

SUPREME COURT OF KENTUCKY

MARCH 23, 2017 MINUTES

RELEASED: 10:00 A.M.

23. DARRYL M. SAMUELS V. [2015-SC-000180-DG](#) MCCRACKEN
COMMONWEALTH OF KENTUCKY
TO BE PUBLISHED

**OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
AFFIRMING**
ALL SITTING. MINTON, C.J.;
CUNNINGHAM, HUGHES, KELLER,
VANMETER, VENTERS, AND
WRIGHT, JJ., CONCUR. HUGHES, J.,
CONCURS WITH SEPARATE
OPINION IN WHICH MINTON, C.J.,
AND VANMETER, J., JOIN. WRIGHT,
J., CONCURS WITH SEPARATE
OPINION IN WHICH KELLER, J.,
JOINS.

Questions Presented:
Criminal Law. Attorneys. Conflict of Interest. Whether it is a conflict of interest for a criminal attorney in a local DPA office to represent a defendant in a case where another criminal attorney in the same DPA office represents the victim of that defendant's actions on other criminal charges, and whether it is reversible error for the trial court to conclude that there was no conflict of interest and to proceed to trial with the DPA attorney representing the defendant, who has refused to waive the conflict of interest.

24. DON STERLING WELLS, JR. V. [2015-SC-000608-MR](#) FAYETTE
COMMONWEALTH OF KENTUCKY
TO BE PUBLISHED

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

Questions Presented:
Conditional Guilty Plea. First-degree rape and first-degree sodomy-25 years. Non-custodial interrogation. Defendant was not entitled to *Miranda* warnings because he was not in custody at the time he made incriminating statements to the police.

25. RAY BALLOU V. [2016-SC-000039-WC](#) FROM COURT
ENTERPRISE MINING CO., LLC., OF APPEALS
ET AL.
TO BE PUBLISHED

**OPINION OF THE COURT BY
JUSTICE KELLER –
AFFIRMING**
ALL SITTING. MINTON, C.J.;
CUNNINGHAM, HUGHES, KELLER,
VANMETER AND VENTERS, JJ.,
CONCUR. WRIGHT, J., DISSENTS
WITHOUT OPINION.

Questions Presented:
Worker's Compensation. Constitutionality of RIB statute's age classifications.

SUPREME COURT OF KENTUCKY

MARCH 23, 2017 MINUTES

RELEASED: 10:00 A.M.

26. MARGIE MULLINS V.
LEGGETT & PLATT, ET AL.
**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
AFFIRMING**
ALL SITTING. ALL CONCUR.
- [2016-SC-000383-WC](#)
TO BE PUBLISHED
- FROM COURT
OF APPEALS
- Questions Presented:**
Workers' Compensation. Weekly permanent-partial disability benefits and lump-sum attorney's fee payment. Application of a multiplier reflecting the future periodic payment of the attorney's fee commuted to a present value.
27. DURAND EDWARD MURRELL V.
DON BOTTOM, WARDEN,
NORTHPOINT TRAINING CENTER
**OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
AFFIRMING ON OTHER GROUNDS**
ALL SITTING. ALL CONCUR.
- [2016-SC-000076-DG](#)
TO BE PUBLISHED
- BOYLE
- Questions Presented:**
Criminal Law. Habeas Corpus. Transfer of Prisoner. Whether paroling a convict to the authorities of another jurisdiction in 2001 waived the Commonwealth's right to recommit the convict for violation of the terms of his parole in 2013.
28. JUDE WEBER V.
THOMAS FRANCIS LAMBE
**OPINION OF THE COURT BY
JUSTICE KELLER –
AFFIRMING IN PART AND
REVERSING IN PART**
ALL SITTING. ALL CONCUR.
- [2015-SC-000173-DG](#)
TO BE PUBLISHED
- JEFFERSON
- Questions Presented:**
"Family Law. Maintenance. Unemployed Spouse. Reasonable Expenses. Whether the family court correctly included expenses that are fully or partially attributable to the parties' children in the unemployed spouse's reasonable expenses when calculating maintenance."

SUPREME COURT OF KENTUCKY

MARCH 23, 2017 MINUTES

RELEASED: 10:00 A.M.

