

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

87. LARRY LAMONT WHITE V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE CUNNINGHAM – AFFIRMING
ALL SITTING. ALL CONCUR. [2014-SC-000725-MR](#) JEFFERSON
TO BE PUBLISHED
- Questions Presented:**
Murder and rape. Death Penalty.
88. INDIANA INSURANCE COMPANY V. JAMES DEMETRE
OPINION OF THE COURT BY JUSTICE HUGHES – AFFIRMING
ALL SITTING. MINTON, C.J.; CUNNINGHAM, KELLER, VENTERS, AND WRIGHT, JJ., CONCUR. VANMETER, J., DISSENTS BY SEPARATE OPINION. [2015-SC-000107-DG](#) CAMPBELL
TO BE PUBLISHED
- Questions Presented:**
Insurance. Bad Faith. Damages. Emotional Distress. Expert testimony was not necessary to substantiate damages for emotional distress in a bad faith case.
89. FAMILY DOLLAR V. MAMIE BAYTOS, WIDOW OF STEPHEN BAYTOS, DECEASED, ET AL.
AND
MAMIE BAYTOS, WIDOW OF STEPHEN BAYTOS, DECEASED V. FAMILY DOLLAR, ET AL.
OPINION OF THE COURT BY CHIEF JUSTICE MINTON – AFFIRMING
MINTON, C.J.; CUNNINGHAM, HUGHES, KELLER, VENTERS, AND WRIGHT, JJ., SITTING. ALL CONCUR. VANMETER, J., NOT SITTING. [2015-SC-000194-WC](#) FROM COURT OF APPEALS
TO BE PUBLISHED
- [2015-SC-000208-WC](#) FROM COURT OF APPEALS
TO BE PUBLISHED
- Questions Presented:**
Workers' Compensation. Widow's right to benefits under KRS 342.750, following a full and final settlement by the injured worker prior to his death.
90. KYLE SHEA HOLBROOK V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE HUGHES – AFFIRMING
ALL SITTING. ALL CONCUR. [2015-SC-000337-MR](#) MORGAN
TO BE PUBLISHED
- Questions Presented:**
Murder and tampering with physical evidence-20 years. Trial court did not err by permitting expert testimony about historical data analysis of cell phone and cell tower records.

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

91. CHERYL BLAINE V. [2016-SC-000081-WC](#) FROM COURT
DOWNTOWN REDEVELOPMENT, **TO BE PUBLISHED** OF APPEALS
AUTHORITY, INC., ET AL.
OPINION OF THE COURT BY
JUSTICE HUGHES –
AFFIRMING
ALL SITTING. ALL CONCUR.
- Questions Presented:**
Workers' Compensation. Proper disposition of claim for benefits following first injury. Case remanded to ALJ to first determine entitlement to permanent total disability benefits and, if no entitlement, to then determine permanent partial disability benefits using a *Fawbush* analysis.
92. ANNE M. TALLEY V. [2016-SC-000092-DG](#) FAYETTE
DANIEL J. PAISLEY **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE VANMETER –
AFFIRMING
ALL SITTING. MINTON, C.J.;
CUNNINGHAM, VANMETER, VENTERS,
AND WRIGHT, JJ., CONCUR. KELLER,
J., DISSENTS BY SEPARATE OPINION,
IN WHICH HUGHES, J., JOINS.
- Questions Presented:**
Real Estate. Partition. Joint Tenancy with Right of Survivorship. Division of proceeds of sale of realty owned by unmarried cohabiting couple in joint tenancy with right of survivorship.
93. LARRY KIDD V. [2016-SC-000406-WC](#) FROM COURT
CROSSROCK DRILLING, LLC, ET AL. **TO BE PUBLISHED** OF APPEALS
OPINION OF THE COURT BY
JUSTICE VANMETER –
AFFIRMING
ALL SITTING. MINTON, C.J.; HUGHES,
KELLER, VANMETER, AND VENTERS,
JJ., CONCUR. WRIGHT, J., DISSENTS
BY SEPARATE OPINION, WHICH
CUNNINGHAM, J., JOINS.
- Questions Presented:**
Workers' Compensation. When an employer and employee reach a settlement agreement with respect to a worker's compensation case, proof of settlement must be filed, either by memorandum or by satisfactory proof of settlement.

