

SUPREME COURT OF KENTUCKY

MARCH 17, 2016 MINUTES

RELEASED: 10:00 A.M.

28. SHEILA PATTON, AS ADMINISTRATRIX OF THE ESTATE OF STEPHEN LAWRENCE PATTON V. DAVID BICKFORD, ET AL. [2013-SC-000560-DG](#) FLOYD
TO BE PUBLISHED
- Questions Presented:**
Torts. Negligence. Causation. Qualified Immunity. Issues include whether summary judgment was properly granted based on qualified immunity of school officials and whether suicide is a superseding cause which extinguishes tort liability.
29. ASBURY UNIVERSITY V. DEBORAH POWELL, ET AL. [2014-SC-000095-DG](#) JESSAMINE
TO BE PUBLISHED
- Questions Presented:**
Employment Law. Retaliatory Discharge. Propriety of recovery for retaliation absent an underlying violation of the Kentucky Civil Rights Act. Appropriate jury instructions for retaliatory discharge. Applicability of University of Texas Southwestern Medical Center v. Nassar, 133 S. Ct. 2517 (2013).
30. MICHELLE RAHLA V. MEDICAL CENTER AT BOWLING GREEN, ET AL. [2014-SC-000236-WC](#) FROM COURT
TO BE PUBLISHED OF APPEALS
- Questions Presented:**
Workers' Compensation. Whether the Workers' Compensation Act covers an injury sustained during a physical examination performed as a condition precedent to employment.

OPINION OF THE COURT BY CHIEF JUSTICE MINTON – AFFIRMING
ALL SITTING. MINTON, C.J.; HUGHES, KELLER, NOBLE, VENTERS, AND WRIGHT, JJ., CONCUR. CUNNINGHAM, J., CONCURS IN RESULT ONLY.

OPINION OF THE COURT BY JUSTICE NOBLE – AFFIRMING
ALL SITTING. ALL CONCUR.

OPINION OF THE COURT BY CHIEF JUSTICE MINTON – AFFIRMING
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

MARCH 17, 2016 MINUTES

RELEASED: 10:00 A.M.

31. RONALD LYNN CRAFT V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
AFFIRMING**
ALL SITTING. ALL CONCUR.
- [2014-SC-000386-MR](#) JEFFERSON
TO BE PUBLISHED

Questions Presented:
Intentional Murder and PFO 1 - 20 years. Section 116 of the Kentucky Constitution declares Supreme Court is the final arbiter of rules of practice and procedure. Failure to give notice to the Attorney General, pursuant to KRS 418.075, of a constitutional challenge to KRS 29A.020(2)(b), as an unconstitutional delegation of legislative authority to the judiciary over peremptory jury challenges, precluded Court review. Defendant was not entitled to a directed verdict on the intentional-homicide charge where it was not unreasonable for a jury to conclude he acted intentionally in causing the victim's death.

32. DALLIS ABNEY V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE NOBLE –
AFFIRMING**
ALL SITTING. ALL CONCUR.
- [2014-SC-000445-DG](#) ESTILL
TO BE PUBLISHED

Questions Presented:
Validity of a search warrant affidavit and the resulting warrant is determined under the totality of the circumstances, and is not controlled by the bright-line rule of *Henson v. Commonwealth*, 347 S.W. 2d 546 (Ky. 1961).

33. JASON DICKERSON V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE NOBLE –
AFFIRMING**
MINTON, C.J.; CUNNINGHAM,
HUGHES, KELLER AND VENTERS,
JJ., CONCUR. WRIGHT, J., NOT
SITTING.
- [2014-SC-000507-MR](#) FLOYD
TO BE PUBLISHED

Questions Presented:
Murder and four counts of first-degree criminal abuse-Life sentence. Admission of other-bad-acts evidence, regarding defendant's domestic violence against his wife, was not error. Admission of hearsay statements made to an examining pediatrician and to an investigating detective were not reversible error. Prosecutorial misconduct during cross-examination of expert witness and in closing argument does not justify reversal in this case.

SUPREME COURT OF KENTUCKY

MARCH 17, 2016 MINUTES

RELEASED: 10:00 A.M.

34. CHRISTOPHER GRIBBINS V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE HUGHES –
AFFIRMING**
ALL SITTING. ALL CONCUR.