29. RONALD KING V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE WRIGHT –
AFFIRMING IN PART, REVERSING
IN PART AND REMANDING**
ALL SITTING. ALL CONCUR.

[2015-SC-000386-MR](#)
TO BE PUBLISHED

KENTON

Questions Presented:

Second-degree assault, fourth-degree assault, first-degree wanton endangerment and third-degree arson-20 years. Trial court erred in refusing to instruct the jury on voluntary intoxication under KRS 501.080(1). But because voluntary intoxication provides only a partial defense, the failure to include the instruction was reversible error only as to the second-degree assault conviction.

30. TERESA GRUBB, ET AL. V.
ROXANNE SMITH, ET AL.
**OPINION OF THE COURT BY
JUSTICE HUGHES–
REVERSING AND REMANDING**
PART I: MINTON, C.J.; KELLER,
VENTERS, AND WRIGHT, JJ.,
CONCUR. CUNNINGHAM, J.,
DISSENTS FOR THE REASONS
STATED IN HIS CONCURRING IN
PART, DISSENTING IN PART
OPINION. PART II: MINTON, C.J.;
AND CUNNINGHAM, J., JOIN PART II
OF THE OPINION. KELLER, VENTERS,
AND WRIGHT, JJ., DO NOT JOIN FOR
THE REASONS STATED IN VENTERS,
J., SEPARATE OPINION. PART III:
MINTON, C.J.; CUNNINGHAM, KELLER,
VENTERS, AND WRIGHT, JJ., CONCUR.
PART IV: MINTON, C.J.; CUNNINGHAM,
KELLER, AND VENTERS, J., CONCUR.
WRIGHT, J., DISSENTS FOR THE
REASONS STATED IN HIS
CONCURRING IN PART, DISSENTING
IN PART OPINION. VANMETER, J., NOT
SITTING.

[2014-SC-000641-DG](#)
TO BE PUBLISHED

CLAY

Questions Presented:

Premises Liability. Application of *McIntosh* and *Shelton* cases to a case involving a fall in a depressed area of the pavement in a parking lot. Is the condition “unreasonably dangerous” or “open and obvious?” Whether the business manager had sufficient control of the premises to be held jointly and severally liable.

SUPREME COURT OF KENTUCKY

MARCH 23, 2017 MINUTES

RELEASED: 10:00 A.M.

31. ASA PIERATT GULLETT, IV V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE VENTERS –
REVERSING AND REMANDING**
ALL SITTING. MINTON, C.J.;
CUNNINGHAM, HUGHES, KELLER,
AND WRIGHT, JJ., CONCUR.
VANMETER, J., CONCURS IN
RESULT ONLY.

[2016-SC-000242-MR](#)
TO BE PUBLISHED

SHELBY

Questions Presented:

Incest, first-degree rape, first-degree sodomy, first-degree sexual abuse, and second-degree sexual abuse-65 years. Jury foreperson” wrongfully withholding of material information concerning the past criminal record of her close relatives, denied the defendant the opportunity to challenge the juror for cause or to use a peremptory challenge to strike the juror. Redraft of jury instructions upon retrial.

32. JOSEPH PACE V.
COMMONWEALTH OF KENTUCKY
AND
BRANDON COLLINS V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
REVERSING, VACATING, AND
REMANDING**
ALL SITTING. ALL CONCUR.

[2015-SC-000399-DG](#)
TO BE PUBLISHED

FAYETTE

[2015-SC-000400-DG](#)
TO BE PUBLISHED

FAYETTE

Questions Presented:

Criminal Procedure. Search and Seizure. Whether a police officer conducts an illegal search when he enters a person’s patio, while investigating individuals who were possibly about to engage in violent behavior, and then observes illegal drugs through an open back door. Whether these circumstances are governed by the “protective sweep” or “emergency aid” exceptions to warrantless searches. Whether the officer can obtain a belated consent to search the premises after police had already entered and observed illegal drugs.

SUPREME COURT OF KENTUCKY

MARCH 23, 2017 MINUTES

RELEASED: 10:00 A.M.

