

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 20, 2006

RELEASED: 10:00 A.M.

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| 65. | KINDRED HOSPITALS LIMITED PARTNERSHIP, D/B/A LIBERTY CARE CENTER, ET AL V. SUSAN LUTRELL ADMINISTRATRIX OF THE ESTATE OF ALTHA DUNCAN, DECEASED.<br><b>OPINION OF THE COURT BY JUSTICE SCOTT.</b><br>JOHNSTONE, J., CONCURS IN RESULT ONLY.  | <a href="#"><u>2006-SC-000093-I</u></a><br><b>TO BE PUBLISHED</b>  | CASEY   |
| 66. | COMMONWEALTH OF KENTUCKY V. LIBERTY ASTIN WALTHER<br><b>OPINION OF THE COURT BY JUSTICE COOPER – <u>CERTIFYING THE LAW.</u></b>  | <a href="#"><u>2005-SC-000001-CL</u></a><br><b>TO BE PUBLISHED</b> | KENTON  |
| 67. | FRANKLIN DEAN POWELL, II V. COMMONWEALTH OF KENTUCKY<br><b>OPINION OF THE COURT BY JUSTICE COOPER – <u>AFFIRMING.</u></b><br>JOHNSTONE, J., DISSENTS BY SEPARATE OPINION, WITH ROACH, J., JOINING THAT DISSENT.  | <a href="#"><u>2003-SC-000266-DG</u></a><br><b>TO BE PUBLISHED</b> | DAVIESS |
| 68. | T & M JEWELRY, INC., D/B/A THE CASTLE, ET AL V.<br>JENNIFER HICKS BY AND THROUGH HER PARENTS AND NEXT FRIENDS, ET AL<br>AND<br>JENNIFER HICKS BY AND THROUGH HER PARENTS AND NEXT FRIENDS, ET AL V.<br>T & M JEWELRY, INC. D/B/A THE CASTLE, ET AL<br><b>OPINION OF THE COURT – <u>AFFIRMING.</u></b><br>ROACH, J., FILES A SEPARATE OPINION CONCURRING IN PART AND DISSENTING IN PART IN WHICH GRAVES, J., JOINS. | <a href="#"><u>2003-SC-000665-DG</u></a><br><b>TO BE PUBLISHED</b> | FAYETTE |
|     |  | <a href="#"><u>2004-SC-000797-DG</u></a><br><b>TO BE PUBLISHED</b> | FAYETTE |

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 20, 2006

RELEASED: 10:00 A.M.

69. COMMONWEALTH OF KENTUCKY V. [2004-SC-000177-DG](#) MCCRACKEN  
MARCUS BUFORD **TO BE PUBLISHED**  
**OPINION OF THE COURT BY JUSTICE**  
**ROACH – AFFIRMING.**  
LAMBERT, C.J., ALSO CONCURS BY  
SEPARATE OPINION. GRAVES, J.,  
DISSENTS BY SEPARATE OPINION  
IN WHICH SCOTT AND WINTERSHEIMER,  
JJ., JOIN.
70. JOSEPH MICHAEL SCHRIMSHER V. [2004-SC-000544-MR](#) MCCRACKEN  
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**  
**OPINION OF THE COURT BY JUSTICE**  
**COOPER – AFFIRMING.**
71. TODD EDWARD EDMONDS V. [2004-SC-001003-MR](#) JEFFERSON  
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**  
**OPINION OF THE COURT BY JUSTICE**  
**COOPER – AFFIRMING.**
72. JOHN COMBS, SR. V. [2002-SC-000780-MR](#) PERRY  
COMMONWEALTH OF KENTUCKY [2004-SC-001005-MR](#)  
**OPINION OF THE COURT BY JUSTICE** **TO BE PUBLISHED**  
**COOPER – AFFIRMING IN PART,**  
**REVERSING IN PART, AND REMANDING.**  
WINTERSHEIMER, J., CONCURS WITH SO  
MUCH OF THE OPINION THAT AFFIRMS  
THE CONVICTION OF FIRST-DEGREE  
SEXUAL ABUSE, BUT DISSENTS FROM THE  
REVERSAL OF THE CONVICTION OF UNLAWFUL  
TRANSACTION WITH A MINOR BECAUSE THE  
EVIDENCE SUPPORTED CONVICTION UNDER  
BOTH CHARGES; THE JURY INSTRUCTIONS  
WERE CORRECT AND THERE WAS NO  
DOUBLE JEOPARDY.

