

SUPREME COURT OF KENTUCKY

AUGUST 16, 2018 MINUTES

RELEASED: 10:00 A.M.

87. JACK FRANKLIN ELLIOTT, JR. V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE KELLER –
AFFIRMING**
ALL SITTING. ALL CONCUR.

[2016-SC-000350-MR](#)
TO BE PUBLISHED

BELL

Questions Presented:
Court Costs. Denial of motion to waive court costs or to convert court costs to a jail term. Guidance for the bench and the bar.

88. RODNEY BOWLING V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE WRIGHT –
AFFIRMING**
ALL SITTING. ALL CONCUR.

[2016-SC-000548-MR](#)
TO BE PUBLISHED

CLAY

Questions Presented:
Murder, driving under the influence, and two counts of first-degree assault-30 years and a \$500 fine. Murder-Proof of Aggravated Wantonness. Trial court did not abuse its discretion in allowing expert testimony concerning Bowling's potential head injury and blood glucose level. RCr 7.24(1)(c). Confrontation-Admission of crash victim's blood test was harmless error beyond a reasonable doubt.

89. DASHAWN JOHNSON V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
AFFIRMING**
ALL SITTING. ALL CONCUR.

[2016-SC-000615-MR](#)
[2017-SC-000037-TG](#)
TO BE PUBLISHED

HENDERSON

Questions Presented:
Two counts of first-degree trafficking in a controlled substance (heroin and methamphetamine), one count of felony possession of firearm and PFO I-20 years. Double Jeopardy-Blockburger test reinstated. Validity of search warrant-sufficiency of affidavit.

SUPREME COURT OF KENTUCKY

AUGUST 16, 2018 MINUTES

RELEASED: 10:00 A.M.

90. COMMONWEALTH OF KENTUCKY V. [2016-SC-000655-DG](#) CHRISTIAN
DAMION MONTRECE LANE
TO BE PUBLISHED

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

Questions Presented:
Possession of a controlled substance, first degree, first offense, and for tampering with physical evidence. Dog sniff search prolonged the stop beyond its original purpose, requiring suppression of the discovered evidence under *Rodriguez v. United States*, 135 S. Ct. 1609 (2015).

91. STEVEN M. JACOBI V. [2017-SC-000092-DG](#) HARDIN
F. LARRY HOLBERT
TO BE PUBLISHED

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

Questions Presented:
Torts. Legal malpractice. Qualified Immunity. Public defender is entitled to qualified official immunity from a legal malpractice action as an agent of the Commonwealth.

92. DONTE LITTLE V. [2017-SC-000112-MR](#) KENTON
COMMONWEALTH OF KENTUCKY
TO BE PUBLISHED

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

Questions Presented:
Two counts of trafficking in a controlled substance in the first degree (less than two grams of heroin), two counts of trafficking in a controlled substance in the first degree (more than two grams of heroin), complicity to trafficking in a controlled substance in the first degree (more than two grams of heroin)-20 years. Commonwealth's KRE 508 Disclosure of Confidential Informant's Identity. Failure to name accomplice in the indictment for complicity to trafficking in a controlled substance in the first degree.

SUPREME COURT OF KENTUCKY

AUGUST 16, 2018 MINUTES

RELEASED: 10:00 A.M.

93. DANIEL COX V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
AFFIRMING**
ALL SITTING. ALL CONCUR.
- [2017-SC-000147-MR](#) HARDIN
TO BE PUBLISHED
- Questions Presented:**
Murder-Life. Jury instructions did not violate right to unanimous jury verdict. Admission of evidence of text messages.
94. PHYLLIS ROACH V.
KENTUCKY PAROLE BOARD, ET AL.
**OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
AFFIRMING**
ALL SITTING. ALL CONCUR.
- [2017-SC-000250-DG](#) FRANKLIN
TO BE PUBLISHED
- Questions Presented:**
Board of Claims. Parole Board. Revocation of Conditional Discharge. Whether the Parole Board's revocation of movant's conditional discharge was actionable in the Board of Claims.
95. MARC MCCOY V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
AFFIRMING**
ALL SITTING. ALL CONCUR.
- [2017-SC-000261-MR](#) HARDIN
TO BE PUBLISHED
- Questions Presented:**
Complicity to kidnapping, first-degree assault and complicity to theft by unlawful taking, over \$500-20 years. Motion for Continuance. "Serious Physical Injury."
96. TREVOR BROWN, JR. V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
AFFIRMING**
ALL SITTING. ALL CONCUR.
- [2017-SC-000289-MR](#) HARDIN
TO BE PUBLISHED
- Questions Presented:**
Complicity to the kidnapping, complicity to the attempted murder, and complicity to the first-degree robbery-40 years. Definition of "Serious Physical Injury"-Pneumothorax. Venue. No prejudice by denial of a continuance. Error in the admission of the victim's statements was harmless. No unanimity error.