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| 33. | DEVONTE LAVAL WEBB V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. MINTON, C.J.;
HUGHES, KELLER, VANMETER, AND
WRIGHT, JJ., CONCUR. VENTERS,
J., CONCURS IN PART AND DISSENTS
IN PART BY SEPARATE OPINION, IN
WHICH CUNNINGHAM, J., JOINS. | 2015-SC-000198-MR
NOT TO BE PUBLISHED | FAYETTE |
| 34. | RAY ANTHONY FARMER V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2015-SC-000285-MR
NOT TO BE PUBLISHED | TRIGG |
| 35. | CLETUS ROBBINS, JR. V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2015-SC-000478-MR
NOT TO BE PUBLISHED | HARLAN |
| 36. | MICHAEL MILLS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2015-SC-000644-MR
NOT TO BE PUBLISHED | KNOX |
| 37. | JUSTIN D. WIBBELS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2016-SC-000103-MR
NOT TO BE PUBLISHED | LAUREL |

SUPREME COURT OF KENTUCKY

MARCH 23, 2017 MINUTES

RELEASED: 10:00 A.M.

38. HON. STEVEN D. COMBS, CIRCUIT COURT JUDGE 35TH JUDICIAL CIRCUIT V. JUDICIAL CONDUCT COMMISSION
MEMORANDUM OPINION OF THE COURT – AFFIRMING
MINTON, C.J.; CUNNINGHAM, HUGHES, AND VENTERS, JJ., CONCUR. KELLER, J., CONCURS IN RESULT ONLY. WRIGHT, J., DISSENTS WITHOUT SEPARATE OPINION. VANMETER, J. NOT SITTING. [2016-SC-000301-RR](#) **NOT TO BE PUBLISHED** IN SUPREME COURT
39. LANDY MILLS V. NALLY AND HAMILTON ENTERPRISES, ET AL.
MEMORANDUM OPINION OF THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR. [2016-SC-000327-WC](#) **NOT TO BE PUBLISHED** FROM COURT OF APPEALS
40. WAYNE MICHAEL PUTNUM, ET AL. V. HON. ERNESTO SCORSONE, JUDGE, FAYETTE CIRCUIT COURT, ET AL.
MEMORANDUM OPINION OF THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR. [2016-SC-000369-MR](#) **NOT TO BE PUBLISHED** FROM COURT OF APPEALS
41. COMMONWEALTH OF KENTUCKY, UNINSURED EMPLOYERS' FUND, V. MORGAN CRAYNE, ET AL.
MEMORANDUM OPINION OF THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR. [2016-SC-000584-WC](#) **NOT TO BE PUBLISHED** FROM COURT OF APPEALS

SUPREME COURT OF KENTUCKY

MARCH 23, 2017 MINUTES

RELEASED: 10:00 A.M.

42. DARRELL BRYAN V. [2015-SC-000467-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART
AND REVERSING IN PART**
ALL SITTING. CUNNINGHAM, HUGHES,
VANMETER, AND VENTERS, JJ.,
CONCUR. MINTON, C.J., DISSENTS BY
SEPARATE OPINION, IN WHICH
KELLER AND WRIGHT, JJ., JOIN.
43. COMMONWEALTH OF KENTUCKY V. [2014-SC-000558-DG](#) JEFFERSON
TERRANCE MILES [2015-SC-000321-DG](#)
**MEMORANDUM OPINION OF
THE COURT – REVERSING**
ALL SITTING. MINTON, C.J.;
HUGHES, KELLER, VANMETER,
VENTERS, AND WRIGHT, JJ., CONCUR.
CUNNINGHAM, J., CONCURS IN
RESULT ONLY.
44. COMMONWEALTH OF KENTUCKY V. [2015-SC-000584-DG](#) RUSSELL
RONALD COPLEY
**MEMORANDUM OPINION OF
THE COURT - REVERSING**
MINTON, C.J.; CUNNINGHAM, HUGHES,
KELLER, VENTERS, AND WRIGHT, JJ.,
SITTING. ALL CONCUR. VANMETER,
J., NOT SITTING.