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 20, 2006

RELEASED: 10:00 A.M.

73. JANET FOSTER V. [2004-SC-000461-DG](#) JEFFERSON  
KENTUCKY FARM BUREAU MUTUAL **TO BE PUBLISHED**  
INSURANCE COMPANY, ET AL  
**OPINION OF THE COURT BY JUSTICE**  
**WINTERSHEIMER – REVERSING AND**  
**REMANDING.**  
SCOTT, J., FILES A SEPARATE  
CONCURRING OPINION.
74. MARY A. HUTCHINS V. [2005-SC-000627-WC](#) FROM COURT  
GENERAL ELECTRIC COMPANY, **TO BE PUBLISHED** OF APPEALS  
ET AL  
**OPINION OF THE COURT –**  
**REVERSING AND REMANDING.**  
ROACH, J., DISSENTS BY SEPARATE  
OPINION IN WHICH COOPER, J., JOINS.
75. COMMONWEALTH OF KENTUCKY V. [2004-SC-000635-DG](#) FAYETTE  
JAMES PATRICK RODEFER **TO BE PUBLISHED**  
**OPINION OF THE COURT -**  
**REVERSING.**  
LAMBERT, C.J., NOT SITTING.
76. CABINET FOR HEALTH AND FAMILY [2005-SC-000631-DGE](#) BARREN  
SERVICES, ET AL V. **TO BE PUBLISHED**  
A.G.G., ET AL  
**OPINION OF THE COURT BY JUSTICE**  
**COOPER – REVERSING.**
77. LESLIE LEON SCOTT V. [2004-SC-000310-MR](#) CASEY  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF THE**  
**COURT – AFFIRMING.**  
COOPER AND ROACH, JJ., CONCUR  
IN RESULT ONLY. SCOTT, J.,  
DISSENTS BY SEPARATE OPINION.

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 20, 2006

RELEASED: 10:00 A.M.

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| 78. | MARUEL HOLBROOK V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING.</u></b>  | <a href="#">2004-SC-000644-MR</a><br><b>NOT TO BE PUBLISHED</b> | MADISON                  |
| 79. | DOUG WILLIAMS V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING.</u></b><br>JOHNSTONE, J., CONCURS IN<br>RESULT ONLY. LAMBERT, C.J.,<br>DISSENTS. | <a href="#">2004-SC-001133-MR</a><br><b>NOT TO BE PUBLISHED</b> | BOYLE                    |
| 80. | JOEY HOWARD GRAY V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING.</u></b>   | <a href="#">2005-SC-000072-MR</a><br><b>NOT TO BE PUBLISHED</b> | MUHLENBERG               |
| 81. | MICHAEL LEWIS TAYLOR V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING.</u></b>   | <a href="#">2005-SC-000119-MR</a><br><b>NOT TO BE PUBLISHED</b> | MCCRACKEN                |
| 82. | MONTY KIM TURNER V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING.</u></b>   | <a href="#">2005-SC-000289-MR</a><br><b>NOT TO BE PUBLISHED</b> | MCCRACKEN                |
| 83. | MICHAEL JOE HENSLEY V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING.</u></b>  | <a href="#">2005-SC-000344-MR</a><br><b>NOT TO BE PUBLISHED</b> | WHITLEY                  |
| 84. | GARY SKINNER V.<br>HALE CONTRACTING, INC., ET AL<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING.</u></b>  | <a href="#">2005-SC-000513-WC</a><br><b>NOT TO BE PUBLISHED</b> | FROM COURT<br>OF APPEALS |

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 20, 2006

RELEASED: 10:00 A.M.