[2014-SC-000524-MR](#)
TO BE PUBLISHED

MARION

Questions Presented:
Murder-20 years. Trial court's jury instructions permitted the jury to fully consider theories of self-protection and imperfect self-protection in determining guilt and the appropriate level of homicide. Combination instruction which permitted conviction of either intentional or wanton murder did not violate defendant's right to a unanimous verdict.

35. STEPHEN BARTLEY V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE KELLER –
AFFIRMING**
ALL SITTING. ALL CONCUR.

[2015-SC-000105-MR](#)
TO BE PUBLISHED

MCLEAN

Questions Presented:
Two counts of first-degree sodomy and two counts of first-degree sexual abuse-25 years. Trial court did not err in denying the defendant's motion to dismiss the indictment for lack of specificity, in granting the Commonwealth's motion to amend the indictment, in permitting habit testimony, in denying the motion for directed verdict, or in denying a motion requesting a mistrial because of the victim's testimony about uncharged crimes and other bad acts.

SUPREME COURT OF KENTUCKY

MARCH 17, 2016 MINUTES

RELEASED: 10:00 A.M.

36. JAMES L. SNEED, JR. V. HONORABLE RODNEY BURRESS, JUDGE, BULLITT CIRCUIT COURT, ET AL. [2015-SC-000169-MR](#) FROM COURT OF APPEALS
TO BE PUBLISHED
- Questions Presented:**
Writ of Prohibition to Prohibit Retrial and Dismiss the Indictment. Mistrial. Double Jeopardy. Mistrial was an appropriate remedy where the defense counsel's impermissible statements during her opening argument prejudiced the Commonwealth's right to a fair trial.
- OPINION OF THE COURT BY JUSTICE CUNNINGHAM – AFFIRMING**
ALL SITTING. MINTON, C.J.; HUGHES, KELLER, AND WRIGHT, JJ., CONCUR. HUGHES, J., CONCURS WITH SEPARATE OPINION IN WHICH MINTON, C.J., JOINS. VENTERS, J., DISSENTS BY SEPARATE OPINION IN WHICH NOBLE, J., JOINS.
37. CURTIS HOWARD V. COMMONWEALTH OF KENTUCKY [2015-SC-000359-MR](#) GARRARD
TO BE PUBLISHED
- Questions Presented:**
Conditional guilty plea to three counts of incest, first-degree sexual abuse and PFO 1-20 years. Incest statute criminalizes sexual intercourse between a stepparent and stepchild, regardless of age and consent.
- OPINION OF THE COURT BY JUSTICE KELLER – AFFIRMING**
ALL SITTING. ALL CONCUR.
38. THE BOARD OF REGENTS OF NORTHERN KENTUCKY UNIVERSITY V. ANDREA WEICKGENANNT [2013-SC-000820-DG](#) CAMPBELL
TO BE PUBLISHED
- Questions Presented:**
Employment Discrimination. Gender Discrimination. KRS 344.040.
- OPINION OF THE COURT BY CHIEF JUSTICE MINTON – REVERSING**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

MARCH 17, 2016 MINUTES

RELEASED: 10:00 A.M.

39. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY V. LONNIE DALE RIGGS
OPINION OF THE COURT BY CHIEF JUSTICE MINTON – REVERSING AND REMANDING
ALL SITTING. MINTON, C.J.; CUNNINGHAM, HUGHES, JJ., CONCUR. NOBLE, J., CONCURS BY SEPARATE OPINION. KELLER, J., DISSENTS BY SEPARATE OPINION, IN WHICH VENTERS AND WRIGHT, JJ., JOIN.
- [2013-SC-000555-DG](#) HARDIN
TO BE PUBLISHED

Questions Presented:
Contract. Automobile Insurance. Underinsured Motorist Coverage. Whether an automobile insurance policy provision requiring underinsured motorist claims to be brought within the same time period as tort claims under the Motor Vehicle Reparations Act—two years from the date of the accident or last basic reparations payment, whichever is later—is valid and enforceable.

40. ANTHONY MALONEY V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE VENTERS – REVERSING AND REMANDING
ALL SITTING. ALL CONCUR.
- [2014-SC-000339-DG](#) MONTGOMERY
TO BE PUBLISHED

Questions Presented:
Conditional guilty plea to being a convicted felon in possession of a firearm, carrying a concealed deadly weapon, and alcohol intoxication in a public place-5 years. Warrantless arrest for alcohol intoxication in a public place was improper because the offense was not committed in the presence of the arresting officer. Defendant's front porch was open for public access and police officer's entry onto the porch was not improper.

