

SUPREME COURT OF KENTUCKY

APRIL 21, 2011 MINUTES

RELEASED: 10:00 A.M.

55. WELLS FARGO BANK,
MINNESOTA, N.A. **V.**
COMMONWEALTH OF KENTUCKY,
FINANCE AND ADMINISTRATION,
DEPARTMENT OF REVENUE,
F/K/A REVENUE CABINET
AND
CENTRAL BANK OF JEFFERSON
COUNTY, INC., F/K/A FIRST
BANK, INC. **V.**
COMMONWEALTH OF KENTUCKY,
FINANCE AND ADMINISTRATION
CABINET, DEPARTMENT OF
REVENUE, F/K/A REVENUE CABINET
**OPINION OF THE COURT BY
SPECIAL JUSTICE
LAWRENCE L. JONES –
AFFIRMING**
ABRAMSON AND NOBLE, JJ.,
NOT SITTING.
- [2008-SC-000419-DG](#) BULLITT
TO BE PUBLISHED
- [2008-SC-000427-DG](#) JEFFERSON
TO BE PUBLISHED
- Questions Presented:**
Taxation. Liens. KRS 134.420. At issue is
priority of tax liens.
56. RONALD BIRDSONG **V.**
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT –
AFFIRMING**
VENTERS, J., DISSENTS BY
SEPARATE OPINION IN WHICH
MINTON, C.J., JOINS.
- [2009-SC-000084-DG](#) FAYETTE
TO BE PUBLISHED
- Questions Presented:**
The issue is whether a defendant who
engages in intimidating conduct but fails to
explicitly threaten anyone or reference a
deadly weapon or dangerous instrument
during a bank robbery commits Robbery,
First-Degree.

SUPREME COURT OF KENTUCKY

APRIL 21, 2011 MINUTES

RELEASED: 10:00 A.M.

57. TROY ANTHONY TUNSTULL V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE SCHRODER – AFFIRMING
VENTERS, J., DISSENTS BY SEPARATE OPINION IN WHICH MINTON, C.J., JOINS.

[2009-SC-000170-MR](#)
TO BE PUBLISHED

JEFFERSON

Questions Presented:

Four counts of second degree robbery and first degree persistent felony offender-20 year sentence. Second degree robbery charges upheld where sufficient evidence was presented that the defendant used or threatened the immediate use of physical force. The evidence did not support the giving of instructions on theft by unlawful taking or facilitation to robbery.

58. ROY SHANE HOWARD V. SONDRA HOWARD
OPINION OF THE COURT BY CHIEF JUSTICE MINTON – AFFIRMING
SCOTT, J., CONCURS, IN PART, AND DISSENTS, IN PART, BY SEPARATE OPINION IN WHICH CUNNINGHAM AND NOBLE, JJ., JOIN.

[2009-SC-000442-DG](#)
TO BE PUBLISHED

LAUREL

Questions Presented:

Dissolution of Marriage. Child support. Discharge in Bankruptcy. Issues include whether family court's determination that party was voluntarily underemployed and not entitled to a reduction in child-support obligation was clearly erroneous; and whether party's bankruptcy subsequent to divorce decree discharged and indebtedness imposed upon him in the decree.

59. PRINCE WILBERT WOOLFOLK V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE VENTERS – AFFIRMING
NOBLE, J., DISSENTS BY SEPARATE OPINION, IN WHICH SCOTT, J., JOINS.

[2010-SC-000331-MR](#)
TO BE PUBLISHED

DAVIESS

Questions Presented:

Trial court's warning to defendant that his Anticipated testimony might result in a perjury charge was error, but was harmless beyond a reasonable doubt. Trial court did not abuse its discretion refusing to grant a competency hearing. No speedy trial violation.

SUPREME COURT OF KENTUCKY

APRIL 21, 2011 MINUTES

RELEASED: 10:00 A.M.

60. PELLA CORPORATION V. JOYCE BERNSTEIN, ET AL. [2010-SC-000448-WC](#) FROM COURT OF APPEALS
OPINION OF THE COURT – AFFIRMING **TO BE PUBLISHED**

Questions Presented:
Workers' Compensation. Whether the ALJ had discretion to apportion part of the permanent impairment rating a physician assigned to "shoulders greater on the left than the right" to the worker's left shoulder injury.