85. STEVE NORRIS V. [2005-SC-000564-WC](#) FROM COURT  
CONWAY & HEATON, ET AL NOT TO BE PUBLISHED OF APPEALS  
**MEMORANDUM OPINION OF THE  
COURT – AFFIRMING.**
86. PATRICIA A. TILLMON V. [2005-SC-000565-WC](#) FROM COURT  
GENERAL MOTORS CORPORATION, NOT TO BE PUBLISHED OF APPEALS  
ET AL  
**MEMORANDUM OPINION OF THE  
COURT – AFFIRMING.**
87. TRI COUNTY OPERATIONS V. [2005-SC-000575-WC](#) FROM COURT  
CURTIS SURGENER, ET AL NOT TO BE PUBLISHED OF APPEALS  
**MEMORANDUM OPINION OF THE  
COURT – AFFIRMING.**  
COOPER AND ROACH, JJ., DISSENT  
FOR THE REASONS SET FORTH IN  
JUSTICE COOPER’S DISSENTING  
OPINION IN FAWBUSH V. GWINN,  
103 S.W.3d 5, 13 (KY.2003).
88. JOHN T. BOSTON V. [2004-SC-000469-MR](#) JEFFERSON  
COMMONWEALTH OF KENTUCKY NOT TO BE PUBLISHED  
**MEMORANDUM OPINION OF THE  
COURT – AFFIRMING IN PART,  
REVERSING IN PART, AND VACATING  
IN PART.**  
WINTERSHEIMER, J., DISSENTS BY  
SEPARATE OPINION, WITH GRAVES,  
AND SCOTT, JJ., JOINING THAT  
DISSENT.

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 20, 2006

RELEASED: 10:00 A.M.

89. JOSHUA MCINTIRE V. [2003-SC-000444-MR](#) BOURBON  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF THE**  
**COURT – REVERSING AND**  
**REMANDING.**  
ROACH, J., DISSENTS BY SEPARATE  
OPINION, WITH GRAVES AND  
WINTERSHEIMER, JJ., JOINING THAT  
DISSENT.
90. JIMMY YOKELY V. [2004-SC-000751-MR](#) KENTON  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF THE**  
**COURT – REVERSING AND**  
**REMANDING.**  
SCOTT, J., DISSENTS BY SEPARATE  
OPINION IN WHICH GRAVES AND  
WINTERSHEIMER, JJ., JOIN.
91. RALPH WAYNE GRIMES, JR. V. [2004-SC-001096-MR](#) ADAIR  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF THE**  
**COURT – REVERSING AND**  
**REMANDING.**

**OPINIONS AND ORDERS**

TIMOTHY RAY FUTRELL V. [2002-SC-000745-KB](#) IN SUPREME  
KENTUCKY BARASSOCIATION **TO BE PUBLISHED** COURT  
**OPINION AND ORDER DENYING MOVANT'S**  
**APPLICATION FOR REINSTATEMENT.**  
ENTERED: APRIL 20, 2006

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**APRIL 20, 2006**

**RELEASED: 10:00 A.M.**

**OPINIONS AND ORDERS**

COMMONWEALTH OF KENTUCKY V. JOHN W. BLACK <b>OPINION AND ORDER GRANTING MOTION FOR REVIEW. THE DECISION OF THE COURT OF APPEALS IS VACATED, AND THE CASE IS REMANDED TO THE COURT OF APPEALS.</b> ENTERED: APRIL 12, 2006	2004-SC-000432-D	FAYETTE
KENTUCKY BAR ASSOCIATION V. KEVIN LEE NESBITT <b>OPINION AND ORDER PUBLICLY REPRIMANDING RESPONDENT.</b> ENTERED: APRIL 20, 2006	<a href="#">2006-SC-000057-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. MARK BLAIR GELLER <b>OPINION AND ORDER SUSPENDING THE RESPONDENT FROM THE PRACTICE OF LAW.</b> ENTERED: APRIL 20, 2006	<a href="#">2006-SC-000075-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. MICHAEL VESCIO <b>OPINION AND ORDER PERMANENTLY DISBARRING RESPONDENT FROM THE PRACTICE OF LAW.</b> ENTERED: APRIL 20, 2006	2006-SC-000087-KB <b>NOT TO BE PUBLISHED</b>	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. JOHN GRANT COOK <b>OPINION AND ORDER, ORDERING THAT THE RESPONDENT PAY A FINE OF \$300 FOR NON-COMPLIANCE WITH CLE REQUIREMENTS.</b> ENTERED: APRIL 11, 2006	<a href="#">2006-SC-000091-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**APRIL 20, 2006**

