

10. COMMONWEALTH OF KENTUCKY V. [2016-SC-000419-DG](#) WOLFE
BILLY REED CAUDILL
OPINION OF THE COURT BY
JUSTICE KELLER –
REVERSING
ALL SITTING. ALL CONCUR.

Questions Presented:
Criminal Law. Jury Instructions. Wanton Endangerment and Self-Defense. KRS 503.120(2).

11. LATASHA MAUPIN V. [2016-SC-000572-DG](#) JACKSON
ROLAND TANKERSLEY
OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
REVERSING AND REMANDING
ALL SITTING. MINTON, C.J.;
HUGHES, KELLER, AND VENTERS,
JJ., CONCUR. VANMETER, J.,
CONCURS IN PART AND DISSENTS
IN PART BY SEPARATE OPINION IN
WHICH WRIGHT, J., JOINS.

Questions Presented:
Torts. Dog Bite Law. Application of KRS 258.235(4), strict liability and negligence principles in a case involving unconfined dogs in a rural setting.

SUPREME COURT OF KENTUCKY

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RELEASED: 10:00 A.M.

12. MARTY ELLIOTT, ET AL. V. [2017-SC-000052-DG](#) BOYLE
WARREN LANHAM
TO BE PUBLISHED
OPINION OF THE COURT BY CHIEF JUSTICE MINTON – REVERSING AND REMANDING WITH INSTRUCTIONS
MINTON, C.J.; CUNNINGHAM, HUGHES, KELLER, VENTERS, AND WRIGHT, JJ., SITTING. MINTON, C.J., CUNNINGHAM, HUGHES, AND VENTERS, JJ., CONCUR. KELLER, J., CONCURS IN RESULT ONLY. WRIGHT, J. CONCURS IN RESULT ONLY BY SEPARATE OPINION. VANMETER, J., NOT SITTING.
- Questions Presented:**
KRS 15.520. Kentucky Law Enforcement Foundation Program. Due Process. Termination of deputy sheriff.
13. COMMONWEALTH OF KENTUCKY V. [2016-SC-000425-DG](#) EDMONSON
SAMUEL PATTON
TO BE PUBLISHED
OPINION OF THE COURT BY JUSTICE CUNNINGHAM – REVERSING AND REINSTATING
MINTON, C.J.; CUNNINGHAM, HUGHES, KELLER, VENTERS, AND WRIGHT, JJ., SITTING. ALL CONCUR. VANMETER, J., NOT SITTING.
- Questions Presented:**
Criminal Law. Post-Verdict Guilty Plea. Waiver of Appeal.
14. THOMAS EUGENE RILEY V. [2016-SC-000156-MR](#) TAYLOR
COMMONWEALTH OF KENTUCKY
NOT TO BE PUBLISHED
MEMORANDUM OPINION OF THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

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RELEASED: 10:00 A.M.

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| 15. | CHRISTOPHER ESPER V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. MINTON, C.J.; HUGHES,
VANMETER, AND WRIGHT, JJ., CONCUR.
KELLER, J., CONCURS IN RESULT ONLY.
CUNNINGHAM, J. DISSENTS BY
SEPARATE OPINION IN WHICH VENTERS,
J., JOINS. VENTERS, J., DISSENTS BY
SEPARATE OPINION IN WHICH
CUNNINGHAM, J., JOINS. | 2016-SC-000366-MR
NOT TO BE PUBLISHED | KENTON |
| 16. | PARIS CHARLES V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2016-SC-000486-MR
NOT TO BE PUBLISHED | FAYETTE |
| 17. | CHARLES SHOULDERS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2016-SC-000629-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 18. | GARY LUTTRELL V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2016-SC-000667-MR
NOT TO BE PUBLISHED | ANDERSON |
| 19. | JOHN BLICKENSTAFF V.
UNITED PARCEL SERVICE, INC.,
ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2017-SC-000008-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |

SUPREME COURT OF KENTUCKY

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| 20. | NORMAN BARASSI V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2017-SC-000158-MR
NOT TO BE PUBLISHED | HOPKINS |
| 21. | JEVON DONNELL MAGEE V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2017-SC-000191-MR
2017-SC-000246-MR
NOT TO BE PUBLISHED | FAYETTE |
| 22. | LANDMARK MEDIA PUBLISHING,
LLC, ETC. V.
MARK BRANHAM, ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2017-SC-000209-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 23. | JOHNNY BURCHETT V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2017-SC-000234-MR
NOT TO BE PUBLISHED | CLINTON |
| 24. | BAYER CORPORATION V.
HON. PHILLIP J. SHEPHERD, JUDGE,
FRANKLIN CIRCUIT COURT, DIVISION
1, ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2017-SC-000376-MR
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 25. | STEVEN ROBINSON V.
HON. FRED COWAN, RETIRED
JUDGE, JEFFERSON CIRCUIT COURT,
ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING AND ORDER
DENYING MOTION TO STRIKE</u>
ALL SITTING. ALL CONCUR. | 2017-SC-000210-MR
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |

SUPREME COURT OF KENTUCKY

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RELEASED: 10:00 A.M.

26. CHRISTOPHER MELTON V. [2016-SC-000552-MR](#) CARLISLE
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART,
REVERSING IN PART AND
REMANDING**
ALL SITTING. MINTON, C.J.; HUGHES,
VANMETER, AND VENTERS, JJ., CONCUR.
CUNNINGHAM, J., CONCURS IN PART AND
DISSENTS IN PART BY SEPARATE
OPINION IN WHICH KELLER AND
WRIGHT, JJ., JOIN.
27. JIMMY HALL V. [2015-SC-000714-MR](#) BUTLER
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART,
VACATING IN PART, AND REMANDING**
ALL SITTING. ALL CONCUR.
28. FERNANDO SIFUENTES V. [2016-SC-000485-MR](#) SHELBY
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – REVERSING AND
REMANDING**
ALL SITTING. MINTON, C.J.; HUGHES,

VANMETER, AND VENTERS, JJ., CONCUR.
KELLER, J., DISSENTS BY SEPARATE
OPINION IN WHICH CUNNINGHAM AND
WRIGHT, JJ., JOIN.
29. DAJUAN MALONE V. [2015-SC-000699-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT - VACATING AND
REMANDING**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

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RELEASED: 10:00 A.M.

30. 3M COMPANY V. [2017-SC-000145-MR](#) FROM COURT
HON. KIMBERLEY CHILDERS, JUDGE, **NOT TO BE PUBLISHED** OF APPEALS
KNOTT CIRCUIT COURT, ET AL.
**MEMORANDUM OPINION OF
THE COURT – DISMISSING**
ALL SITTING. ALL CONCUR.

OPINION AND ORDERS – FEBRUARY 15, 2018

KENTUCKY BAR ASSOCIATION V. [2017-SC-000520-KB](#) IN SUPREME
WILLIAM LESTER LEGG **TO BE PUBLISHED** COURT
ORDER OF PUBLIC REPRIMAND.
ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V. [2017-SC-000529-KB](#) IN SUPREME
DAMIAN GALLAHER **TO BE PUBLISHED** COURT
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 5 YEARS, PROBATED
FOR 1 YEAR WITH CONDITIONS.**
ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V. [2017-SC-000560-KB](#) IN SUPREME
HEATHER MARY BOONE MCKEEVER **TO BE PUBLISHED** COURT
ORDER OF PERMANENT DISBARMENT.
ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V. [2017-SC-000579-KB](#) IN SUPREME
DANIEL ALAN NIEHAUS **TO BE PUBLISHED** COURT
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 181 DAYS.**
ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V. [2017-SC-000590-KB](#) IN SUPREME
GENON GINN HENSLEY **TO BE PUBLISHED** COURT
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 30 DAYS WITH
CONDITIONS.**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

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OPINION AND ORDERS – FEBRUARY 15, 2018