61. PAUL NASH, ET AL. V. CAMPBELL FISCAL COURT, ET AL. [2009-SC-000152-DG](#) CAMPBELL
OPINION OF THE COURT BY JUSTICE SCHRODER – AFFIRMING IN PART, REVERSING IN PART, AND REMANDING **TO BE PUBLISHED**

Questions Presented:
Real Estate. Zoning . Agricultural Supremacy. Issues include the constitutionality of county ordinances attempting to regulate transfers of agricultural land in order to close perceived subdivision loopholes in KRS 100.203(4) and KRS 100. 111(22).

62. DOUGLAS WAYNE HALL V. COMMONWEALTH OF KENTUCKY [2009-SC-000244-MR](#) MADISON
OPINION OF THE COURT BY CHIEF JUSTICE MINTON – AFFIRMING, IN PART, AND REVERSING AND REMANDING, IN PART **TO BE PUBLISHED**

Questions Presented:
Second degree manslaughter, first degree assault, first degree burglary, and first degree robbery-45 year sentence. In upholding *Perry v. Commonwealth* and rejecting the strict same-elements test for determining the appropriateness of instructing on lesser-included offenses, the Court found that the trial court properly allowed an instruction for first degree assault as a lesser-included offense of attempted murder under the facts of this case. The trial court erred in refusing to instruct on facilitation to assault.

SUPREME COURT OF KENTUCKY

APRIL 21, 2011 MINUTES

RELEASED: 10:00 A.M.

63. MICHAEL ALLEN HALLUM V. [2009-SC-000762-DG](#) LOGAN
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
AND
JOE B. JONES V. [2010-SC-000049-DG](#) MARION
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE SCOTT – REVERSING
- Questions Presented:**
Appellate Procedure. Belated Appeals. At issue is whether doctrine of equitable estoppel, or prison mailbox rule, should allow belated filing of appeal when documents were delivered to prison mailroom prior to filing deadline but were not marked as tendered by clerk until after deadline.
64. MORGAN & POTTINGER, [2009-SC-000515-TG](#) MERCER
ATTORNEYS, P.S.C. V. [2009-SC-000751-TG](#) MERCER
NOEL MARK BOTTS **TO BE PUBLISHED**
AND
GMAC MORTGAGE CORPORATION V. [2009-SC-000818-TG](#) MERCER
NOEL MARK BOTTS **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
REVERSING AND REMANDING
NOBLE, J., DISSENTS BY SEPARATE
OPINION. SCOTT, J., ALSO DISSENTS
BY SEPARATE OPINION IN WHICH
SCHRODER, J., JOINS.
- Questions Presented:**
The absolute privilege afforded statements made in the course of a judicial proceeding is applicable to the filing of a complaint in an attorney discipline proceeding and to the statements contained therein.
65. ILA NICKELL V. [2010-SC-000481-WC](#) FROM COURT
DIVERSICARE MANAGEMENT **TO BE PUBLISHED** OF APPEALS
SERVICES, ET AL.
OPINION OF THE COURT –
REVERSING AND REMANDING
- Questions Presented:**
Workers' Compensation. Whether CR 76.25(2) and CR. 6.02 permit the time for filing a petition for review to be enlarged pursuant to a motion filed by the appellant before it expires.

SUPREME COURT OF KENTUCKY

APRIL 21, 2011 MINUTES

RELEASED: 10:00 A.M.

66. NELSON COUNTY BOARD OF EDUCATION V. GENE A FORTE, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF CAROLE FORTE, ET AL. [2009-SC-000715-DG](#) NELSON
TO BE PUBLISHED
- AND GENE A FORTE V. NELSON COUNTY SCHOOL DISTRICT [2010-SC-000149-DG](#) NELSON
TO BE PUBLISHED
- OPINION OF THE COURT BY JUSTICE NOBLE – REVERSING AND REMANDING AS TO 2009-SC-000715-DG AND AFFIRMING AS TO 2010-SC-000149-DG**
- CUNNINGHAM AND SCOTT, JJ., CONCUR IN RESULT ONLY. MINTON, C.J., CONCURS IN THE RESULT REACHED BY THE MAJORITY, BUT CONTINUES TO BELIEVE WE SHOULD ABANDON THE ARTIFICIAL AND OFTEN HARD-TO-APPLY DISTINCTIONS (SUCH AS MINISTERIAL VS. DISCRETIONARY FUNCTIONS) TRADITIONALLY EMPLOYED IN RESOLVING SOVEREIGN IMMUNITY ISSUES AS EXPRESSED IN HIS SEPARATE CONCURRING OPINION IN CANEYVILLE VOLUNTEER FIRE DEPARTMENT V. GREEN'S MOTORCYCLE SALVAGE, INC., 286 S.W.3D 790 (KY. 2009). BECAUSE THESE TRADITIONAL DISTINCTIONS REMAIN THE LAW IN KENTUCKY, HE BELIEVES THE MAJORITY OPINION PROPERLY APPLIES OUR SOVEREIGN IMMUNITY PRECEDENT AND REACHES THE CORRECT RESULT.