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

94. COMMONWEALTH OF KENTUCKY V. [2016-SC-000693-TG](#) MEADE
JEFFREY DEWAYNE CLARK, ET AL. **TO BE PUBLISHED**
- OPINION OF THE COURT BY JUSTICE CUNNINGHAM – AFFIRMING**
- ALL SITTING. MINTON, C.J.; HUGHES, KELLER, VENTERS, WRIGHT, JJ., CONCUR. VANMETER, J., DISSENTS BY SEPARATE OPINION.
- Questions Presented:**
Motion for a new trial after remand. DNA testing.
95. STEEL CREATIONS BY AND THROUGH KESA, ET AL. V. [2016-SC-000217-WC](#) FROM COURT OF APPEALS
INJURED WORKERS’ PHARMACY, ET AL. **TO BE PUBLISHED**
- AND**
- INJURED WORKERS PHARMACY, ET AL. V. [2016-SC-000222-WC](#) FROM COURT OF APPEA
STEEL CREATIONS BY AND THROUGH KESA, ET AL. **TO BE PUBLISHED**
- OPINION OF THE COURT BY JUSTICE KELLER – AFFIRMING IN PART, VACATING IN PART, AND REMANDING**
- MINTON, C.J.; CUNNINGHAM, HUGHES, KELLER, VENTERS, JJ., AND SPECIAL JUSTICES DAVID SAMFORD AND KIMBERLY MCCANN, SITTING. ALL CONCUR. VANMETER AND WRIGHT JJ., NOT SITTING.
- Questions Presented:**
Workers’ Compensation. Maximum price for a prescription drug a pharmacy can require a workers’ compensation payer to pay.
96. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY V. [2015-SC-000366-DG](#) JEFFERSON
RONIESHA ADAMS F/K/A RONIESHA SANDERS, ET AL. **TO BE PUBLISHED**
- OPINION OF THE COURT BY JUSTICE KELLER – REVERSING**
- ALL SITTING. MINTON, C.J.; CUNNINGHAM, HUGHES, KELLER, AND VANMETER JJ., CONCUR. VENTERS, J., DISSENTS BY SEPARATE OPINION WHICH WRIGHT, J., JOINS.
- Questions Presented:**
Auto Accidents. Insurance. MVRA. Examination Under Oath. Injured passenger is obligated to comply with a driver’s insurance policy provision requiring an examination under oath as a prerequisite to receipt of uninsured motorist or basic reparations benefits.

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

97. HUGHES AND COLEMAN, PLLC V. ANN CLARK CHAMBERS, ETC. [2015-SC-000435-DG](#) HARDIN
OPINION OF THE COURT BY JUSTICE WRIGHT – REVERSING
ALL SITTING. ALL CONCUR. **TO BE PUBLISHED**
- Questions Presented:**
Attorney Fees. Discharged lawyer is entitled to receive, on a quantum meruit basis, a portion of a contingency fee on a former client’s recovery-so long as the termination was not “for cause.”
98. KENTUCKY STATE POLICE V. TERRY SCOTT, ET AL. [2016-SC-000303-DG](#) FRANKLIN
OPINION OF THE COURT BY JUSTICE VANMETER – REVERSING
ALL SITTING. ALL CONCUR. **TO BE PUBLISHED**
- Questions Presented:**
Sovereign immunity. Facial vs. As-applied Constitutional Challenge to Exhaustion of Administrative Remedies Requirement. Application of Administrative Regulation. Failure of the Respondents to exhaust their administrative remedies barred their claims in circuit court against the KSP, where they challenged the constitutionality of the administrative regulation under which their claims were denied.
99. KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION V. NORMAN WILSON, ET AL. [2016-SC-000411-DG](#) JEFFERSON
OPINION OF THE COURT BY JUSTICE VENTERS – REVERSING
ALL SITTING. MINTON, C.J.; HUGHES, KELLER, AND VANMETER JJ., CONCUR. WRIGHT, J., DISSENTS BY SEPARATE OPINION IN WHICH CUNNINGHAM, J., JOINS. **TO BE PUBLISHED**
- Questions Presented:**
Appeal of denial of benefits. Verification requirement. Substantial compliance. A verification statement signed by the person filing an appeal of a denial of benefits, but not notarized, is not “verified” within the meaning of KRS 341.450(1).