OPINION AND ORDERS – MARCH 23, 2017

- KENTUCKY BAR ASSOCIATION V. [2016-SC-000607-KB](#) IN SUPREME
MICHAEL THORNSBURY **TO BE PUBLISHED** COURT
ORDER OF PERMANENT DISBARMENT.
ALL SITTING. ALL CONCUR.
- KENTUCKY BAR ASSOCIATION V. [2016-SC-000663-KB](#) IN SUPREME
JAMES E. ISENBERG **TO BE PUBLISHED** COURT
ORDER OF PERMANENT DISBARMENT.
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

MARCH 23, 2017 MINUTES

RELEASED: 10:00 A.M.

OPINION AND ORDERS – MARCH 23, 2017

KENTUCKY BAR ASSOCIATION V.
THOMAS STEVEN POTEAT
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 1 YEAR TO RUN
CONSECUTIVELY TO HIS CURRENT
SUSPENSION.**
ALL SITTING. MINTON, C.J.; CUNNINGHAM,
HUGHES, KELLER, VENTERS, AND WRIGHT,
JJ., CONCUR. VANMETER, J., CONCURS IN
PART AND DISSENTS IN PART BY SEPARATE
OPINION.

[2016-SC-000664-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
BRIAN NATHAN HOPPER
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 181 DAYS.**
ALL SITTING. MINTON, C.J.; HUGHES, KELLER,
VANMETER, VENTERS, AND WRIGHT, JJ.,
CONCUR. CUNNINGHAM, J., CONCURS IN
RESULT ONLY.

[2016-SC-000669-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
FRANKLIN S. YUDKIN
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 90 DAYS.**
ALL SITTING. ALL CONCUR.

[2017-SC-000022-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

TIMOTHY MICHAEL LONGMEYER V.
KENTUCKY BAR ASSOCIATION
ORDER OF PERMANENT DISBARMENT.
ALL SITTING. ALL CONCUR.

[2017-SC-000025-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
MARCH 15, 2016**

MICHAEL SCALISE, ET AL. V.
SUZETTE SEWELL-SCHEUERMANN

2016-SC-000246-DG

JEFFERSON

NORFOLK SOUTHERN RAILWAY COMPANY V.
SHARON JOHNSON

2016-SC-000248-DG

BOYLE

SUPREME COURT OF KENTUCKY

MARCH 23, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
MARCH 15, 2016**

COMMONWEALTH OF KENTUCKY V. DAVID J. MOORE	2016-SC-000275-DG	CARROLL
WILLIAM DAVID ELLINGTON, ET AL. V. HARLAN RANDALL BECRAFT, ET AL.	2016-SC-000513-DG	BATH
WILLIAM J. YUNG, ET AL. V. GRANT THORNTON, LLP	2016-SC-000571-DG	KENTON
LATASHA MAUPIN V. ROLAND TANKERSLEY	2016-SC-000572-DG	JACKSON
HARRY L. SEEGER V. SHARON LANHAM	2016-SC-000677-DG	NELSON
PBI BANK, INC. V. SIGNATURE POINT CONDOMINIUMS LLC, ET AL.	2017-SC-000007-DG	JEFFERSON

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MARCH 15, 2016**

THERESA GERSTLE V. REPUBLIC BANK & TRUST COMPANY VANMETER, J., NOT SITTING.	2016-SC-000227-D	JEFFERSON
NEWELL STACY V. COMMONWEALTH OF KENTUCKY VANMETER, J., NOT SITTING.	2016-SC-000230-D	BOYLE
VIRGIL KELLY V. COMMONWEALTH OF KENTUCKY	2016-SC-000247-D	CLARK
VERNON STARR V. LOUISVILLE GRAPHITE, INC. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2016-SC-000258-D	JEFFERSON