Questions Presented:
Administrative Law. Sovereign Immunity. Appellate Procedure. Issues include whether the tolling provision of KRS 413.270 applies in Board of Claims action; whether a Notice of Appeal involving litigation against a school board is deficient where the party names the school district rather than the school board, and whether the trial court properly found governmental immunity protected the school from the party's negligence claim.

SUPREME COURT OF KENTUCKY

APRIL 21, 2011 MINUTES

RELEASED: 10:00 A.M.

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| 67. | JAMARKOS CAMPBELL V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2009-SC-000489-MR
NOT TO BE PUBLISHED | LINCOLN |
| 68. | AARON JAMES WHALEY V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
VENTERS, J., DISSENTS BY
SEPARATE OPINION. | 2009-SC-000516-MR
NOT TO BE PUBLISHED | CHRISTIAN |
| 69. | MARCUS FRESH V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2009-SC-000797-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 70. | GREGORY T. WETTERSTROEM V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2009-SC-000806-MR
NOT TO BE PUBLISHED | KENTON |
| 71. | BILLY R. HOLLAN, JR. V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2009-SC-000811-MR
NOT TO BE PUBLISHED | LEE |
| 72. | ANTONIO EUMONT SMITHER V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2010-SC-000032-MR
NOT TO BE PUBLISHED | FAYETTE |
| 73. | RONALD BOCK V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2010-SC-000095-MR
NOT TO BE PUBLISHED | TODD |

SUPREME COURT OF KENTUCKY

APRIL 21, 2011 MINUTES

RELEASED: 10:00 A.M.

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| 74. | TOM MUTHLER V.
CLIMATE CONTROL OF
KENTUCKY, ET AL.
AND
CLIMATE CONTROL OF
KENTUCKY V.
TOM MUTHLER, ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2010-SC-000302-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 75. | TOMMY L. V.
HONORABLE LINDA RAE BRAMLAGE,
JUDGE, BOONE FAMILY COURT,
ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2010-SC-000334-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 76. | SARAH E. DUDLEY V.
HONORABLE OLU A. STEVENS,
JUDGE, JEFFERSON CIRCUIT COURT,
ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ABRAMSON, J., NOT SITTING. | 2010-SC-000458-MR
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 77. | KENTUCKY EMPLOYERS' MUTUAL
INSURANCE V.
SHELBY LEE DECKER, D/B/A SHELBY
LEE DECKER TRUCKING, ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2010-SC-000459-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 78. | JONATHON SMALLWOOD V.
LONE MOUNTAIN
PROCESSING, ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u> | 2010-SC-000539-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |

SUPREME COURT OF KENTUCKY

APRIL 21, 2011 MINUTES

RELEASED: 10:00 A.M.

79. PATRICK ALLEN WATKINS V. [2008-SC-000798-MR](#) CLARK
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
AND
JOY RENEE WATKINS V. [2008-SC-000823-MR](#) CLARK
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART
AND REVERSING AND REMANDING
IN PART
NOBLE, J., CONCURS IN RESULT
ONLY.
80. WHITNEY JONES, M.D., AND [2009-SC-000780-DG](#) JEFFERSON
MIDWEST GASTROENTEROLOGY **NOT TO BE PUBLISHED**
ASSOCIATES, PLLC V.
GERALYN GAES
MEMORANDUM OPINION OF
THE COURT – REVERSING
81. JAMES LEMASTER V. [2009-SC-000498-MR](#) LAWRENCE
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – REVERSING AND
REMANDING
CUNNINGHAM, J., DISSENTS BY
SEPARATE OPINION.