KENTUCKY BAR ASSOCIATION V. DAVID THOMAS SPARKS ORDER OF PERMANENT DISBARMENT. ALL SITTING. ALL CONCUR.	2017-SC-000591-KB TO BE PUBLISHED	IN SUPREME COURT
ERIC CHRISTOPHER CONN V. KENTUCKY BAR ASSOCIATION ORDER OF PERMANENT DISBARMENT. ALL SITTING. ALL CONCUR.	2017-SC-000606-KB TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. DELBERT KEITH PRUITT ORDER OF PERMANENT DISBARMENT. MINTON, C.J.; HUGHES, KELLER, VENTERS, VANMETER AND WRIGHT, JJ., SITTING. ALL CONCUR. CUNNINGHAM, J., NOT SITTING.	2017-SC-000613-KB TO BE PUBLISHED	IN SUPREME COURT
DAVID JOHN HOFF V. KENTUCKY BAR ASSOCIATION ORDER OF PUBLIC REPRIMAND. ALL SITTING. ALL CONCUR.	2018-SC-000013-KB TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. KENNETH W. HUMPHRIES ORDER OF PUBLIC REPRIMAND WITH CONDITIONS. ALL SITTING. ALL CONCUR.	2018-SC-000014-KB TO BE PUBLISHED	IN SUPREME COURT
VICTOR EDWARD TACKETT, JR. V. KENTUCKY BAR ASSOCIATION ORDER OF SUSPENSION FROM THE PRACTICE OF LAW FOR 30 DAYS WITH CONDITIONS. ALL SITTING. ALL CONCUR.	2018-SC-000015-KB	IN SUPREME

SUPREME COURT OF KENTUCKY

FEBRUARY 15, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 7, 2018**

THE FEDERAL MATERIALS COMPANY V. COMMONWEALTH OF KENTUCKY, FINANCE AND ADMINISTRATION CABINET, ET AL. MINTON, C.J.; CUNNINGHAM, KELLER, VENTERS, AND WRIGHT, JJ., AND MARK DAVID GOSS AND WALTER L. SALES, SPECIAL JUSTICES, SITTING.	2017-SC-000153-DG	FRANKLIN
RICHARD C. OLIPHANT, M.D., ET AL. V. BILLIE JO RIES, ET AL.	2017-SC-000208-DG	JEFFERSON
COMMONWEALTH OF KENTUCKY V. JAMES E. RIKER, JR.	2017-SC-000483-DG	FAYETTE
MEREDITH L. LAWRENCE, ET AL. V. BINGHAM, GREENEBAUM, DOLL, L.L.P., ET AL.	2017-SC-000531-DG	GALLATIN
KEITH RANDALL SPARKMAN, D/B/A IN- DEPTH SANITARY SERVICE GROUP V. CONSOL ENERGY, INC., ET AL.	2017-SC-000541-DG	KNOTT
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT V. JUSTIN T. MOORE	2017-SC-000555-DG	FAYETTE
COMMONWEALTH OF KENTUCKY V. MICHAEL JOSEPH JAMES	2017-SC-000576-DG	HENDERSON
CABINET FOR HEALTH AND FAMILY SERVICES, COMMONWEALTH OF KENTUCKY, ETC. V. R. S., ET AL.	2017-SC-000587-DG	CLARK
COMMONWEALTH OF KENTUCKY V. TERRANCE ARMSTRONG	2017-SC-000602-DG	KENTON
MICHAEL PADGETT V. COMMONWEALTH OF KENTUCKY	2017-SC-000661-DG	DAVISS

SUPREME COURT OF KENTUCKY

FEBRUARY 15, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 7, 2018**

CARLIN ROBBINS, ET AL. V. LEXINGTON-FAYETTE URBAN COUNTY PLANNING COMMISSION, ET AL.	2017-SC-000181-D	FAYETTE
COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. V. NORTHERN KENTUCKY MENTAL HEALTH, ETC.	2017-SC-000184-D	FRANKLIN
LEED HR, LLC, ET AL. V. JEFF RAY MITCHELL	2017-SC-000187-D	JEFFERSON
MICHAEL POWERS V. KEENELAND ASSOCIATION, INC. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. VANMETER, J., NOT SITTING.	2017-SC-000197-D	FAYETTE
DONALD BRYSON, ET AL. V. ALMA D. ROBERTS REVOCABLE LIVING TRUST, ET AL.	2017-SC-000199-D	WAYNE
JOSEPH B. CURD, JR. (PLS #2766) V. COMMONWEALTH OF KENTUCKY, STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS	2017-SC-000200-D	FRANKLIN
DENNIS M. PHILLIPS V. TRACY COLLINS	2017-SC-000205-D	KENTON
AUGUST PROPERTIES, LLC D/B/A DEER RUN ESTATES V. KENTUCKY REAL ESTATE COMMISSION, ET AL.	2017-SC-000213-D	MERCER
JAMES MICHAEL YOUNG V. THE ESTATE OF CHARLOTTE YOUNG, ET AL.	2017-SC-000221-D	MERCER

