

SUPREME COURT OF KENTUCKY
APRIL 17, 2014 MINUTES
RELEASED 10:00 A.M.

THIS MONTH'S MINUTES ARE IN A LIMITED FORMAT DUE TO TECHNOLOGICAL PROBLEMS. COPIES OF OPINIONS MAY BE ACCESSED FROM THE SEARCHABLE OPINIONS PAGE ON OUR WEBSITE.

50	WILLIAM L. MINKS V. COMMONWEALTH OF KENTUCKY	2012-SC-000316-MR TO BE PUBLISHED	OPINION OF THE COURT BY JUSTICE ABRAMSON AFFIRMING ALL SITTING. ALL CONCUR.	BRECKINRIDGE
51	PLEAS LUCIAN KAVANAUGH V. COMMONWEALTH OF KENTUCKY	2012-SC-000820-DG TO BE PUBLISHED	OPINION OF THE COURT BY JUSTICE CUNNINGHAM AFFIRMING ALL SITTING. ALL CONCUR.	FROM COURT OF APPEALS
52	COMMONWEALTH OF KENTUCKY V. CHRISTINE GOSS	2011-SC-000780-DG TO BE PUBLISHED	OPINION OF THE COURT BY JUSTICE NOBLE AFFIRMING IN PART AND REVERSING IN PART ALL SITTING. ABRAMSON, KELLER AND VENTERS, JJ., CONCUR. SCOTT, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION IN WHICH MINTON, C.J., AND CUNNINGHAM, J., JOIN.	FROM COURT OF APPEALS

53	R. DEAN LINDEN, PH.D. V. WILLIAM TID GRIFFIN, ET AL.	2011-SC-000422-DG 2012-SC-000377-DG TO BE PUBLISHED	OPINION OF THE COURT BY JUSTICE CUNNINGHAM AFFIRMING IN PART, REVERSING IN PART, AND REMANDING ALL SITTING. ALL CONCUR.	FROM COURT OF APPEALS
54	NICKOLAS STAPLES V. COMMONWEALTH OF KENTUCKY	2011-SC-000788-MR TO BE PUBLISHED	OPINION OF THE COURT BY JUSTICE ABRAMSON AFFIRMING IN PART AND REVERSING IN PART AND REMANDING MINTON, C.J.; CUNNINGHAM, KELLER, AND SCOTT, JJ., CONCUR. NOBLE, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION IN WHICH VENTERS, J., JOINS. VENTERS, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION IN WHICH NOBLE, J., JOINS.	BUTLER

55	JOE MARSON, ET AL. V. SHERRY THOMASON, ETC., ET AL.	2012-SC-000314-DG TO BE PUBLISHED	OPINION OF THE COURT BY JUSTICE NOBLE AFFIRMING IN PART, REVERSING IN PART, AND REMANDING MINTON, C.J.; ABRAMSON, SCOTT AND VENTERS, JJ., CONCUR. CUNNINGHAM, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION. KELLER, J., NOT SITTING.	FROM COURT OF APPEALS
56	COMMONWEALTH OF KENTUCKY V. JASPER POLLINI	2012-SC-000312-DG TO BE PUBLISHED	OPINION OF THE COURT BY JUSTICE SCOTT REVERSING MINTON, C. J.; ABRAMSON, CUNNINGHAM, NOBLE, AND VENTERS, JJ., CONCUR. KELLER, J., NOT SITTING.	FROM COURT OF APPEALS
57	COMMONWEALTH OF KENTUCKY V. DERICK DULIN	2012-SC-000668-DG TO BE PUBLISHED	OPINION OF THE COURT BY JUSTICE VENTERS REVERSING ALL SITTING. ALL CONCUR.	FROM COURT OF APPEALS