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

100. MARY E. MCCANN (INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED) V. THE SULLIVAN UNIVERSITY SYSTEM, INC., D/B/A SULLIVAN UNIVERSITY COLLEGE OF PHARMACY, ET AL. [2015-SC-000144-DG](#) JEFFERSON
TO BE PUBLISHED
- Questions Presented:**
Statutory interpretation. Class Action Certification. KRS 337.385 permits the bringing of claims by employees for wage and hour violations under Kentucky state law as a class action.
- OPINION OF THE COURT BY JUSTICE WRIGHT – REVERSING AND REMANDING**
ALL SITTING. MINTON, C.J.; CUNNINGHAM, KELLER, AND VENTERS, JJ., CONCUR. HUGHES AND VANMETER, JJ., CONCUR IN RESULT ONLY.
101. PHILLIP EDMONDSON V. COMMONWEALTH OF KENTUCKY [2016-SC-000427-DG](#) UNION
TO BE PUBLISHED
- Questions Presented:**
First-Degree Sexual Abuse-6 years. Jury selection. Prosecutorial misconduct. Brother-in-law of the assistant Commonwealth Attorney should not have been permitted to sit on the jury.
- OPINION OF THE COURT BY JUSTICE CUNNINGHAM – REVERSING AND REMANDING**
ALL SITTING. ALL CONCUR.
102. JEFFREY ROHRBACK V. COMMONWEALTH OF KENTUCKY [2015-SC-000696-MR](#) MASON
NOT TO BE PUBLISHED
- MEMORANDUM OPINION OF THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
103. SLATER FORE CONSULTING, INC. V. LESLIE B. RIFE, ET AL. [2016-SC-000131-WC](#) FROM COURT
NOT TO BE PUBLISHED OF APPEALS
- MEMORANDUM OPINION OF THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

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| 104. | MICHAEL VAUGHAN V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2016-SC-000205-MR
NOT TO BE PUBLISHED | KENTON |
| 105. | DENNIS SILLS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2016-SC-000292-MR
NOT TO BE PUBLISHED | CHRISTIAN |
| 106. | AUSTIN POWDER COMPANY V.
BILLY KEITH STACY, ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2016-SC-000347-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 107. | BILL GRAY, JR. V.
JAMES RIVER COAL/BEECH
FORK MINE, ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2016-SC-000349-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 108. | BRIAN RAMSEY V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2016-SC-000413-MR
NOT TO BE PUBLISHED | KENTON |
| 109. | TRIM MASTERS, INC. V.
EVA BETH ROBY, ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
MINTON, C.J.; CUNNINGHAM, HUGHES,
KELLER, VENTERS AND WRIGHT, JJ.,
SITTING. ALL CONCUR. VANMETER, J.,
NOT SITTING. | 2016-SC-000451-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

110. KEITH JEROME STOVALL V. [2016-SC-000488-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.
111. KENNETH D. PARRISH, D.M.D, PH.D., [2016-SC-000582-MR](#) FROM COURT
P.S.C., ET AL. V. **NOT TO BE PUBLISHED** OF APPEALS
HON. ANN BAILEY SMITH, JUDGE,
JEFFERSON CIRCUIT COURT,
DIVISION 13, ET AL.
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.
112. EMSL ANALYTICAL, INC. V. [2017-SC-000167-MR](#) FROM COURT
HON. CRAIG Z. CLYMER, JUDGE, **NOT TO BE PUBLISHED** OF APPEALS
MCCRACKEN CIRCUIT COURT,
ET AL.
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.
113. JAMAL NANCE V. [2016-SC-000027-MR](#) MCCRACKEN
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART,
REVERSING IN PART AND
REMANDING
ALL SITTING. ALL CONCUR.
114. JOHNNY MARSHALL V. [2016-SC-000302-MR](#) OWSLEY
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART
AND REVERSING IN PART AND
REMANDING
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

115. UNIVERSITY OF KENTUCKY,
ET AL. V.
BOBBYE CARPENTER, ET AL.
**MEMORANDUM OPINION OF
THE COURT – REVERSING**
ALL SITTING. ALL CONCUR.