SUPREME COURT OF KENTUCKY

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RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 7, 2018**

MARK ANTHONY WILLIAMS V. COMMONWEALTH OF KENTUCKY	2017-SC-000244-D	CAMPBELL
STEVEN LEN TURNER V. COMMONWEALTH OF KENTUCKY	2017-SC-000248-D	BELL
G & S TRUCKING, ET AL. V. KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION	2017-SC-000251-D	FRANKLIN
ANTONIO ELLISON V. COMMONWEALTH OF KENTUCKY	2017-SC-000264-D	JEFFERSON
SAMUEL CRABTREE V. COMMONWEALTH OF KENTUCKY	2017-SC-000290-D	MADISON
BRADLEY TURNER V. COMMONWEALTH OF KENTUCKY	2017-SC-000301-D	HENDERSON
FOX TROT PROPERTIES, LLC. V. DLX, INC. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. WRIGHT, J., NOT SITTING.	2017-SC-000428-D	LETCHER
TIFFANY LANDRETH, EXECUTRIX OF THE ESTATE OF BOBBY JOE VICKREY V. BRAKE SUPPLY COMPANY, INC, ET AL. VANMETER AND WRIGHT, JJ., WOULD GRANT.	2017-SC-000447-D	CALDWELL
GARRARD COUNTY WATER ASSOCIATION, INC. V. GARRARD COUNTY, KENTUCKY, ET AL VENTERS, J., WOULD GRANT. VANMETER, J., NOT SITTING.	2017-SC-000469-D	GARRARD
JOHN WEDDLE, ET AL. V. SONYA HANDLEY	2017-SC-000471-DE	BULLITT

SUPREME COURT OF KENTUCKY

FEBRUARY 15, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 7, 2018**

JAMES THOMAS HURST, II V. JAMES CALDWELL, ET AL. VANMETER, J., NOT SITTING.	2017-SC-000479-D	MERCER
JUSTIN WAGNER, REAL PARTY IN INTEREST, ET AL. V. COMMONWEALTH OF KENTUCKY KELLER AND VENTERS, JJ., WOULD GRANT.	2017-SC-000480-D	JEFFERSON
CHARLES CORNELIUS V. COMMONWEALTH OF KENTUCKY	2017-SC-000481-D	JEFFERSON
CHRISTPHER WALLS V. THEODORE KUSTER CUNNINGHAM, J., WOULD GRANT.	2017-SC-000524-D	FRANKLIN
COMMONWEALTH OF KENTUCKY V. DRAKARUS JONES THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2017-SC-000525-D	HARDIN
SAMUEL D. ISAACS V. COMMONWEALTH OF KENTUCKY	2017-SC-000526-D	FRANKLIN
MARTIN HOAGLAND V. ERICA HOAGLAND	2017-SC-000533-D	SIMPSON
BILLY C. UTLEY V. COMMONWEALTH OF KENTUCKY	2017-SC-000538-D	WEBSTER
TERRY ROACH V. COMMONWEALTH OF KENTUCKY	2017-SC-000545-D	MCCRACKEN
SUNSHINE BINGO CENTER, LLC, ET AL. V. EVALINE ALEXANDER, ET AL. VANMETER, J., WOULD GRANT.	2017-SC-000546-D	JEFFERSON

SUPREME COURT OF KENTUCKY

FEBRUARY 15, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 7, 2018**

JOHN KAMPHAUS V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2017-SC-000548-D	KENTON
KYLE SHEETS V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2017-SC-000552-D	KENTON
PATRICIA ANN NAVE V. DAVID FEINBERG, PH.D., ET AL.	2017-SC-000565-D	FAYETTE
INDEPENDENCE BANK, AS ADMINSTRATOR OF THE ESTATE OF KIRA KELLEY BRYANT V. GARMER & PRATHER, PLLC, ET AL.	2017-SC-000566-D	MCCRACKEN
D.M.K. V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2017-SC-000572-D	JEFFERSON
RONALD MASON, ET AL. V. BILLY STEGALL, ET AL.	2017-SC-000577-D	MADISON
ROBERT PRUITT, ET AL. V. HENDERSON COUNTY BOARD OF EDUCATION VANMETER, J., NOT SITTING.	2017-SC-000586-D	HENDERSON
CHARLES DARST, ET AL. V. BARBARA A. COX, ET AL.	2017-SC-000592-D	JEFFERSON
MEREDITH L. LAWRENCE, ET AL. V. ROBERT RYAN, ET AL.	2017-SC-000595-D	GALLATIN
BRETT KINCAID, ET AL. V. JOHNSON, TRUE & GUARNIERI, LLP, ET AL.	2017-SC-000597-D	ESTILL