**RELEASED: 10:00 A.M.**

**OPINIONS AND ORDERS**

KENTUCKY BAR ASSOCIATION V.  
KENNETH EUGENE RYLEE, JR.  
**OPINION AND ORDER PERMANENTLY  
DISBARRING RESPONDENT FROM  
THE PRACTICE OF LAW.**  
ENTERED: APRIL 20, 2006

[2006-SC-000134-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

KENTUCKY BAR ASSOCIATION V.  
HARRY D. WILLIAMS  
**OPINION AND ORDER SUSPENDING  
THE RESPONDENT FROM THE PRACTICE  
OF LAW FOR 181 DAYS.**  
ENTERED: APRIL 20, 2006

[2006-SC-000173-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW  
ENTERED APRIL 12, 2006**

COMMONWEALTH OF KENTUCKY V.  
RONALD D. MARR

2003-SC-000564-DG

JEFFERSON

JACOB HENSON V.  
COMMONWEALTH OF KENTUCKY

2005-SC-000666-DG

BREATHITT

COMMONWEALTH OF KENTUCKY V.  
CHRISTY C. MORGAN

2005-SC-000702-DG

HART

DEBORAH F. THEISEN, INDIVIDUALLY V.  
ESTATE OF CLAYTON C. WILSON,  
A/K/A CLEO WILSON, ET AL

2005-SC-000769-DG

PULASKI

B.B., A CHILD UNDER EIGHTEEN V.  
COMMONWEALTH OF KENTUCKY

2005-SC-000814-DG

ADAIR

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**APRIL 20, 2006**

**RELEASED: 10:00 A.M.**

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW  
ENTERED APRIL 12, 2006**

COMMONWEALTH, FINANCE AND ADMINISTRATION CABINET AND DEPARTMENT OF PARKS, ET AL V. YAMAHA MOTOR MANUFACTURING CORPORATION OF AMERICA, ET AL	2005-SC-000979-DG	FRANKLIN
LAMONT HOUSTON BROWN V. COMMONWEALTH OF KENTUCKY	2006-SC-000160-DG	FAYETTE
D. SEAN NILSEN, ET AL V. MATHERLY LAND SURVEYING, INC., ET AL	2006-SC-000163-DG	JEFFERSON
JASON H. CROSS, ET AL V. BARNEY JONES, ETC., ET AL	2006-SC-000164-D	BARREN

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW  
ENTERED APRIL 12, 2006**

GERALD RAMSEY V. COMMONWEALTH OF KENTUCKY	2004-SC-000617-D	FAYETTE
RAY ANTHONY WASHINGTON V. COMMONWEALTH OF KENTUCKY	2004-SC-000839-D	FAYETTE
MICHAEL COLLIER V. COMMONWEALTH OF KENTUCKY	2005-SC-000062-D	JEFFERSON
MARGARET G. FORD V. TERRY FORD, AS GUARDIAN FOR DONALD G. FORD	2005-SC-000431-D	JEFFERSON

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**APRIL 20, 2006**

**RELEASED: 10:00 A.M.**

**COURT ORDER DENYING MOTION FOR DISCRETIONARY REVIEW**  
**ENTERED APRIL 12, 2006**

FAITH CENTER MISSIONARY BAPTIST CHURCH, INC., D/B/A FAITH CENTER DAY SCHOOL V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH SERVICES, DIVISION OF LICENSED CHILD CARE	2005-SC-000569-D	FRANKLIN
EMORY M. DAVIS, ET AL V. STOCK YARDS BANK & TRUST CO., INC.	2005-SC-000587-D	JEFFERSON
LEONA WATTS, ET AL V. APPALACHIAN REGIONAL HEALTHCARE INC., D/B/A HAZARD ARH HOSPITAL	2005-SC-000596-D	PERRY
COMMONWEALTH OF KENTUCKY V. CRYSTAL PLANK	2005-SC-000671-D	JEFFERSON
TONY MAYFIELD EMERSON V. SANDRA LAFAVORS	2005-SC-000691-D	JEFFERSON
GEORGE WILLIAMS V. COMMONWEALTH OF KENTUCKY	2005-SC-000717-D	PIKE
COMMONWEALTH OF KENTUCKY V. LARRY SMIDDY	2005-SC-000735-D	GRAYSON
LOGAN COUNTY, KENTUCKY, BY LOGAN FISCAL COURT, ET AL V. APEX ENVIRONMENTAL, LLC	2005-SC-000757-D	LOGAN
THE ST. LUKE HOSPITALS, INC. V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL	2005-SC-000770-D	FRANKLIN
COMMONWEALTH OF KENTUCKY V. ANGELINA BRUMLEY	2005-SC-000781-D	PULASKI