[2015-SC-000384-DG](#)
NOT TO BE PUBLISHED

FAYETTE

OPINION AND ORDERS – AUGUST 24, 2017

BRYAN EDWARD BENNETT V.
KENTUCKY BAR ASSOCIATION
ORDER OF PUBLIC REPRIMAND.
ALL SITTING. ALL CONCUR.

[2017-SC-000241-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
CARL WAYNE GIBSON
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 30 DAYS.**
ALL SITTING. ALL CONCUR.

[2017-SC-000247-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 16, 2017**

BIG SANDY COMPANY, LP V.
EQT GATHERING, LLC, ET AL.
WRIGHT, J., NOT SITTING.

2016-SC-000561-DG

PIKE

VANHOOK ENTERPRISES, INC. V.
KAY & KAY CONTRACTING, LLC.
VENTERS, J., NOT SITTING.

2016-SC-000666-DG

PULASKI

C. W. HOSKINS HEIRS, ETC. V.
RUTH FARMER WELLS, ET AL.

2017-SC-000004-DG

LESLIE

DEPARTMENT OF REVENUE, ETC. V.
MARK F. SOMMER, ET AL.
VANMETER, J., NOT SITTING.

2017-SC-000071-DG

FRANKLIN

STEVEN M. JACOBI V.
F. LARRY HOLBERT

2017-SC-000092-DG

HARDIN

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 16, 2017**

COMMONWEALTH OF KENTUCKY V. B. H.	2017-SC-000155-DG	JEFFERSON
EQT PRODUCTION COMPANY V. DANNY POTTER, ET AL.	2017-SC-000161-DG	PIKE
AND BLUE FLAME ENERGY CORPORATION V. DANNY POTTER, ET AL. WRIGHT, J., NOT SITTING.	2017-SC-000164-DG	PIKE
DON HENSLEY V. KEITH A. GADD, ET AL.	2017-SC-000189-DG	GARRARD
COREY M. JETER V. COMMONWEALTH OF KENTUCKY	2017-SC-000232-DG	JEFFERSON
ROBERT SHELBY CAUDILL V. COMMONWEALTH OF KENTUCKY WRIGHT, J., NOT SITTING.	2017-SC-000288-DG	LETCHER

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 16, 2017**

ROY EDWARD JACKSON, III V. COMMONWEALTH OF KENTUCKY	2016-SC-000452-D	JEFFERSON
DONALD E. FLANIGAN V. COMMONWEALTH OF KENTUCKY	2016-SC-000475-D	MCCRACKEN
GARY LEW MARTIN V. COMMONWEALTH OF KENTUCKY	2016-SC-000536-D	HARDIN
JAMES D. HAMBLIN, ET AL. V. ANDY DAVENPORT, ET AL.	2016-SC-000555-D	CALLOWAY
CHERYL ROBINSON, ET AL. V. BLUE VELVET EXCHANGE, LLC.	2016-SC-000563-D	JEFFERSON

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 16, 2017**

BERLING CONTRUCTION COMPANY, ETC. V. RAYMOND SCHLAGEL, ET AL.	2016-SC-000566-D	BOONE
AARON ALLEN V. COMMONWEALTH OF KENTUCKY	2016-SC-000596-D	KENTON
AMANDA FOLEY V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2016-SC-000599-D	FAYETTE
DONNIE R. STEPHENS V. COMMONWEALTH OF KENTUCKY	2016-SC-000618-D	RUSSELL
LA-Z-BOY LOGISTICS, INC., ET AL. V. COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. WRIGHT, J., NOT SITTING.	2016-SC-000648-D	MCCREARY
MELISSA GOINS V. KRISTINE LAFOE, ETC., ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2016-SC-000653-D	FAYETTE
BOBBY MOORE, ETC., ET AL. V. CITY OF PADUCAH, KY VANMETER, J., NOT SITTING.	2016-SC-000659-D	MCCRACKEN
J.C., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY VANMETER, J., NOT SITTING.	2016-SC-000688-D	KENTON
LOUIS THOMAS V. KIMBERLY THOMAS THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. VANMETER, J., NOT SITTING.	2016-SC-000690-D	HARDIN