41. THOMAS J. DAVIS V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE VENTERS – REVERSING AND REMANDING
ALL SITTING. ALL CONCUR.
- [2014-SC-000405-MR](#) MCLEAN
TO BE PUBLISHED

Questions Presented:
Conditional guilty plea to first-degree trafficking in a controlled substance, first-degree possession of drug paraphernalia and PFO 1- 20 years. Routine traffic stop was unlawfully extended beyond its original purpose of determining the driver's sobriety to enable a dog sniff search for drugs.

SUPREME COURT OF KENTUCKY

MARCH 17, 2016 MINUTES

RELEASED: 10:00 A.M.

42. MICHAEL A. DUNN V. HONORABLE BETH LEWIS MAZE, JUDGE, MONTGOMERY CIRCUIT COURT, ET AL. [2015-SC-000437-MR](#) FROM COURT OF APPEALS
TO BE PUBLISHED
- Questions Presented:**
Writ of Prohibition. Double Jeopardy. Defendant's Previous convictions on five counts of first-degree sodomy had been vacated and remanded for retrial. A new trial on the vacated counts, however, raises a substantial risk that defendant will be tried for crimes for which he has already been acquitted, thereby violating his double-jeopardy rights.
43. NORTON HOSPITALS, INC., D/B/A NORTON HOSPITAL V. HONORABLE BARRY L. WILLETT, JUDGE, JEFFERSON CIRCUIT COURT, DIVISION 1, ET AL. [2015-SC-000606-MR](#) FROM COURT OF APPEALS
TO BE PUBLISHED
- Questions Presented:**
Trial court cannot participate itself in discovery and produce documents that a party alleges are privileged in the face of a writ challenging the trial court's determination that they are not privileged. Writ is not moot because relief can still be afforded.
44. COMMONWEALTH OF KENTUCKY V. CHRISTOPHER J. MCGORMAN, JR. [2013-SC-000149-DG](#) MADISON
AND [2013-SC-000818-DG](#) MADISON
TO BE PUBLISHED
- Questions Presented:**
Criminal Law. RCr 11.42. Defense counsel's strategy in permitting a juvenile to be interviewed by police in counsel's presence.
- OPINION OF THE COURT BY JUSTICE NOBLE – REVERSING AND REMANDING**
MINTON, C.J.; HUGHES, VENTERS AND WRIGHT, JJ., CONCUR. KELLER, J., CONCURS IN RESULT ONLY. CUNNINGHAM, J., NOT SITTING.
- OPINION OF THE COURT BY CHIEF JUSTICE MINTON – REVERSING AND REMANDING**
ALL SITTING. ALL CONCUR.
- OPINION OF THE COURT BY JUSTICE HUGHES – REVERSING IN PART, AFFIRMING IN PART AND REMANDING**
MINTON, C.J.; CUNNINGHAM, VENTERS, AND WRIGHT, JJ., CONCUR. NOBLE, J., CONCURRING IN PART AND DISSENTING IN PART BY SEPARATE OPINION. KELLER, J., NOT SITTING.

SUPREME COURT OF KENTUCKY

MARCH 17, 2016 MINUTES

RELEASED: 10:00 A.M.

45. B. H., A CHILD UNDER EIGHTEEN V. [2013-SC-000254-DG](#) WOODFORD
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE NOBLE –
VACATING AND REMANDING**
ALL SITTING. ALL CONCUR.
CUNNINGHAM, J., ALSO CONCURS
BY SEPARATE OPINION IN WHICH
MINTON, C.J., AND VENTERS, J.,
JOIN.

TO BE PUBLISHED

Questions Presented:

Criminal Law. Juvenile Law. Constitutional Law. Whether KRS 510.140 is unconstitutional as applied when both the victim and the accused are under the age of consent and there is no proof of forcible compulsion, and whether KRS 531.335 may constitutionally be applied when both the accused and the victim are minors.