OPINIONS AND ORDERS – APRIL 21, 2011

- KENTUCKY BAR ASSOCIATION V. [2010-SC-000180-KB](#) IN SUPREME
DELLA TARPINIAN **TO BE PUBLISHED** COURT
OPINION AND ORDER FOUND
RESPONDENT TO BE IN CONTEMPT
OF THIS COURT.
- ROBERT CARL FOLEY V. 2010-SC-000340-MR LAUREL
COMMONWEALTH OF KENTUCKY 2010-SC-000341-MR LAUREL
OPINION AND ORDER DISMISSED. NOT TO BE PUBLISHED

SUPREME COURT OF KENTUCKY

APRIL 21, 2011 MINUTES

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – APRIL 21, 2011

INQUIRY COMMISSION V. JIMMIE GREEN ORR, JR. OPINION AND ORDER TEMPORARILY SUSPENDED RESPONDENT FROM THE PRACTICE OF LAW.	<u>2011-SC-000010-KB</u> TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION, CLE COMMISSION V. DAVE ROBERT WEST RESPONDENT ORDERED TO PAY \$750.00 TO THE KBA IN LIEU OF SUSPENSION FOR NON COMPLIANCE WITH CLE REQUIREMENTS.	2011-SC-000052-KB	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. WILLIAM DAVID RYE OPINION AND ORDER PUBLICLY REPRIMANDED RESPONDENT CUNNINGHAM, J., NOT SITTING.	<u>2011-SC-000057-KB</u> TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION, CLE COMMISSION V. JULIETTE ALANE HOUSE RESPONDENT ORDERED TO PAY \$250.00 TO THE KBA IN LIEU OF SUSPENSION FOR NON COMPLIANCE WITH CLE REQUIREMENTS.	2011-SC-000058-KB	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION, CLE COMMISSION V. DAVID TAVIS WINHEIM RESPONDENT ORDERED TO PAY \$750.00 TO THE KBA IN LIEU OF SUSPENSION FOR NON COMPLIANCE WITH CLE REQUIREMENTS.	2011-SC-000102-KB NOT TO BE PUBLISHED	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

APRIL 21, 2011 MINUTES

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – APRIL 21, 2011

KENTUCKY BAR ASSOCIATION V.
MICHAEL R. MCMAHON
**OPINION AND ORDER SUSPENDED
RESPONDENT FROM THE PRACTICE
OF LAW FOR A PERIOD OF 181 DAYS,
PROBATED FOR 2 YEARS,
WITH CONDITIONS.**

[2011-SC-000105-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION,
CLE COMMISSION V.
CLYDE FITZPATRICK JOHNSON
**RESPONDENT ORDERED TO PAY
\$1500.00 TO THE KBA IN LIEU OF
SUSPENSION FOR NON COMPLIANCE
WITH CLE REQUIREMENTS.**

2011-SC-000120-KB

IN SUPREME
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
APRIL 13, 2011**

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC. V.
JOSEPH ROBERTS

2010-SC-000069-DG

HENDERSON

DENNIS STILGER V.
EDWARD H. FLINT

2010-SC-000120-DG

JEFFERSON

DAVINDER SAHNI, ET AL. V.
JANETT HOCK, INDIVIDUALLY AND
ON BEHALF OF EMERGENCY
MEDICAL SYSTEMS, INC.

2010-SC-000346-DG

JEFFERSON

COMMONWEALTH OF KENTUCKY V.
JANICE HASCH

2010-SC-000494-DG

BULLITT

DAVID WADE V.
POMA GLASS & SPECIALTY WINDOWS, INC.,
D/B/A AGC FLAT GLASS NORTH AMERICA;
SUCCESSOR TO AMERICAN FLAT GLASS
DISTRIBUTORS, INC.