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 16, 2017**

DAVID DEARBORN, ET AL. V. CITY OF FRANKFORT THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2017-SC-000016-D	FRANKLIN
BECKY RICHARDSON V. TONYA QUEEN, ET AL. CUNNINGHAM AND KELLER, JJ., WOULD GRANT. VANMETER, J., NOT SITTING.	2017-SC-000094-D	JESSAMINE
ANDIS WITHERSPOON V. STEVE HANEY, WARDEN, ET AL.	2017-SC-000120-D	FAYETTE
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT V. TOMMY PUCKETT, ET AL.	2017-SC-000121-D	FAYETTE
PAUL V. BROOKS, ET AL. V. J.P. MORGAN CHASE BANK, N.A. VANMETER, J., NOT SITTING.	2017-SC-000125-D	FAYETTE
TYRONE MARSHALL V. COMMONWEALTH OF KENTUCKY	2017-SC-000130-D	OLDHAM
CARLOS FAULKNER V. COMMONWEALTH OF KENTUCKY	2017-SC-000131-D	KENTON
QUAYNELL KING V. COMMONWEALTH OF KENTUCKY	2017-SC-000134-D	FAYETTE
SHIRLEY PUCKETT V. FRED PUCKETT	2017-SC-000143-D	JEFFERSON
VICTORY COMMUNITY BANK V. LIONEL SOCOL VANMETER, J., NOT SITTING.	2017-SC-000159-D	KENTON
GREGORY COBHAM V. PAMELA COBHAM	2017-SC-000163-D	SCOTT

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 16, 2017**

STANLEY M. CHESLEY V. MILDRED ABBOTT, ET AL.	2017-SC-000165-D	BOONE
EDWARD H. FLINT V. GANNETT CO., INC. CUNNINGHAM, KELLER, VANMETER, VENTERS AND WRIGHT, JJ., AND NORMAN E. HARNED AND JOHN S. REED, SPECIAL JUSTICES, SITTING.	2017-SC-000168-D	JEFFERSON
FREELAND RILEY V. COMMONWEALTH OF KENTUCKY	2017-SC-000172-D	MCCRACKEN
DAVID MIKE V. KENTUCKY DEPARTMENT OF EDUCATION, ET AL.	2017-SC-000173-D	JEFFERSON
JEREMY CAVINS V. COMMONWEALTH OF KENTUCKY	2017-SC-000175-D	JACKSON
GLORIA M. LEWIS V. TIMOTHY BIGGS	2017-SC-000176-D	CLAY
ALBERT W. STALKER, ET AL. V. STEVEN MEANS, ET AL. VANMETER, J., NOT SITTING.	2017-SC-000178-D	CHRISTIAN
SHARON A. FIREBAUGH, ET AL. V. ELORIE RISNER	2017-SC-000185-D	MAGOFFIN
OVWD, INC., ETC. V. DEPARTMENT OF REVENUE, ETC.	2017-SC-000194-D	BOYD
PATRICIA RAGLAND MCGHEE, ET AL. V. COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, ETC. WRIGHT, J., NOT SITTING.	2017-SC-000195-D	HARDIN
DEER RUN ESTATES, LLC V. MICHAEL INMAN, ET AL.	2017-SC-000198-D	MERCER

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 16, 2017**

CHASSIDY G. LEACH V. COMMONWEALTH OF KENTUCKY	2017-SC-000207-D	CAMPBELL
BILL SAALWAECHTER V. THOMAS A. CARROLL, P.S.C., ET AL.	2017-SC-000211-D	DAVISS
RONNY D. WALKER V. COMMONWEALTH OF KENTUCKY	2017-SC-000219-D	JEFFERSON
A. M. S. V. CABINET FOR HEALTH AND FAMILY SERVICES, ETC.	2017-SC-000222-DE	TODD
K. C. V. CABINET FOR HEALTH AND FAMILY SERVICES, ET AL.	2017-SC-000224-DE	ROCKCASTLE
COMMONWEALTH OF KENTUCKY V. LAYW THOMAS VENTERS, J., WOULD GRANT. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2017-SC-000231-D	CHRISTIAN
JAMES D. CLAXON V. COMMONWEALTH OF KENTUCKY	2017-SC-000236-D	CARTER
JOHN PRICE V. COMMONWEALTH OF KENTUCKY	2017-SC-000262-D	HOPKINS
DONALD REDD V. COMMONWEALTH OF KENTUCKY	2017-SC-000267-D	CAMPBELL