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**APRIL 20, 2006**

**RELEASED: 10:00 A.M.**

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW**  
**ENTERED APRIL 12, 2006**

GREATER CINCINNATI INVESTIGATION, INC., GENERAL CORPORATE INVESTIGATION COMPANIES, INC. V. GREG BOSLEY, ET AL	2005-SC-000783-D	KENTON
MARGARET CULLEN V. ROBERT R. POWELL	2005-SC-000794-D	WOODFORD
COMMONWEALTH OF KENTUCKY V. MICHAEL MICKENS	2005-SC-000807-D	JEFFERSON
THE NORMAN CLAY MARTIN PRESENT INTEREST TRUST, BY AND THROUGH NANCY M. ERWIN, TRUSTEE V. STOCK YARDS BANK & TRUST COMPANY	2005-SC-000859-D	JEFFERSON
PHILLIP PHILLIPS V. COMMONWEALTH OF KENTUCKY	2005-SC-000874-D	WHITLEY
FREDERICK J. CHILDRESS, ET AL V. TAYLOR DEVELOPMENT, INC.	2005-SC-000884-D	KENTON
DAVID NICHOLS V. COMMONWEALTH OF KENTUCKY	2005-SC-000890-D	HARDIN
COMMONWEALTH OF KENTUCKY V. LARRY GODBY <b>COURT OF APPEALS OPINION IS ORDERED TO BE PUBLISHED.</b>	2005-SC-000906-D	PULASKI
WILLIAM POSEY V. COMMONWEALTH OF KENTUCKY	2005-SC-000913-D	RUSSELL
FREDERICK MICHAEL CREUSERE V. KENTUCKY EDUCATION PROFESSIONAL STANDARDS BOARD	2005-SC-000915-D	FRANKLIN

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**APRIL 20, 2006**

**RELEASED: 10:00 A.M.**

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW**  
**ENTERED APRIL 12, 2006**

JAMES DAVID SMITH V. COMMONWEALTH OF KENTUCKY	2005-SC-000962-D	FAYETTE
JINCY ROUSE V. EDWIN DWIGHT ROUSE	2005-SC-000983-D	LEWIS
THE ESTATE OF KENNETH PRICE, ET AL V. CONNIE TOWNSEND	2006-SC-000005-D	WEBSTER
JOHN R. BELL, DECEASED, BY AND THROUGH HIS WIDOW AND PERSONAL REPERSENTATIVE, SUSAN K. BELL, ET AL V. WANDA W. BELL, ETC. <b>OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2006-SC-000066-D	FAYETTE
ANTHONY GAMBLE V. COMMONWEALTH OF KENTUCKY	2006-SC-000073-D	KENTON
CHARLES A. SMITH V. HOUSING AUTHORITY OF MIDDLES- BOROUGH AND RANDY EARLE	2006-SC-000076-D	BELL
BRENDA GRAHAM, ET AL V. ESTATE OF WILLIAM LEON OWENS, AUDREY FULKERSON, EXECUTRIX, ET AL	2006-SC-000078-D	NELSON
CARL JUSTICE V. COMMONWEALTH OF KENTUCKY	2006-SC-000081-D	KNOX
BERT VAN PARKER V. COMMONWEALTH OF KENTUCKY	2006-SC-000082-D	FAYETTE
SUSAN AND JAMES SWEENEY V. COMMONWEALTH, CABINET FOR HEALTH AND FAMILY SERVICES,ET AL	2006-SC-000108-DE	JEFFERSON