SUPREME COURT OF KENTUCKY

FEBRUARY 15, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 7, 2018**

JAMES F. DINWIDDIE, JR., EXECUTOR OF THE ESTATE OF JAMES F. DINWIDDIE, SR. V. ELIZABETH DINWIDDIE ARCADU, BENEFICIARY OF THE ESTATE OF JAMES F. DINWIDDIE, SR., ET AL. 2017-SC-000611-D GRAYSON

COMMONWEALTH OF KENTUCKY V. JOSHUA BURNETT 2017-SC-000627-D JACKSON

JEREMY BALL, ET AL. V. CYNTHIA DUFF 2017-SC-000658-DE JEFFERSON

COURT ORDERS GRANTING MOTION TO TRANSFER

COMMONWEALTH OF KENTUCKY V. TRAVIS M. BREDHOLD 2017-SC-000436-MR FAYETTE
ALL SITTING. ALL CONCUR.
ENTERED: FEBRUARY 15, 2018

COMMONWEALTH OF KENTUCKY EX REL. ANDY BESHEAR, ATTORNEY GENERAL V. MATTHEW G. BEVIN, IN HIS CAPACITY AS GOVERNOR OF KENTUCKY, ET AL. 2017-SC-000647-TG FRANKLIN
ALL SITTING. ALL CONCUR.
ENTERED: FEBRUARY 6, 2018

COURT ORDERS DENYING PETITION FOR REHEARING – FEBRUARY 15, 2018

JEROME HAWKINS V. COMMONWEALTH OF KENTUCKY 2015-SC-000639-DG HENDERSON
ALL SITTING. ALL CONCUR.

CHERYL BLAINE V. DOWNTOWN REDEVELOPMENT AUTHORITY, INC., ET AL. 2016-SC-000081-WC FROM COURT OF APPEALS
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

FEBRUARY 15, 2018 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – FEBRUARY 15, 2018

JARROD WEISS V. COMMONWEALTH OF KENTUCKY ALL SITTING. ALL CONCUR.	2016-SC-000183-MR	JEFFERSON
MICHAEL VAUGHAN V. COMMONWEALTH OF KENTUCKY ALL SITTING. ALL CONCUR.	2016-SC-000205-MR	KENTON
UNINSURED EMPLOYERS FUND V. JOSE ACAHUA, ET AL. MINTON, C.J.; CUNNINGHAM, HUGHES, KELLER, VENTERS, AND WRIGHT, JJ., SITTING. ALL CONCUR. VANMETER, J., NOT SITTING.	2016-SC-000252-WC	FROM COURT OF APPEALS
JOYCE SPALDING, ETC., ET AL. V. SPRING VIEW HOSPITAL, LLC MINTON, C.J.; CUNNINGHAM, HUGHES, KELLER, VANMETER, AND WRIGHT, JJ., SITTING. ALL CONCUR. VENTERS, J., NOT SITTING.	2016-SC-000277-DG	MARION
ROBERT MARKHAM TAYLOR V. COMMONWEALTH OF KENTUCKY ALL SITTING. ALL CONCUR.	2016-SC-000410-MR	FAYETTE

COURT ORDERS DISMISSING

PERCY ISAAC AIKENS V. COMMONWEALTH OF KENTUCKY ENTERED: JANUARY 17, 2018	2016-SC-000306-MR	CHRISTIAN
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SUPREME COURT OF KENTUCKY