58	AMBREEN FRASER, M.D. V. MATTHEW MILLER	2012-SC-000829-DG TO BE PUBLISHED	OPINION OF THE COURT BY JUSTICE CUNNINGHAM REVERSING MINTON, C.J.; ABRAMSON, SCOTT AND VENTERS, JJ., CONCUR. KELLER, J., CONCURS BY SEPARATE OPINION IN WHICH NOBLE, J., JOINS.	FROM COURT OF APPEALS
59	JONATHAN YOUNG V. COMMONWEALTH OF KENTUCKY	2012-SC-000491-MR TO BE PUBLISHED	OPINION OF THE COURT BY JUSTICE NOBLE REVERSING AND REMANDING ALL SITTING. ALL CONCUR.	MONROE
60	DR. LAURENCE H. KANT V. LEXINGTON THEOLOGICAL SEMINARY	2012-SC-000502-DG TO BE PUBLISHED	OPINION OF THE COURT BY CHIEF JUSTICE MINTON REVERSING AND REMANDING MINTON, C. J.; ABRAMSON, CUNNINGHAM, NOBLE, SCOTT AND VENTERS, JJ., SITTING. ALL CONCUR. KELLER, J., NOT SITTING.	FROM COURT OF APPEALS

61	JIMMY KIRBY V. LEXINGTON THEOLOGICAL SEMINARY	2012-SC-000519-DG TO BE PUBLISHED	OPINION OF THE COURT BY CHIEF JUSTICE MINTON REVERSING AND REMANDING ALL SITTING. ALL CONCUR.	FROM COURT OF APPEALS
62	JEFFERY BURKS V. COMMONWEALTH OF KENTUCKY	2012-SC-000587-MR NOT TO BE PUBLISHED	MEMORANDUM OPINION OF THE COURT AFFIRMING ALL SITTING. ALL CONCUR.	HANCOCK
63	LORENZO A. BARNES V. COMMONWEALTH OF KENTUCKY	2012-SC-000595-MR NOT TO BE PUBLISHED	MEMORANDUM OPINION OF THE COURT AFFIRMING MINTON, C. J.; ABRAMSON, CUNNINGHAM, AND SCOTT, JJ., CONCUR. VENTERS, J., CONCURS BY SEPARATE OPINION IN WHICH KELLER AND NOBLE, JJ., JOIN.	FAYETTE
64	WILLIAM DAVIS, JR. V. COMMONWEALTH OF KENTUCKY	2012-SC-000632-MR NOT TO BE PUBLISHED	MEMORANDUM OPINION OF THE COURT AFFIRMING ALL SITTING. ALL CONCUR.	JEFFERSON

65	ABS GLOBAL, INC., ET AL V. KIMBERLY NICOLE DRAPER, ET AL.	2013-SC-000051-WC NOT TO BE PUBLISHED	MEMORANDUM OPINION OF THE COURT AFFIRMING ALL SITTING. ALL CONCUR.	FROM COURT OF APPEALS
66	SHELLEY NETHERWOOD V. HONORABLE JAMES M. SHAKE, JUDGE, JEFFERSON CIRCUIT COURT, ET AL.	2013-SC-000271-MR NOT TO BE PUBLISHED	MEMORANDUM OPINION OF THE COURT AFFIRMING ALL SITTING. ALL CONCUR.	FROM COURT OF APPEALS
67	MARION KILBURN V. COMMONWEALTH OF KENTUCKY	2012-SC-000494-MR NOT TO BE PUBLISHED	MEMORANDUM OPINION OF THE COURT AFFIRMING IN PART, AND REVERSING IN PART ALL SITTING. ALL CONCUR.	FLOYD
68	BRENDA ELKINS V. LKLP CAC, INC, ET AL.	2013-SC-000032-WC NOT TO BE PUBLISHED	MEMORANDUM OPINION OF THE COURT AFFIRMING IN PART AND REVERSING IN PART ALL SITTING. ALL CONCUR.	FROM COURT OF APPEALS

69	LAWRENCE M. BLACKBURN V. ALLEN TIRE & MUFFLER, INC., ET AL.	2013-SC-000130-WC NOT TO BE PUBLISHED	MEMORANDUM OPINION OF THE COURT REVERSING MINTON, C. J.; ABRAMSON, CUNNINGHAM, KELLER, NOBLE AND VENTERS, JJ., SITTING. ALL CONCUR. SCOTT, J., NOT SITTING.	FROM COURT OF APPEALS
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OPINION AND ORDERS – APRIL 9, 2014