SUPREME COURT OF KENTUCKY

MARCH 23, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MARCH 15, 2016**

RICHARD LAMB V. TIMOTHY FOLEY, DECEASED, ET AL.	2016-SC-000283-D	MADISON
SANDRA BURCHETT, ADMINSTRATRIX, ETC. V. AMANDA BURCHETT, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. VANMETER, J., NOT SITTING.	2016-SC-000285-D	LAWRENCE
MARICO PERKINS V. COMMONWEALTH OF KENTUCKY	2016-SC-000300-D	FAYETTE
NATHANIEL PRITCHETT V. COMMONWEALTH OF KENTUCKY	2016-SC-000310-D	JEFFERSON
HARRY COOPER, EXECUTOR, ETC, ET AL. V. DANIEL R. TOWNER, ET AL.	2016-SC-000317-D	BULLITT
SABU VARGHESE V. JEANETTE VARGHESE (NOW AUMON) VENTERS, J., WOULD GRANT.	2016-SC-000538-D	SHELBY
CHARLES COWING V. ANDY COMMARE	2016-SC-000549-D	FAYETTE
WAL-MART STORES EAST, LP, ET AL. V. DEPARTMENT OF REVENUE, ETC. VANMETER, J., NOT SITTING.	2016-SC-000550-D	FRANKLIN
BROOK WHITE V. SUSANNE SLABAUGH HENCYE THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2016-SC-000554-D	JEFFERSON

SUPREME COURT OF KENTUCKY

MARCH 23, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MARCH 15, 2016**

JOSHUA BOWEN V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2016-SC-000567-D	FRANKLIN
APPLE VALLEY SUBDIVISION PROPERTY OWNERS ASSOCIATION, INC., ET AL. V. OVERLOOK DEVELOPMENT, LLC, ET AL.	2016-SC-000568-D	JEFFERSON
WILGREENS, LLC, ET AL. V. DAVID O'NEIL, ETC., ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2016-SC-000590-D	FAYETTE
CLINTON BREWER EL V. GARY BECKSTROM, ET AL.	2016-SC-000598-D	FRANKLIN
RAYMOND D. SPEARS V. JERRY T. HURT VANMETER, J., NOT SITTING.	2016-SC-000600-D	WARREN
HAZEL ENTERPRISES, LLC V. U.S. BANK, ETC., ET AL. WRIGHT, J., NOT SITTING.	2016-SC-000601-D	LETCHER
NEWELL STACY V. STEVE HANEY, WARDEN, ETC. VANMETER, J., NOT SITTING.	2016-SC-000610-D	BOYLE
SANDRA BOWLING V. COMMONWEALTH OF KENTUCKY	2016-SC-000611-D	JACKSON
BRITNEY HARPER V. COMMONWEALTH OF KENTUCKY	2016-SC-000612-D	HART
CURTIS ROBERTSON V. COMMONWEALTH OF KENTUCKY CUNNINGHAM, J., NOT SITTING.	2016-SC-000626-D	MCCRACKEN

SUPREME COURT OF KENTUCKY

MARCH 23, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MARCH 15, 2016**

BRESTER HOMES OF KENTUCKY, LLC, ET AL. V. KENTUCKY BANK VANMETER, J., NOT SITTING.	2016-SC-000631-D	FRANKLIN
LIQUESHA DICKERSON V. COMMONWEALTH OF KENTUCKY AND MARK HICKS V. COMMONWEALTH OF KENTUCKY WRIGHT, J., WOULD GRANT.	2016-SC-000641-D 2016-SC-000645-D	JEFFERSON JEFFERSON
GREGORY D. CASSIDY V. COMMONWEALTH OF KENTUCKY VANMETER, J., NOT SITTING.	2016-SC-000643-D	MONTGOMERY
JOE S. WATKINS V. COMMONWEALTH OF KENTUCKY	2016-SC-000651-D	BOURBON
JAMES E. FORTE V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2016-SC-000661-D	CHRISTIAN
JAMES E. MARTIN V. COMMONWEALTH OF KENTUCKY VANMETER, J., NOT SITTING.	2016-SC-000678-D	FAYETTE
COMMONWEALTH OF KENTUCKY V. JOHNATHAN YOUNG, ET AL.	2016-SC-000679-D	MONROE
DAVID PARKER V. COMMONWEALTH OF KENTUCKY KELLER, VENTERS AND WRIGHT, JJ., WOULD GRANT.	2016-SC-000681-D	NELSON
MELISSA JANSSEN V. CHARLES EDENS	2016-SC-000685-DE	HARDIN