FEBRUARY 15, 2018 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

NORTON HOSPITALS, INC. D/B/A NORTON HOSPITAL V. HON. BARRY L. WILLETT, JUDGE, JEFFERSON CIRCUIT COURT, DIVISION ONE, ET AL. MINTON, C.J.; CUNNINGHAM, HUGHES, KELLER, VENTERS, AND WRIGHT, JJ., SITTING. ALL CONCUR. VANMETER, J., NOT SITTING. ENTERED: FEBRUARY 15, 2018	2016-SC-000405-MR	FROM COURT OF APPEALS
MASONIC HOMES OF KENTUCKY, INC., ETC., ET AL. V. HON. BRIAN C. EDWARDS, JUDGE, JEFFERSON CIRCUIT COURT DIVISION 11, ET AL. ALL SITTING. ALL CONCUR. ENTERED: FEBRUARY 6, 2018	2017-SC-000085-MR	FROM COURT OF APPEALS
COMMONWEALTH OF KENTUCKY V. JAMES LANG ENTERED: FEBRUARY 9, 2018	2017-SC-000287-MR	JEFFERSON
MT. WASHINGTON FIRE PROTECTION DISTRICT V. MICHAEL DOOLEY KELLER, VENTERS, WRIGHT AND CUNNINGHAM, JJ., SITTING. ALL CONCUR. ENTERED: FEBRUARY 12, 2018	2017-SC-000313-DG	JEFFERSON
CHARLES G. MIDDLETON, III, ET AL. V. HON. SUSAN SCHULTZ GIBSON, JUDGE, JEFFERSON CIRCUIT COURT, ET AL. ENTERED: FEBRUARY 15, 2018	2017-SC-000400-MR	FROM COURT OF APPEALS
BRIAN JERMAINE WASHINGTON V. COMMONWEALTH OF KENTUCKY ENTERED: FEBRUARY 9, 2018	2017-SC-000582-D	FAYETTE

SUPREME COURT OF KENTUCKY

FEBRUARY 15, 2018 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

KENTUCKY BAR ASSOCIATION V. 2017-SC-000601-KB IN SUPREME
PAMELA J. FRATINI, ESQ. COURT
ALL SITTING. ALL CONCUR.
ENTERED: FEBRUARY 15, 2018

JAMES R. WORTHINGTON V. 2017-SC-000657-D OLDHAM
AARON SMITH, WARDEN
**KELLER, VENTERS, WRIGHT AND
CUNNINGHAM, JJ., SITTING. ALL CONCUR.**
ENTERED: FEBRUARY 9, 2018

LARRY R. SMITH V. 2017-SC-000676-MR FROM COURT
HON. KIMBERLY BUNNELL, JUDGE, FAYETTE OF APPEALS
CIRCUIT COURT, ET AL.
ENTERED: FEBRUARY 7, 2018

COURT ORDER

JERARD GARRETT V. 2016-SC-000263-MR JEFFERSON
COMMONWEALTH OF KENTUCKY
**ORDER MODIFIED THE OPINION OF THE
COURT BY JUSTICE VANMETER RENDERED
DECEMBER 14, 2017, BY
SUBSTITUTION OF THIS OPINION IN LIEU OF
THE ORIGINAL OPINION.**
ENTERED: DECEMBER 20, 2017

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

MICHAEL CHRISTOPHER RICE V. 2017-SC-000664-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT
ENTERED: DECEMBER 20, 2017

NATALIE LASKOWSKI V. 2017-SC-000665-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT
ENTERED: DECEMBER 20, 2017

SUPREME COURT OF KENTUCKY

FEBRUARY 15, 2018 MINUTES

RELEASED: 10:00 A.M.

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

CAROLYN A. DYE V. KENTUCKY BAR ASSOCIATION ENTERED: JANUARY 26, 2018	2018-SC-000007-KB	IN SUPREME COURT
DEBBIE D. BOWMAN V. KENTUCKY BAR ASSOCIATION ENTERED: JANUARY 26, 2018	2018-SC-000037-KB	IN SUPREME COURT
ROSALIE ASHCRAFT TEBBETS V. KENTUCKY BAR ASSOCIATION ENTERED: JANUARY 26, 2018	2018-SC-000038-KB	IN SUPREME COURT
RAYMOND M. EDELMAN V. KENTUCKY BAR ASSOCIATION ENTERED: JANUARY 26, 2018	2018-SC-000039-KB	IN SUPREME COURT
JEFFEREY OGDEN KATZ V. KENTUCKY BAR ASSOCIATION ENTERED: JANUARY 26, 2018	2018-SC-000040-KB	IN SUPREME COURT
GEORGE ANDREW GALLENTHIN III V. KENTUCKY BAR ASSOCIATION ENTERED: FEBRUARY 9, 2018	2018-SC-000061-KB	IN SUPREME COURT