	COMMONWEALTH OF KENTUCKY V. RONNIE JOHNSON	2012-SC-000404-DG	ORDER GRANTED DISCRETIONARY REVIEW, REVERSED THE COURT OF APPEALS’ DECISION AND REINSTATED THE POWELL CIRCUIT COURT JUDGMENT. ALL SITTING. ALL CONCUR.	CLAY
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	<p>AMANDA SPEARS V. ROBERT A. SCHNEIDER, JR., ET AL.</p>	<p>2013-SC-000522-DG</p>	<p>ORDER GRANTED DISCRETIONARY REVIEW, VACATED THE COURT OF APPEALS' OPINION AND REMANDED BACK TO THE COURT OF APPEALS. ALL SITTING. MINTON, C. J.; ABRAMSON, KELLER, AND NOBLE , JJ., CONCUR. CUNNINGHAM, SCOTT AND VENTERS, JJ., DISSENT.</p>	<p>CAMPBELL</p>
<p>OPINION AND ORDERS – APRIL 17, 2014</p>				
	<p>KENTUCKY BAR ASSOCIATION V. WILLIAM PERRY MCCALL</p>	<p>2013-SC-000792-KB TO BE PUBLISHED</p>	<p>CASE HELD IN ABEYANCE PENDING COMPLETION OF CONDITIONS IMPOSED BY THE SUPREME COURT OF INDIANA. ALL SITTING. ALL CONCUR.</p>	<p>IN SUPREME COURT</p>

	<p>KENTUCKY BAR ASSOCIATION V. TRAVIS OLEN MYLES, JR.</p>	<p>2014-SC-000041-KB TO BE PUBLISHED</p>	<p>ORDER OF SUSPENSION FROM THE PRACTICE OF LAW FOR 61 DAYS WITH CONDITIONS. ALL SITTING. ALL CONCUR.</p>	<p>IN SUPREME COURT</p>
	<p>KENTUCKY BAR ASSOCIATION V. DANIEL EDWARD PRIDEMORE</p>	<p>2014-SC-000042-KB TO BE PUBLISHED</p>	<p>ORDER OF SUSPENSION FROM THE PRACTICE OF LAW FOR 30 DAYS WITH CONDITIONS. ALL SITTING. ALL CONCUR.</p>	<p>IN SUPREME COURT</p>
	<p>KENTUCKY BAR ASSOCIATION V. CLYDE F. JOHNSON</p>	<p>2014-SC-000043-KB TO BE PUBLISHED</p>	<p>ORDER OF SUSPENSION FROM THE PRACTICE OF LAW FOR 30 DAYS. MINTON, C. J., ABRAMSON, CUNNINGHAM, KELLER, NOBLE AND VENTERS, JJ., CONCUR. SCOTT, J., NOT SITTING.</p>	<p>IN SUPREME COURT</p>
	<p>WILLIAM DAVID RYE V. KENTUCKY BAR ASSOCIATION</p>	<p>2014-SC-000056-KB TO BE PUBLISHED</p>	<p>ORDER OF SUSPENSION FROM THE PRACTICE OF LAW FOR 30 DAYS WITH CONDITIONS. ALL SITTING. ALL CONCUR.</p>	<p>IN SUPREME COURT</p>