SUPREME COURT OF KENTUCKY

MARCH 23, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MARCH 15, 2016**

COMMONWEALTH OF KENTUCKY V. HON. JERRY CROSBY, ETC., ET AL. VANMETER, J., NOT SITTING.	2016-SC-000686-D	OLDHAM
JOYA DE ANDALUCIA FARMS, LLC., ET AL V. FIRST NATIONAL BANK NORTH PLATTE VENTERS, J., NOT SITTING.	2017-SC-000001-D	PULASKI
VERA FURTULA, ET AL. V. PNC BANK, ETC.	2017-SC-000003-D	FAYETTE
LEONARD WARNER V. COMMONWEALTH OF KENTUCKY	2017-SC-000047-D	JEFFERSON

**ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE MOTION
FOR DISCRETIONARY REVIEW – MARCH 20, 2017**

LATERRANCE DUANE NEAL V. COMMONWEALTH OF KENTUCKY CUNNINGHAM, HUGHES, KELLER AND VANMETER, JJ., SITTING. ALL CONCUR.	2016-SC-000687-D	JEFFERSON
MARC CLARK, ET AL. V. US BANK NATIONAL ASSOCIATION, ETC, ET AL. CUNNINGHAM, HUGHES, KELLER AND VANMETER, JJ., SITTING. ALL CONCUR.	2017-SC-000034-D	WARREN

COURT ORDERS GRANTING MOTION TO TRANSFER

COMMONWEALTH OF KENTUCKY V. JEFFREY DEWAYNE CLARK, ET AL. ALL SITTING. ALL CONCUR. ENTERED: MARCH 16, 2017	2016-SC-000693-TG	MEADE
DASHAWN JOHNSON V. COMMONWEALTH OF KENTUCKY ENTERED: FEBRUARY 22, 2017	2017-SC-000037-TG	HENDERSON

SUPREME COURT OF KENTUCKY

MARCH 23, 2017 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING MOTION TO TRANSFER – MARCH 23, 2017

AUTO-OWNERS INSURANCE CO. V. 2016-SC-000617-T FRANKLIN
UNIVERSITY OF KENTUCKY AND STIDHAM &
ASSOCIATES, P.S.C.
ALL SITTING. ALL CONCUR

COURT ORDERS DENYING PETITION FOR REHEARING – MARCH 23, 2017

COMMONWEALTH OF KENTUCKY V. 2015-SC-000018-CL JEFFERSON
JAMES DOSS
ALL SITTING. ALL CONCUR.

UNITED PARCEL SERVICE, INC. V. 2015-SC-000647-WC FROM COURT
ANTHONY WOODS, ET AL. OF APPEALS
ALL SITTING. ALL CONCUR.

CHRISTOPHER KANE V. [2015-SC-000695-MR](#) FLEMING
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**ORDER DENIED APPELLANT'S PETITION FOR
REHEARING AND MODIFIED THE OPINION OF
THIS COURT RENDERED OCTOBER 20, 2016, BY
SUBSTITUTION OF THIS OPINION IN
LIEU OF THE ORIGINAL OPINION.**
ALL SITTING. ALL CONCUR.

COURT ORDERS DISMISSING

UNIVERSITY OF LOUISVILLE V. 2016-SC-000064-DG FRANKLIN
DR. JAMES WELDON LILLARD, JR.
**CUNNINGHAM, HUGHES, KELLER AND
VANMETER, JJ., SITTING. ALL CONCUR.**
ENTERED: MARCH 20, 2017

LARRY ARMFIELD, ET AL. V. 2016-SC-000148-DG LAUREL
KENTUCKY FARM BUREAU MUTUAL
INSURANCE COMPANY
**MINTON, C.J.; CUNNINGHAM, HUGHES,
KELLER, VENTERS AND WRIGHT, JJ.,
SITTING. ALL CONCUR. VANMETER, J.,
NOT SITTING.**
ENTERED: MARCH 10, 2017

SUPREME COURT OF KENTUCKY

MARCH 23, 2017 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

JAMES FELTY V. 2016-SC-000196-TG GRAYSON
COMMONWEALTH OF KENTUCKY
**CUNNINGHAM, HUGHES, KELLER AND
VANMETER, JJ., SITTING. ALL CONCUR.**
ENTERED: MARCH 20, 2017