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 17, 2017**

SHERRY MCCOY V. FAMILY DOLLAR STORE OF KENTUCKY, LTD, ET AL.	2017-SC-000059-D	MARTIN
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SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE
MOTION FOR DISCRETIONARY REVIEW – AUGUST 18, 2017**

SHAWN STINSON V. 2017-SC-000280-D FAYETTE
R.W. (RICK) ROWLETTE, WARDEN
BLACKBURN CORRECTIONAL COMPLEX,
ET AL.
**VENTERS, WRIGHT, CUNNINGHAM, AND
HUGHES, JJ., SITTING. ALL CONCUR.**

JOYCE LANE V. 2017-SC-000372-D JEFFERSON
THOMAS G. GRADY, ET AL.
**VENTERS, WRIGHT, CUNNINGHAM, AND
HUGHES, JJ., SITTING. ALL CONCUR.**

**COURT ORDER DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE
MOTION FOR DISCRETIONARY REVIEW – AUGUST 21, 2017**

ADKINS PLAINTIFFS V. 2017-SC-000320-D PIKE
ROBERT GREGORY STAPLETON, ET AL.
**MINTON, C.J.; AND VENTERS, CUNNINGHAM,
AND HUGHES, JJ., SITTING. ALL CONCUR.
WRIGHT, J., NOT SITTING.**

COURT ORDERS GRANTING MOTION TO TRANSFER

DARYL WAYNE LIGGETT V. 2017-SC-000300-TG KENTON
COMMONWEALTH OF KENTUCKY
ENTERED: JULY 26, 2017

ROBERT W. MCKINNEY V. 2017-SC-000359-TG JEFFERSON
COMMONWEALTH OF KENTUCKY
ENTERED: JULY 28, 2017

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – AUGUST 24, 2017

FLOYD LAWRENCE PATTON, ETC. V. DAVIDA BICKFORD, ET AL. ORDER DENIED APPELLANT'S PETITION FOR REHEARING AND MODIFIED THE OPINION OF THIS COURT RENDERED MARCH 17, 2016, BY SUBSTITUTION OF THIS OPINION IN LIEU OF THE ORIGINAL OPINION. MINTON, C.J.; HUGHES, KELLER, VENTERS, AND WRIGHT, JJ., CONCUR. CUNNINGHAM, CONCURS IN RESULT ONLY BY SEPARATE OPINION. VANMETER, J., NOT SITTING.	2013-SC-000560-DG TO BE PUBLISHED	FLOYD
COMMONWEALTH OF KENTUCKY V. TERRANCE MILES AND TERRANCE MILES V. COMMONWEALTH OF KENTUCKY ORDER DENIED APPELLEE/CROSS-APPELLANT'S PETITION FOR MODIFICATION AND MODIFIED THE OPINION OF THIS COURT RENDERED MARCH 23, 2017, BY SUBSTITUTION OF THIS OPINION IN LIEU OF THE ORIGINAL OPINION. ALL SITTING. ALL CONCUR.	2014-SC-000558-DG NOT TO BE PUBLISHED 2015-SC-000321-DG NOT TO BE PUBLISHED	JEFFERSON JEFFERSON
TERESA GRUBB, ET AL. V. ROXANNE SMITH, ET AL. ORDER DENIED APPELLANTS' PETITION FOR REHEARING AND MODIFIED THE OPINION OF THIS COURT RENDERED MARCH 23, 2017, BY SUBSTITUTION OF THIS OPINION IN LIEU OF THE ORIGINAL OPINION. MINTON, C.J.; CUNNINGHAM, HUGHES, KELLER, VENTERS, AND WRIGHT, JJ., SITTING. ALL CONCUR. VANMETER, J., NOT SITTING.	2014-SC-000641-DG TO BE PUBLISHED	CLAY
DARRELL BRYAN V. COMMONWEALTH OF KENTUCKY ALL SITTING. ALL CONCUR.	2015-SC-000467-MR	JEFFERSON