	JAMES P. S. SNYDER V. KENTUCKY BAR ASSOCIATION	2014-SC-000093-KB TO BE PUBLISHED	ORDER OF PUBLIC REPRIMAND. ALL SITTING. ALL CONCUR.	IN SUPREME COURT
	CLIFFORD BRANHAM V. KENTUCKY BAR ASSOCIATION	2014-SC-000111-KB TO BE PUBLISHED	ORDER OF PERMANENT DISBARMENT FROM THE PRACTICE OF LAW. ALL SITTING. ALL CONCUR.	IN SUPREME COURT
COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW-APRIL 9, 2014:				
	COPPAGE CONSTRUCTION COMPANY, INC. V. SANITATION DISTRICT NO. 1, ET AL.	2013-SC-000122-DG	GRANT MOTION FOR DISCRETIONARY REVIEW	KENTON
	COMMONWEALTH OF KENTUCKY V. MICHAEL YOUNG, ET AL.	2013-SC-000367-DG	GRANT MOTION FOR DISCRETIONARY REVIEW	LAWRENCE
	BONITA BEAUMONT V. MULUKEN ZERU	2013-SC-000489-DG	GRANT MOTION FOR DISCRETIONARY REVIEW	JEFFERSON
	REUBEN J. WRIGHT, ET AL. V. KIM CARROLL	2013-SC-000528-DG	GRANT MOTION FOR DISCRETIONARY REVIEW	ELLIOTT

SHERMAN KEYSOR V. COMMONWEALTH OF KENTUCKY	2013-SC-000531-DG	GRANT MOTION FOR DISCRETIONARY REVIEW	GRAVES
JAMES KIDD V. COMMONWEALTH OF KENTUCKY	2013-SC-000608-DG	GRANT MOTION FOR DISCRETIONARY REVIEW	LEE
ADAMS AND ZEYSING, INC. V. LEXMACK LEASING, INC., ET AL.	2013-SC-000654-DG	GRANT MOTION FOR DISCRETIONARY REVIEW	SCOTT
DAVID MILAM V. COMMONWEALTH OF KENTUCKY	2013-SC-000681-DG	GRANT MOTION FOR DISCRETIONARY REVIEW	FAYETTE
COMMONWEALTH OF KENTUCKY V. CHRISTOPHER DUNCAN	2013-SC-000742-DG	GRANT MOTION FOR DISCRETIONARY REVIEW	WEBSTER
COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW-APRIL 9, 2014			
BOBBY GENE JUSTICE, INDIVIDUALLY, ETC. V. CAROL STEVENS, ET AL.	2013-SC-000503-D	DENY MOTION FOR DISCRETIONARY REVIEW SCOTT, J., NOT SITTING.	PIKE
SHERRILL WELLS V. DELOIS WELLS, INDIVIDUALLY, ETC.	2013-SC-000532-D	DENY MOTION FOR DISCRETIONARY REVIEW	CASEY

DONALD MARTIN V. COMMONWEALTH OF KENTUCKY	2013-SC-000594-D	DENY MOTION FOR DISCRETIONARY REVIEW	FAYETTE
SABU VARGHESE V. JEANETTE VARGHESE, NOW AUMON	2013-SC-000690-D	DENY MOTION FOR DISCRETIONARY REVIEW SCOTT, J., WOULD GRANT DISCRETIONARY REVIEW.	SHELBY
SOUTHERN FINANCIAL LIFE INSURANCE COMPANY V. ROGER MULLINS, ADMINISTRATOR, ETC.	2013-SC-000716-D	DENY MOTION FOR DISCRETIONARY REVIEW	PIKE
ALI SHAMAEI ZADEH, M.D. V. KENTUCKY BOARD OF MEDICAL LICENSURE	2013-SC-000329-D	DENY MOTION FOR DISCRETIONARY REVIEW	JEFFERSON
WILLIAM MATTINGLY V. DAISY MITCHELL, AS ADMINISTRATOR, ETC.	2013-SC-000478-D	DENY MOTION FOR DISCRETIONARY REVIEW	JEFFERSON
PATRICK KELLEY, INDIVIDUALLY, ETC., ET AL. V. TOYOTA MOTOR MANUFACTURING, KENTUCKY, INC.	2013-SC-000804-DE	DENY MOTION FOR DISCRETIONARY REVIEW	SCOTT