2010-SC-000572-DG

JEFFERSON

SUPREME COURT OF KENTUCKY

APRIL 21, 2011 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
APRIL 13, 2011**

JASON COX V. COMMONWEALTH OF KENTUCKY	2010-SC-000733-DG	HENRY
LAURA HUDSON, NOW STANBERY V. DONALD HUDSON	2011-SC-000091-DGE	JEFFERSON

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 13, 2011**

EDWARD H. FLINT V. COACH HOUSE, INC., ET AL. AND EDWARD H. FLINT V. COACH HOUSE, INC., ET AL.	2010-SC-000046-D 2010-SC-000571-D	JEFFERSON JEFFERSON
ERNEST MCKISSIC V. COMMONWEALTH OF KENTUCKY TRANSPORATION CABINET, ET AL.	2010-SC-000175-D	FRANKLIN
ELBERT PHILLIP LONG V. STEVE HANEY, WARDEN, ET AL.	2010-SC-000241-D	BOYLE
THOMAS NEAL V. COMMONWEALTH OF KENTUCKY	2010-SC-000290-D	JEFFERSON
CHERYL SIGRETTO V. COMMONWEALTH OF KENTUCKY	2010-SC-000320-D	OWEN
CARROLL COUNTY WATER DISTRICT NO. 1 V. GALLATIN COUNTY JUDGE/EXECUTIVE, ET AL.	2010-SC-000338-D	GALLATIN
RICHARD HOWLETT V. RODNEY SALSMAN, ET AL.	2010-SC-000366-D	JEFFERSON
RONALD RATLIFF V. CAMPBELL COUNTY, KENTUCKY, ET AL.	2010-SC-000371-D	CAMPBELL

SUPREME COURT OF KENTUCKY

APRIL 21, 2011 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 13, 2011**

ESTATE OF DAVID AVANT, BY AND THROUGH ITS ADMINISTRATIX, MARIE MILLER, ET AL. V. KENTUCKY UTILITIES COMPANY	2010-SC-000408-D	BELL
ANTHONY GERRARD REYNOLDS V. CHARLOTTE ANN REYNOLDS	2010-SC-000434-D	TAYLOR
GREGORY RHODES V. COMMONWEALTH OF KENTUCKY	2010-SC-000469-D	JEFFERSON
WILLIAM E. SLATER V. COMMONWEALTH OF KENTUCKY	2010-SC-000470-D	MASON
COMMONWEALTH OF KENTUCKY V. JORGE GARCIA, ET AL.	2010-SC-000490-D	FAYETTE
JONATHAN HACK V. MARLO FANNIN, ET AL.	2010-SC-000516-D	ELLIOTT
SOMERSET-PULASKI COUNTY DEVELOPMENT FOUNDATION, INC., ET AL. V. BROWN SPRINKLER CORPORATION	2010-SC-000526-D	PULASKI
SAINT JOSEPH HEALTHCARE, INC., D/B/A SAINT JOSEPH HOSPITAL V. LARRY O'NEIL THOMAS, AS ADMINISTRATOR OF THE ESTATE OF JAMES MILFORD GRAY, DECEASED, AND ALL LAWFUL SURVIVORS OF JAMES "MILFORD" GRAY, DECEASED	2010-SC-000534-D	FAYETTE
DAVID LAKE V. COMMONWEALTH OF KENTUCKY	2010-SC-000567-D	KNOX
SHAWN R. GOURLEY, ET AL. V. COMMONWEALTH OF KENTUCKY	2010-SC-000576-D	CARLISLE

SUPREME COURT OF KENTUCKY

APRIL 21, 2011 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 13, 2011**

JAMES THORNTON V. CARMEUSE LIME SALES CORPORATION, ET AL.	2010-SC-000621-D	PENDLETON
WILLIS NEACE V. COMMONWEALTH OF KENTUCKY	2010-SC-000625-D	BREATHITT
ARLENA CORNETT V. JOHN A. WRIGHT, CO-ADMINISTRATOR OF THE ESTATE OF LURA BRIGHT, (DECEASED), ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED	2010-SC-000634-D	LETCHER
JOHN JACKSON ROBBINS, JR. V. COOKIE CREWS, WARDEN, KENTUCKY STATE REFORMATORY	2010-SC-000640-D	OLDHAM
NORTHERN KENTUCKY INSPECTIONS, INC. V. JOHN MULLINS	2010-SC-000655-D	KENTON
RICHARD ALLEN V. COMMONWEALTH OF KENTUCKY	2010-SC-000693-D	JEFFERSON
STEVEN LYNN HEARLD V. COMMONWEALTH OF KENTUCKY	2010-SC-000761-D	OHIO
JAMES RAY SOLOMON V. COMMONWEALTH OF KENTUCKY	2010-SC-000817-D	CALLOWAY
JAMES ALLEN LEMASTER V. KIMBERLY LYNN LEMASTER	2010-SC-000826-D	KENTON
GWENDOLYN GOLDEN V. JOHN HOWARD GOLDEN	2011-SC-000036-D	BELL