RAHMAN ABDULLAH, ETC., ET AL. V. 2016-SC-000409-DG JEFFERSON
SEI AARON'S INC. D/B/A AARON'S AND
AARON'S INC.
**CUNNINGHAM, HUGHES, KELLER AND
VANMETER, JJ., SITTING. ALL CONCUR.**
ENTERED: MARCH 20, 2017

PAUL H. WALDEN V. 2016-SC-000592-MR MONROE
COMMONWEALTH OF KENTUCKY
**CUNNINGHAM, HUGHES, KELLER AND
VANMETER, JJ., SITTING. ALL CONCUR.**
ENTERED: MARCH 20, 2017

COMMONWEALTH OF KENTUCKY V. 2017-SC-000038-D CAMPBELL
RYAN POMEROY
ENTERED: FEBRUARY 24, 2017

RICHARD MEREDITH V. 2017-SC-000054-D FRANKLIN
CLARK TAYLOR, WARDEN, ET AL.
ENTERED: FEBRUARY 15, 2017

COURT ORDERS

KENTUCKY BAR ASSOCIATION V. 2016-SC-000619-KB IN SUPREME
PATRICK C. HICKEY COURT
**ORDER FOR APPOINTMENT OF SPECIAL
COMMISSIONER**
ALL SITTING. ALL CONCUR.
ENTERED: MARCH 23, 2017

SUPREME COURT OF KENTUCKY

MARCH 23, 2017 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS

COMMONWEALTH OF KENTUCKY V. 2016-SC-000674-CL FAYETTE
TRACY NICOLE KINDRED
**ORDER DENIED PETITION FOR
CERTIFICATION OF LAW.**
MINTON, C.J.; HUGHES, KELLER,
VANMETER, VENTERS, AND WRIGHT, JJ.,
CONCUR. CUNNINGHAM, J., WOULD GRANT.
ENTERED: MARCH 23, 2017

ROBERT ANGELINI V. 2017-SC-000036-D JEFFERSON
COMMONWEALTH OF KENTUCKY
**ORDER DENIED MOTION FOR
RECONSIDERATION.**
CUNNINGHAM, HUGHES, KELLER,
AND VENTERS, JJ., SITTING. ALL CONCUR.
VANMETER, J., NOT SITTING.
ENTERED: MARCH 20, 2017

PLEASANT RIDGE LEXINGTON, LLC, ET AL. V. 2017-SC-000045-I FAYETTE
ETS REALTY III, LLC
ORDER DENIED INTERLOCUTORY RELIEF.
ALL SITTING. ALL CONCUR
ENTERED: MARCH 23, 2017

PATRICIA JACKSON, ET AL. V. 2017-SC-000048-D WARREN
ROLAND WALL, CRNA, ET AL.
**ORDER DENIED MOTION TO SET ASIDE
DISMISSAL.**
CUNNINGHAM, HUGHES, KELLER,
AND VENTERS, JJ., SITTING. ALL CONCUR.
VANMETER, J., NOT SITTING.
ENTERED: MARCH 20, 2017

SUPREME COURT OF KENTUCKY

MARCH 23, 2017 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS

RICHARD MEREDITH V. 2017-SC-000054-D FRNAKLIN
CLARK TAYLOR, WARDEN, ET AL.
**ORDER DENIED MOTION FOR
RECONSIDERATION.**
CUNNINGHAM, HUGHES, KELLER,
AND VANMETER, JJ., SITTING. ALL CONCUR.
ENTERED: MARCH 20, 2017

BUSTER CHANDLER V. 2017-SC-000077-D FAYETTE
COMMONWEALTH OF KENTUCKY
**ORDER DENIED MOVANT'S EX PARTE
MOTION FOR LEAVE OF COURT TO FILE
NON-"CON"FORMING PAPER.**
CUNNINGHAM, HUGHES, KELLER,
AND VANMETER, JJ., SITTING. ALL CONCUR.
ENTERED: MARCH 20, 2017

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

NATHAN DREW SKJOLDAL V. 2017-SC-000103-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT
ENTERED: FEBRUARY 23, 2017