46. JEFFREY SASSER V. [2013-SC-000697-MR](#) LAUREL
COMMONWEALTH OF KENTUCKY
**MEMORANDUM OPINION OF THE
COURT –
AFFIRMING IN PART AND
REVERSING IN PART**
ALL SITTING. CUNNINGHAM,
HUGHES, NOBLE, VENTERS, AND
WRIGHT, JJ., CONCUR. WRIGHT, J.,
CONCURS WITH SEPARATE
OPINION IN WHICH NOBLE, J.,
JOINS. MINTON, C.J., CONCURS IN
PART AND DISSENTS IN PART BY
SEPARATE OPINION IN WHICH
KELLER, J., JOINS.

TO BE PUBLISHED

Questions Presented:

First-degree robbery, first-degree burglary, receiving a stolen firearm and PFO 1 – 30 years. Commonwealth's evidence of defendant's subjective criminal intent combined with the threat of deadly force sufficiently proved the existence of an attempted theft. However, the evidence did not show the defendant was armed while "in the immediate flight" from the victim's residence and the first-degree burglary conviction is reversed. No improper character evidence was introduced. Defendant was not entitled to an instruction for third-degree terroristic threatening.

SUPREME COURT OF KENTUCKY

MARCH 17, 2016 MINUTES

RELEASED: 10:00 A.M.

47. CLAUDE ISAAC V. [2014-SC-000587-MR](#) PIKE
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.
48. WENDY HANAWALT V. [2015-SC-000183-WC](#) FROM COURT
J. THOMAS BROWN, D/B/A WILD **NOT TO BE PUBLISHED** OF APPEALS
ROSE EQUESTRIAN CENTER,
ET AL.
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. MINTON, C.J.;
CUNNNINGHAM, HUGHES, KELLER,
AND VENTERS, JJ., CONCUR. NOBLE,
J., CONCURS BY SEPARATE OPINION
IN WHICH WRIGHT, J., JOINS.
49. CENGAGE LEARNING, INC. V. [2015-SC-000286-WC](#) FROM COURT
REENEACE CLEMONS, ET AL. **NOT TO BE PUBLISHED** OF APPEALS
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
MINTON, C.J.; CUNNNINGHAM,
HUGHES, NOBLE, VENTERS, AND
WRIGHT, JJ., CONCUR. KELLER, J.,
NOT SITTING.
50. CROSS MAINTENANCE, LLC. V. [2015-SC-000299-WC](#) FROM COURT
MARK R. RIDDLE, ET AL. **NOT TO BE PUBLISHED** OF APPEALS
AND
MARK RIDDLE [2015-SC-000306-WC](#) FROM COURT
CROSS MAINTENANCE, LLC., ET AL. **NOT TO BE PUBLISHED** OF APPEALS
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.
51. FORD MOTOR COMPANY (LAP) V. [2015-SC-000376-WC](#) FROM COURT
ROSS A. BURT, ET AL. **NOT TO BE PUBLISHED** OF APPEALS
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

MARCH 17, 2016 MINUTES

RELEASED: 10:00 A.M.

52. LARRY SIZEMORE V. [2015-SC-000406-WC](#) FROM COURT
T & T ENERGY, ET AL. **NOT TO BE PUBLISHED** OF APPEALS
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
53. JAMES T. HINMAN II V. [2014-SC-000474-MR](#) CHRISTIAN
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,
NOBLE, AND VENTERS, JJ., CONCUR.
CUNNINGHAM, J., CONCURS IN PART
AND DISSENTS IN PART BY
SEPARATE OPINION IN WHICH
KELLER, J., JOINS. WRIGHT, J.,
CONCURS IN PART AND DISSENTS
IN PART BY SEPARATE OPINION IN
WHICH CUNNINGHAM AND KELLER,
JJ., JOIN.
54. TIMOTHY PRATER V. [2014-SC-000639-MR](#) MCCREARY
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART,
REVERSING AND VACATING IN PART,
AND REMANDING**
ALL SITTING. MINTON, C.J.;
CUNNINGHAM, HUGHES, KELLER,
AND VENTERS, JJ., CONCUR. WRIGHT,
J., CONCURS IN PART AND DISSENTS
IN PART BY SEPARATE OPINION IN
WHICH NOBLE, J., JOINS.

SUPREME COURT OF KENTUCKY

MARCH 17, 2016 MINUTES

RELEASED: 10:00 A.M.