SUPREME COURT OF KENTUCKY

APRIL 21, 2011 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 13, 2011**

JESSICA PADILLA V.
COMMONWEALTH OF KENTUCKY

2011-SC-000062-D

KENTON

THE COMMONWEALTH OF KENTUCKY V.
ANTONIO SANCHEZ

2011-SC-000079-DE

CHRISTIAN

COURT ORDERS GRANTING MOTION TO TRANSFER – APRIL 21, 2011

QUAYNELL DURON KING V.
COMMONWEALTH OF KENTUCKY

2011-SC-000110-TG

FAYETTE

AND

QUAYNELL DURON KING V.
COMMONWEALTH OF KENTUCKY

2011-SC-000151-TG

FAYETTE

COURT ORDERS DENYING MOTION TO TRANSFER – APRIL 21, 2011

THE FAMILY TRUST FOUNDATION OF
KENTUCKY, INC., D/B/A THE FAMILY
FOUNDATION V.
THE KENTUCKY HORSE RACING
COMMISSION, ET AL.

2011-SC-000064-T

FRANKLIN

COURT ORDERS DENYING PETITION FOR REHEARING – APRIL 15, 2011

ROBERT HOLLON V.
COMMONWEALTH OF KENTUCKY
**ORDER DENIED PETITION FOR
REHEARING AND GRANTED
PETITION FOR MODIFICATION,
IN PART. THE OPINION OF THE COURT
BY JUSTICE ABRAMSON, RENDERED
NOVEMBER 18, 2010,
IS MODIFIED BY SUBSTITUTION
OF NEW OPINION.**

[2008-SC-000618-DG](#)

FRANKLIN

SUPREME COURT OF KENTUCKY

APRIL 21, 2011 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

STONESTREET FARM LLC, ET AL. V.
BUCKRAM OAK HOLDINGS, N.V.

2010-SC-000832-D

FAYETTE

COURT ORDERS

SHAWN WINDSOR V.
COMMONWEALTH OF KENTUCKY
**ORDER CORRECTED OPINION OF THE
COURT, RENDERED AUGUST 26, 2010,
CORRECTED ON SEPTEMBER 20, 2010,
AND MODIFIED ON MARCH 24, 2011,
BY SUBSTITUTION OF PAGES 1 AND 5.**
ENTERED: MARCH 29, 2011

[2008-SC-000383-MR](#)

JEFFERSON

KENTUCKY BAR ASSOCIATION V.
LEO A. MARCUM
**ORDER CORRECTED THE OPINION AND
ORDER OF THE COURT ENTERED
MARCH 24, 2011 BY SUBSTITUTION
OF PAGE 1.**
ENTERED: MARCH 28, 2011

[2010-SC-000814-KB](#)

IN SUPREME

KENTUCKY BAR ASSOCIATION V.
LEO A. MARCUM
**ORDER CORRECTED THE OPINION AND
ORDER OF THE COURT ENTERED
MARCH 24, 2011 BY SUBSTITUTION
OF PAGES 1 AND 5.**
ENTERED: APRIL 5, 2011

[2010-SC-000814-KB](#)

IN SUPREME

SUPREME COURT OF KENTUCKY

APRIL 21, 2011 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS

KENTUCKY BAR ASSOCIATION,
CLE COMMISSION V.
JOSEPH CARL WISE
**RESPONDENT ORDERED TO PAY
\$750.00 TO THE KBA IN LIEU OF
SUSPENSION FOR NON COMPLIANCE
WITH CLE REQUIREMENTS AND
ATTEND THE NEXT NEW LAWYERS
SKILLS PROGRAM.**

2011-SC-000047-KB

IN SUPREME
COURT

**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE
KENTUCKY BAR ASSOCIATION – APRIL 5, 2011**

JANE H. ALLEN V.
KENTUCKY BAR ASSOCIATION

2011-SC-000184-KB

IN SUPREME
COURT