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – AUGUST 24, 2017

COMMONWEALTH OF KENTUCKY V. WILLIAM FUGATE ORDER DENIED APPELLEE'S PETITION FOR REHEARING AND MODIFIED THE OPINION OF THIS COURT RENDERED APRIL 27, 2017, BY SUBSTITUTION OF THIS OPINION IN LIEU OF THE ORIGINAL OPINION. ALL SITTING. ALL CONCUR.	2016-SC-000597-DG	KENTON
JUSTIN D. WIBBELS V. COMMONWEALTH OF KENTUCKY ALL SITTING. ALL CONCUR.	2016-SC-000103-MR	LAUREL
WILLIAM ROBERT RIGDON V. COMMONWEALTH OF KENTUCKY ALL SITTING. ALL CONCUR.	2015-SC-000689-MR	WARREN
DURRAND EDWARD MURRELL V. DON BOTTOM (WARDEN, NORTHPOINT TRAINING CENTER) ALL SITTING. ALL CONCUR.	2016-SC-000076-DG	BOYLE
TIMOTHY M. GOLDEN V. COMMONWEALTH OF KENTUCKY ALL SITTING. ALL CONCUR.	2016-SC-000179-MR	KENTON
DAVID ALBERT SOLOWAY V. COMMONWEALTH OF KENTUCKY ALL SITTING. ALL CONCUR.	2016-SC-000290-MR	CAMPBELL
SIMEON MCKINNIE V. COMMONWEALTH OF KENTUCKY ALL SITTING. ALL CONCUR.	2016-SC-000348-MR	KENTON
WAYNE MICHAEL PUTNAM, ET AL. V. HON. ERNESTO SCORSONE, JUDGE, FAYETTE CIRCUIT COURT, ET AL. ALL SITTING. ALL CONCUR.	2016-SC-000369-MR	FROM COURT OF APPEALS

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

DAVID WAYNE DOOLEY V. COMMONWEALTH OF KENTUCKY VENTERS, WRIGHT, CUNNINGHAM, AND HUGHES, JJ., SITTING. ALL CONCUR. ENTERED: AUGUST 18, 2017	2015-SC-000017-MR	BOONE
KINDRED NURSING CENTERS LIMITED PARTNERSHIP, ETC., ET AL. V. JANIS E. CLARK, ETC. ALL SITTING. ALL CONCUR. ENTERED: AUGUST 15, 2017	2013-SC-000430-I	CLARK
KINDRED NURSING CENTERS LIMITED PARTNERSHIP, ETC., ET AL. V. BILL LEE KLECKNER, ETC. VENTERS, WRIGHT, CUNNINGHAM, AND HUGHES, JJ., SITTING. ALL CONCUR. ENTERED: AUGUST 18, 2017	2016-SC-000382-D	BOYLE
KINDRED HEALTHCARE, INC., ET AL. V. CYNTHIA HORTON, ETC. VENTERS, WRIGHT, CUNNINGHAM, AND HUGHES, JJ., SITTING. ALL CONCUR. ENTERED: AUGUST 18, 2017	2016-SC-000565-D	DAVIESS
DR. JASON DESKINS V. HON. MICHAEL DEAN, JUDGE, ESTILL CIRCUIT COURT, ET AL. VENTERS, WRIGHT, CUNNINGHAM, AND HUGHES, JJ., SITTING. ALL CONCUR. ENTERED: AUGUST 18, 2017	2016-SC-000603-MR	ESTILL
JAMES UNDERWOOD V. PELLA WINDOWS DEPE PLLC, ET AL. VENTERS, WRIGHT, CUNNINGHAM, AND HUGHES, JJ., SITTING. ALL CONCUR. ENTERED: AUGUST 18, 2017	2017-SC-000193-WC	FROM COURT OF APPEALS