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**APRIL 20, 2006**

**RELEASED: 10:00 A.M.**

**COURT ORDER DENYING MOTION FOR DISCRETIONARY REVIEW  
ENTERED APRIL 12, 2006**

DAVID HOWARD FENLEY V.  
RACHEL LOUISA WALLACE  
(FORMERLY JONES)

2006-SC-000143-DE

JEFFERSON

**COURT ORDERS DENYING MOTION TO TRANSFER**

COMPETITIVE AUTO RAMP SERVICES, INC. V. 2005-SC-000779-T  
KENTUCKY UNEMPLOYMENT  
INSURANCE COMMISSION, ET AL  
**ENTERED: APRIL 20, 2006**

FROM COURT  
OF APPEALS

STEELY THACKER V.  
COMMONWEALTH OF KENTUCKY  
**ENTERED: MARCH 24, 2006**

2006-SC-000114-T

BELL

JOHNNY RAY PRICE V.  
COMMONWEALTH OF KENTUCKY  
**ENTERED: APRIL 20, 2006**

2006-SC-000174-T

FROM COURT  
OF APPEALS

**COURT ORDERS**

JEFFREY MATHENEY V.  
COMMONWEALTH OF KENTUCKY  
**ORDER AMENDING OPINION RENDERED  
MARCH 23, 2006 BY SUBSTITUTION OF  
PAGES 1 AND 3.**  
ENTERED: APRIL 4, 2006

[2002-SC-000920-MR](#)

HOPKINS

SUPREME COURT OF KENTUCKY

MINUTES

APRIL 20, 2006

RELEASED: 10:00 A.M.

COURT ORDERS

LEIGH DISTLER, BY AND THROUGH THEIR NATURAL FATHER ROGER DISTLER, ET AL V. DANIELLE PEARSON, A MINOR UNDER THE AGE OF 18, BY AND THROUGH HER MOTHER MICHELLE HIGGINS <b>COURT ORDER GRANTING PARTIES AGREED MOTION TO DISMISS THIS ACTION.</b> ENTERED: APRIL 13, 2006	2004-SC-000791-DG	JEFFERSON
CHARLENE MOYERS V. ROMAN CATHOLIC BISHOP OF LOUISVILLE <b>COURT ORDER GRANTING PARTIES AGREED MOTION TO DISMISS MOTION FOR DISCRETIONARY REVIEW.</b> ENTERED: APRIL 12, 2006	2005-SC-001020-D	JEFFERSON
KINDRED HOSPITALS LIMITED PARTNERSHIP, D/B/A LIBERTY CARE CENTER, ET AL V. SUSAN LUTRELL ADMINISTRATRIX OF THE ESTATE OF ALTHA DUNCAN, DECEASED. <b>COURT ORDER DENYING MOTION FOR 65.09 RELIEF.</b> ENTERED: APRIL 20, 2006	2006-SC-000093-I	CASEY
BEVERLY HEALTH AND REHABILITATION SERVICES, INC., D/B/A BEVERLY HEALTH AND REHABILITATION OF FRANKFORT V. HON. WILLIAM L. GRAHAM, JUDGE FRANKLIN CIRCUIT COURT, ET AL <b>COURT ORDER GRANTING APPELLANT MOTION TO DISMISS THE APPEAL.</b> ENTERED: APRIL 12, 2006	2006-SC-000138-MR	FRANKLIN

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**APRIL 20, 2006**

**RELEASED: 10:00 A.M.**

**COURT ORDERS**

ERNIE FLETCHER, IN HIS OFFICIAL  
CAPACITY AS GOVERNOR OF THE  
COMMONWEALTH OF KENTUCKY **V.**  
GREGORY D. STUMBO, IN HIS OFFICIAL  
CAPACITY AS ATTORNEY GENERAL FOR  
THE COMMONWEALTH OF KENTUCKY.  
**COURT ORDER GRANTING PETITIONER'S  
MOTION TO WITHDRAW HIS PETITION FOR  
RELIEF.**

2006-SC-000215-OA

IN SUPREME  
COURT

ENTERED: APRIL 10, 2006