55. NATIONAL GEOGRAPHIC SOCIETY, [2015-SC-000569-I](#) HARLAN
ET AL. V. NOT TO BE PUBLISHED
JOSEPH GRIESHOP, ET AL.
**MEMORANDUM OPINION OF
THE COURT – VACATING AND
REMANDING**
ALL SITTING. ALL CONCUR.

OPINION AND ORDER – MARCH 9, 2016

ARTIE CHEROLIS, AS EXECUTRIX, 2013-SC-0000759-DG DAVIESS
ETC. V.
KINDRED NURSING CENTERS LIMITED
PARTNERSHIP, ETC., ET AL.
**ORDER GRANTED DISCRETIONARY REVIEW,
VACATED THE COURT OF APPEALS DECISION
AND REMANDED TO THE COURT OF APPEALS
FOR FURTHER CONSIDERATION IN LIGHT OF
EXTENDICARE HOMES, INC. V. WHISMAN, _____
S.W.3D _____ (KY. 2015) (FINAL FEBRUARY
18, 2016).**
ALL SITTING. ALL CONCUR.

OPINION AND ORDERS – MARCH 17, 2016

ERIC CHARLES DETERS V. [2015-SC-000719-KB](#) IN SUPREME
KENTUCKY BAR ASSOCIATION TO BE PUBLISHED COURT
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 60 DAYS.**
ALL SITTING. ALL CONCUR.

JUSTIN NEAL O'MALLEY V. [2016-SC-000084-KB](#) IN SUPREME
KENTUCKY BAR ASSOCIATION TO BE PUBLISHED COURT
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 30 DAYS.**
ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V. [2015-SC-000600-KB](#) IN SUPREME
EDMUND V. SMITH TO BE PUBLISHED COURT
**ORDER GRANTED RECIPROCAL DISCIPLINE
AND PUBLIC REPRIMAND**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

MARCH 17, 2016 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
MARCH 9, 2016**

GINGER WRIGHT, ADMINISTRATOR, ETC. V. LP PIKEVILLE, LLC, ETC., ET AL.	2014-SC-000238-DG	PIKE
KEN ISAACS, ET AL. V. JEFF CALDWELL, ETC., ET AL.	2015-SC-000265-DG	SCOTT
HUGHES AND COLEMAN, PLLC V. ANN CLARK CHAMBERS, ETC.	2015-SC-000435-DG	HARDIN
GARRARD COUNTY, KENTUCKY, ET AL. V. KEVIN MIDDLETON	2015-SC-000581-DG	GARRARD
COMMONWEALTH OF KENTUCKY V. WILLIAM FUGATE	2015-SC-000597-DG	KENTON
TED H. JEFFERSON, D.O., ET AL. V. RONALD D. EGGEMEYER	2015-SC-000625-DG	MCCRACKEN
KENNETH KIRILENKO V. CHERRYL KIRILENKO	2015-SC-000661-DG	BOYLE

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MARCH 9, 2016**

KINDRED HEALTHCARE, INC., ET AL. V. BARBARA CASH, ETC.	2014-SC-000371-D	GRAVES
KINDRED HEALTHCARE, INC., ET AL. V. RICK HENSON, AS GUARDIAN, ETC.	2014-SC-000395-D	WARREN
MARCUS CHAPMAN V. COMMONWEALTH OF KENTUCKY	2015-SC-000203-D	JEFFERSON
ROY BAKER, ET AL. V. RONALD TOLBERT, ET AL. VENTERS AND WRIGHT, JJ., WOULD GRANT.	2015-SC-000240-D	HARLAN

SUPREME COURT OF KENTUCKY

MARCH 17, 2016 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MARCH 9, 2016**