IZETTA COOPER V. CASSIE TAULBEE, ET AL.	2013-SC-000359-D	DENY MOTION FOR DISCRETIONARY REVIEW	LEE
MARK WRIGHT V. LARRY FRANKLIN, ET AL.	2013-SC-000310-D	DENY MOTION FOR DISCRETIONARY REVIEW	JEFFERSON
JOE RAY TURNER V. COMMONWEALTH OF KENTUCKY	2013-SC-000273-D	DENY MOTION FOR DISCRETIONARY REVIEW KELLER, J., NOT SITTING.	ALLEN
DAVID REDD V. CHERYL YVETTE SHIVELY	2012-SC-000786-D	DENY MOTION FOR DISCRETIONARY REVIEW	JEFFERSON
COMMONWEALTH OF KENTUCKY V. MICHAEL BELK	2013-SC-000369-D	DENY MOTION FOR DISCRETIONARY REVIEW CUNNINGHAM, J., WOULD GRANT DISCRETIONARY REVIEW.	WARREN
STEVEN W. BRYANT V. COMMONWEALTH OF KENTUCKY	2013-SC-000337-D	DENY MOTION FOR DISCRETIONARY REVIEW	JEFFERSON
MICHAEL D. GARLAND V. COMMONWEALTH OF KENTUCKY	2013-SC-000384-D	DENY MOTION FOR DISCRETIONARY REVIEW	JEFFERSON

DR. PAUL JANSON V. SUMMIT MEDICAL GROUP, INC.	2013-SC-000391-D	DENY MOTION FOR DISCRETIONARY REVIEW	KENTON
JASON NAPIER V. COMMONWEALTH OF KENTUCKY	2013-SC-000399-D	DENY MOTION FOR DISCRETIONARY REVIEW	LINCOLN
PILES CHEVROLET PONTIAC BUICK, INC. V. AUTO OWNERS INSURANCE COMPANY, INC.	2013-SC-000401-D	DENY MOTION FOR DISCRETIONARY REVIEW	GRANT
WARREN JACKEL V. JUDY GREEN, ET AL.	2013-SC-000427-D	DENY MOTION FOR DISCRETIONARY REVIEW	JEFFERSON
LINDA ANN DAVIS V. MATTHEW DAVIS, NOW DECEASED, ET AL.	2013-SC-000440-D	DENY MOTION FOR DISCRETIONARY REVIEW	WAYNE
FRANCIS PAYNE V. COMMONWEALTH OF KENTUCKY	2013-SC-000404-D	DENY MOTION FOR DISCRETIONARY REVIEW	HANCOCK
JUANITA BEAMS V. NEW HART COUNTY HEALTH CARE, LLC, ETC.	2013-SC-000355-D	DENY MOTION FOR DISCRETIONARY REVIEW	HART

COMMONWEALTH OF KENTUCKY V. TABITHA COOMER, ET AL.	2013-SC-000368-D	DENY MOTION FOR DISCRETIONARY REVIEW AND DEPUBLISH THE OPINION OF THE COURT OF APPEALS KELLER, J., NOT SITTING.	ADAIR
DENISE ALLGOOD V. KENTUCKY RETIREMENT SYSTEMS, BOARD OF TRUSTEES	2013-SC-000400-D	DENY MOTION FOR DISCRETIONARY REVIEW	FRANKLIN
JAMES DARWIN BUMPHIS V. COMMONWEALTH OF KENTUCKY	2013-SC-000428-D	DENY MOTION FOR DISCRETIONARY REVIEW VENTERS, J., WOULD GRANT DISCRETIONARY REVIEW ABRAMSON, J., NOT SITTING.	WARREN
JONATHAN CHRISTOPHER HALL V. COMMONWEALTH OF KENTUCKY	2013-SC-000370-D	DENY MOTION FOR DISCRETIONARY REVIEW	PULASKI
GENIE RUNYON V. DH CAPITAL MANAGEMENT, INC.	2013-SC-000471-D	DENY MOTION FOR DISCRETIONARY REVIEW	SPENCER