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

CHARLES DENTON V. 2017-SC-000305-D JEFFERSON
COMMONWEALTH OF KENTUCKY
**VENTERS, WRIGHT, CUNNINGHAM, AND
HUGHES, JJ., SITTING. ALL CONCUR.**
ENTERED: AUGUST 18, 2017

R.W. V. 2017-SC-000328-DE JEFFERSON
CABINET FOR HEALTH AND FAMILY
SERIVCES, ET AL.
ENTERED: JULY 26, 2017

COURT ORDERS

DENNIS CHAMPION V. [2015-SC-000570-DG](#) FAYETTE
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
**ORDER CORRECTED THE OPINION OF THE
COURT BY CHIEF JUSTICE MINTON
RENDERED FEBRUARY 16, 2017, BY
SUBSTITUTION OF THIS OPINION IN LIEU OF
THE ORIGINAL OPINION.**
ENTERED: JUNE 23, 2017

LOGAN HICKEY V. 2017-SC-000135-CL FEDERAL
GENERAL ELECTRIC COMPANY
**ORDER GRANTED MOTION TO CERTIFY
THE LAW.**
ENTERED: AUGUST 17, 2017

COMMONWEALTH OF KENTUCKY V. 2017-SC-000166-CL FAYETTE
HON. JULIE MUTH GOODMAN, JUDGE,
FAYETTE DISTRICT COURT, ET AL.
**ORDER DENIED MOTION FOR CERTIFICATION
OF LAW.**
MINTON, C.J.; HUGHES, KELLER, VANMETER,
VENTERS AND WRIGHT, JJ., CONCUR.
CUNNINGHAM, J. DISSENTS WITHOUT OPINION.
ENTERED: AUGUST 24, 2017

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

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

CHARLES R. KEETON V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 28, 2017	2017-SC-000307-KB	IN SUPREME COURT
JACK GAUGHF BROWN V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 28, 2017	2017-SC-000308-KB	IN SUPREME COURT
LISA ESTHER HOLLANDER V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 28, 2017	2017-SC-000309-KB	IN SUPREME COURT
VIRGINIA CAROLINE JORDAN V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 5, 2017	2017-SC-000315-KB	IN SUPREME COURT
MICHAEL R. RAMAGE V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 5, 2017	2017-SC-000316-KB	IN SUPREME COURT
ANNA MARIE SEWELL V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 5, 2017	2017-SC-000317-KB	IN SUPREME COURT
MICHAEL GEORGE BRAUTIGAM V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 5, 2017	2017-SC-000318-KB	IN SUPREME COURT
LYNDA CAMPBELL V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 6, 2017	2017-SC-000324-KB	IN SUPREME COURT
THOMAS WILLIAM KEEFE V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 13, 2017	2017-SC-000335-KB	IN SUPREME COURT
MATTHEW VICTOR BRAMMER V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 13, 2017	2017-SC-000339-KB	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

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

LEWIS CHARLES CRAWFORD V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 13, 2017	2017-SC-000341-KB	IN SUPREME COURT
JEROME JANSON GROGAN V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 13, 2017	2017-SC-000342-KB	IN SUPREME COURT
AMY STEPHENS YORK V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 18, 2017	2017-SC-000346-KB	IN SUPREME COURT
DAVID BRUCE CADDELL V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 18, 2017	2017-SC-000347-KB	IN SUPREME COURT
CORTNEY SCOTT ALEXANDER V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 21, 2017	2017-SC-000354-KB	IN SUPREME COURT
MICHAEL MACKAGER YORK V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 4, 2017	2017-SC-000370-KB	IN SUPREME COURT
KRISTINA M. COEN V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 4, 2017	2017-SC-000371-KB	IN SUPREME COURT
LEE LEWIS BISHOP V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 11, 2017	2017-SC-000391-KB	IN SUPREME COURT
PAULA JO SHIVES V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 11, 2017	2017-SC-000392-KB	IN SUPREME COURT
GLENN RICHARD LOCHNER V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 11, 2017	2017-SC-000393-KB	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

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

**PAMELA W. POPP V.
KENTUCKY BAR ASSOCIATION
ENTERED: AUGUST 11, 2017**

2017-SC-000394-KB

**IN SUPREME
COURT**