JOHNNIE BRYANT V. JEFFERSON MALL COMPANY, LP, ETC., ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED TO BE PUBLISHED.	2015-SC-000273-D	JEFFERSON
JANSON M. WADE V. COMMONWEALTH OF KENTUCKY	2015-SC-000279-D	BOONE
STEPHANIE SMITH, ET AL. V. TOM ARNZEN	2015-SC-000293-D	KENTON
JOHNNY J. SHOUBE V. LISA SIBERT, ETC., ET AL.	2015-SC-000295-D	LAUREL
FIFTH THIRD BANK V. ANN SIMMS ROGERS, ETC., ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2015-SC-000308-D	MARION
LYNORA FORTNEY V. ORALIA GUZMAN, ET AL.	2015-SC-000313-D	JEFFERSON
MICHAEL AVERY ELERY V. COMMONWEALTH OF KENTUCKY	2015-SC-000327-D	JEFFERSON
MARK LABER V. COMMONWEALTH OF KENTUCKY	2015-SC-000336-D	CARTER
TRACY SHELTON V. COMMONWEALTH OF KENTUCKY	2015-SC-000361-D	WAYNE
VELMA HISLE, ET AL. V. CORRECTCARE-INTEGRATED HEALTH, INC. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2015-SC-000375-D	FAYETTE

SUPREME COURT OF KENTUCKY

MARCH 17, 2016 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MARCH 9, 2016**

KENTUCKY PUBLIC SERVICE COMMISSION V. BRANDENBURG TELEPHONE COMPANY, ET AL. AND SPRINT COMMUNICATION COMPANY, L.P. V. BRANDENBURG TELEPHONE COMPANY, ET AL.	2015-SC-000391-D 2015-SC-000392-D	FRANKLIN FRANKLIN
COMMONWEALTH OF KENTUCKY V. LESTER JOE BRADLEY WAGNER, JR. CUNNINGHAM, J., WOULD GRANT.	2015-SC-000418-D	BELL
LINDSAY FRANZEN, ET AL. V. WILDCAT PROPERTY MANAGEMENT, LLC. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2015-SC-000428-D	FAYETTE
LIBERTY MUTUAL FIRE INSURANCE COMPANY V. WALTER L. CATO, JR., ADMINISTRATOR, ETC., ET AL.	2015-SC-000432-D	JEFFERSON
MIDWEST BUSINESS CREDIT, LLC. V. POLICE & FIRE RETIREMENT SYSTEM OF THE CITY OF DETROIT	2015-SC-000434-D	LYON
MATT E. MINIARD V. KENTUCKY REAL ESTATE APPRAISERS BOARD, ETC. NOBLE, J., NOT SITTING.	2015-SC-000475-D	FRANKLIN
LASHONDA FENTRESS, ET AL. V. MARTIN CADILLAC, INC., ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2015-SC-000496-D	HARDIN
FRANKLIN D. RICE V. COMMONWEALTH OF KENTUCKY	2015-SC-000505-D	OWEN

SUPREME COURT OF KENTUCKY

MARCH 17, 2016 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MARCH 9, 2016**

MARK L. PADGETT V. COMMONWEALTH OF KENTUCKY	2015-SC-000510-D	CAMPBELL
JEFF H. CHOATE V. BANK OF CADIZ & TRUST COMPANY CUNNINGHAM, J., NOT SITTING.	2015-SC-000518-D	TRIGG
JOSEPH E. CECIL V. WINDY CECIL EVERETT, NOW JUDD	2015-SC-000520-D	JEFFERSON
RONALD DWYER V. COMMONWEALTH OF KENTUCKY	2015-SC-000522-D	KENTON
ALBERT MERCADO V. COMMONWEALTH OF KENTUCKY	2015-SC-000558-D	CARTER
FLOYD A. SMITH V. NORTON HEALTHCARE, INC. CUNNINGHAM, VENTERS AND WRIGHT, JJ., WOULD GRANT.	2015-SC-000583-D	JEFFERSON
PEPPY MARTIN V. JOE LEY ANTIQUES, INC.	2015-SC-000591-D	JEFFERSON
BLACK FOREST COAL, LLC. V. MOUNTAIN PROCESSING, INC., ET AL.	2015-SC-000594-D	PIKE
MICHAEL A. PEAK V. COMMONWEALTH OF KENTUCKY	2015-SC-000604-D	JEFFERSON
ERIC MIKULANINEC V. MONUMENTAL LIFE INSURANCE COMPANY, ET AL.	2015-SC-000613-D	JEFFERSON
GARY COX, ET AL. V. FRANK PENNINGTON, ET AL.	2015-SC-000618-D	HARLAN
RANDY THOMPSON, ET AL. V. COURTNEY BRYAN SMITH	2015-SC-000619-D	KNOTT

SUPREME COURT OF KENTUCKY

MARCH 17, 2016 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MARCH 9, 2016**