CHARLES RAY PHELPS, CO-TRUSTEE, ETC., ET AL. V. HANSON AGGREGATES MIDWEST, LLC	2013-SC-000455-D	DENY MOTION FOR DISCRETIONARY REVIEW	CALDWELL
CAMPBELL COUNTY DETENTION CENTER V. KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION, ET AL.	2013-SC-000437-D	DENY MOTION FOR DISCRETIONARY REVIEW AND DEPUBLISH THE OPINION OF THE COURT OF APPEALS.	CAMPBELL
JOHN AUSTIN BERRY, III V. COMMONWEALTH OF KENTUCKY	2013-SC-000073-D	DENY MOTION FOR DISCRETIONARY REVIEW	FAYETTE
ALISIA ROBINSON-HILL, ET AL. V. NURSES REGISTRY, ET AL.	2012-SC-000315-D	DENY MOTION FOR DISCRETIONARY REVIEW KELLER, J., NOT SITTING.	FAYETTE
SCOT EUGENE GAITHER V. COMMONWEALTH OF KENTUCKY	2013-SC-000466-D	DENY MOTION FOR DISCRETIONARY REVIEW	DAVISS
LASHAWN JOHNSON V. COMMONWEALTH OF KENTUCKY	2013-SC-000340-D	DENY MOTION FOR DISCRETIONARY REVIEW	JEFFERSON

COURT ORDER GRANTING MOTION TO TRANSFER – APRIL 17, 2014

HON. ANN BAILEY SMITH
(CHIEF JUDGE, JEFFERSON
DISTRICT COURT)
V.
COMMONWEALTH OF
KENTUCKY (EX REL.
MICHAEL J. O'CONNELL),
ET AL.

2013-SC-000828-T

JEFFERSON**COURT ORDER DENYING MOTION TO TRANSFER – APRIL 17, 2014**

CABINET FOR HEALTH AND
FAMILY SERVICES, ET AL.
V.
THE COURIER-JOURNAL,
INC., ET AL.

2014-SC-000165-T

**FROM COURT
OF APPEALS****COURT ORDER DENYING PETITION FOR REHEARING – APRIL 17, 2014**

JOHNATHAN D. PARKS
V.
COMMONWEALTH OF
KENTUCKY

2011-SC-000625-MR

GRAYSON**COURT ORDERS DISMISSING – MARCH 28, 2014**

RICKY BARBOUR
V.
COMMONWEALTH OF
KENTUCKY

2014-SC-000034-D

HART

JAMES DECOURSEY V. COMMONWEALTH OF KENTUCKY	2014-SC-000051-D		CHRISTIAN
ROBER T O. PRICKETT V. COMMONWEALTH OF KENTUCKY	2014-SC-000086-D		JEFFERSON
COURT ORDERS			
DONALD SOUTHWORTH V. COMMONWEALTH OF KENTUCKY ORDER MODIFIED THE OPINION OF THE COURT BY JUSTICE NOBLE RENDERED MARCH 20, 2014, BY SUBSTITUTION OF THIS OPINION IN LIEU OF THE ORIGINAL. ENTERED: MARCH 21, 2014	2012-SC-000179-MR TO BE PUBLISHED		FAYETTE
COMMONWEALTH OF KENTUCKY V. SHANNANANDOAH CARMAN AND KENNETH WESTBAY ORDER GRANTED MOTION FOR RECONSIDERATION AND ACCEPTED REQUEST FOR CERTIFICATION OF THE LAW. ABRAMSON, CUNNINGHAM, SCOTT AND VENTERS, JJ., CONCUR. MINTON, C.J., NOBLE AND KELLER, JJ., WOULD DENY. ENTERED: APRIL 17, 2014	2013-SC-000684-CL		JEFFERSON

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

MARGARET ANN HENRION V. KENTUCKY BAR ASSOCIATION ENTERED: MARCH 26, 2014	2014-SC-000151-KB		IN SUPREME COURT
SUSAN ELIZABETH WATTS V. KENTUCKY BAR ASSOCIATION ENTERED: APRIL 11, 2014	2014-SC-000184-KB		IN SUPREME COURT