MICHAEL L. TAYLOR V.
COMMONWEALTH OF KENTUCKY

2015-SC-000623-D

ADAIR

LORENZO BARNES V.
COMMONWEALTH OF KENTUCKY

2015-SC-000633-D

FAYETTE

AND
COMMONWEALTH OF KENTUCKY V.
LORENZO BARNES

2015-SC-000638-D

FAYETTE

MARCELLE MAJORS V.
COMMONWEALTH OF KENTUCKY

2015-SC-000646-D

HARDIN

GEORGE STEPHEN WATSON, ET AL. V.
KENNETH ELSWICK

2015-SC-000653-D

SCOTT

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE
MOTION FOR DISCRETIONARY REVIEW – MARCH 10, 2016**

KENNETH LEE MALONE V.
COMMONWEALTH OF KENTUCKY
**VENTERS, WRIGHT, CUNNINGHAM, AND
HUGHES, JJ., SITTING. ALL CONCUR.**

2015-SC-000674-D

JEFFERSON

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE
MOTION FOR DISCRETIONARY REVIEW – MARCH 11, 2016**

BEVERLY HICKS V.
PIKEVILLE MEDICAL CENTER
**MINTON, C.J., VENTERS, CUNNINGHAM, AND
HUGHES, JJ., SITTING. ALL CONCUR.
WRIGHT, JJ., NOT SITTING.**

2016-SC-000037-D

PIKE

COURT ORDERS DENYING MOTION TO TRANSFER – MARCH 17, 2016

GEOFFREY M. YOUNG V.
JACK CONWAY
ALL SITTING. ALL CONCUR.

2015-SC-000703-T

(AMENDED 3/17/2016)
JEFFERSON

SUPREME COURT OF KENTUCKY

MARCH 17, 2016 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – MARCH 17, 2016

MOLLIE T. SHOUSE V. COMMONWEALTH OF KENTUCKY ALL SITTING. ALL CONCUR.	2012-SC-000663-MR	JEFFERSON
SHELIA WOOSLEY KINGERY V. SUMITOMO ELECTRIC WIRING, ET AL. ALL SITTING. ALL CONCUR.	2014-SC-000422-WC	FROM COURT OF APPEALS
RHONDA FOX V. SAM'S CLUB, ET AL. ALL SITTING. ALL CONCUR.	2015-SC-000136-WC	FROM COURT OF APPEALS

COURT ORDERS DISMISSING

SHANNON LEARY V. COMMONWEALTH OF KENTUCKY VENTERS, WRIGHT, CUNNINGHAM, AND HUGHES, JJ., SITTING. ALL CONCUR. ENTERED: MARCH 10, 2016	2015-SC-000141-D	KENTON
COMMONWEALTH OF KENTUCKY V. DEJUAN EARL HAMMOND ENTERED: MARCH 9, 2016	2015-SC-000275-MR	JEFFERSON
NATALIE MOORCROFT V. FLORA T. STUART ENTERED: MARCH 9, 2016	2015-SC-000686-D	WARREN
KENTUCKY BAR ASSOCIATION V. KENNETH JOSPEH BADER ENTERED: MARCH 10, 2016	2016-SC-000026-KB	IN SUPREME COURT
JESSICA TUCKER V. HON. JOHN L. ATKINS, JUDGE, CHRISTIAN CIRCUIT COURT, ET AL. ENTERED: MARCH 2, 2016	2016-SC-000029-D	FROM COURT OF APPEALS

SUPREME COURT OF KENTUCKY

MARCH 17, 2016 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

KENTUCKY BAR ASSOCIATION V.
ROSANNA G. HEINRICHS
ENTERED: MARCH 14, 2016

2016-SC-000044-KB

(AMENDED 3/17/2016)
IN SUPREME
COURT

WILLIAM EASLEY V.
COMMONWEALTH OF KENTUCKY
ENTERED: MARCH 7, 2016

2016-SC-000065-D

GRAVES

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

COURTNEY JACLYN MAGILL V.
KENTUCKY BAR ASSOCIATION
ENTERED: FEBRUARY 17, 2016

2016-SC-000077-KB

IN SUPREME
COURT

DAVID ALDEN COLLINS V.
KENTUCKY BAR ASSOCIATION
ENTERED: MARCH 4, 2016

2016-SC-000116-KB

IN SUPREME
COURT