SUPREME COURT OF KENTUCKY

AUGUST 16, 2018 MINUTES

RELEASED: 10:00 A.M.

97. KALIEF CUMMINGS V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE CUNNINGHAM – AFFIRMING
ALL SITTING. MINTON, C.J.; CUNNINGHAM, HUGHES, AND VANMETER, JJ., CONCUR. KELLER, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION IN WHICH VENTERS AND WRIGHT, JJ., JOIN.
- [2017-SC-000448-MR](#) JEFFERSON
TO BE PUBLISHED
- Questions Presented:**
Two counts of first-degree assault and PFO I-35 years. Right to Peremptory Challenges. KRE 404(b).
98. MCCOY ELKHORN COAL CORP. - INSOLVENT EMPLOYER, ET AL. V. JEANNIE SARGENT, ETC., ET AL.
OPINION OF THE COURT BY JUSTICE HUGHES – AFFIRMING
ALL SITTING. ALL CONCUR.
- [2017-SC-000616-WC](#) FROM COURT OF APPEALS
TO BE PUBLISHED
- Questions Presented:**
Worker’s Compensation. Enhanced Benefit. The Guaranty Fund is fully responsible for workers’ compensation liabilities, including the 30% enhancement.
99. COMMONWEALTH OF KENTUCKY V. JOHNNIE DOUGLAS
OPINION OF THE COURT BY JUSTICE CUNNINGHAM – AFFIRMING IN PART AND REVERSING IN PART
ALL SITTING. MINTON, C.J.; CUNNINGHAM, HUGHES, KELLER, VANMETER, AND VENTERS, JJ., CONCUR. WRIGHT, J., CONCURS IN RESULT ONLY.
- [2017-SC-000024-DG](#) JEFFERSON
TO BE PUBLISHED
- Questions Presented:**
Criminal Law. RCr 11.42. Juror Bias. Defendant is entitled to post-conviction relief when a victim of the defendant’s prior crime served on the jury but did not recognize the defendant until the penalty phase of trial.

SUPREME COURT OF KENTUCKY

AUGUST 16, 2018 MINUTES

RELEASED: 10:00 A.M.

100. RONALD LEE KING V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE VANMETER – AFFIRMING IN PART, REVERSING IN PART AND REMANDING
ALL SITTING. MINTON, C.J.; HUGHES, VANMETER, VENTERS, JJ., CONCUR. KELLER, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION, IN WHICH CUNNINGHAM AND WRIGHT, JJ., JOIN.
- [2016-SC-000414-MR](#) KENTON
TO BE PUBLISHED
- Questions Presented:**
Two counts of first-degree sodomy, and two counts of first-degree sexual abuse-Life sentence. Jury instructions on the sexual abuse counts violated the unanimity requirement and are reversed. Sentencing error in imposing a term of years to run consecutively with a term of life imprisonment.
101. JEREMY KELLY V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE KELLER – AFFIRMING IN PART AND VACATING IN PART
ALL SITTING. ALL CONCUR.
- [2017-SC-000265-MR](#) KNOX
TO BE PUBLISHED
- Questions Presented:**
First-degree rape, incest first-degree sexual abuse, second-degree fleeing or evading, second-degree PFO.-70 years. Although the Commonwealth erred in failing to re-present the case to the grand jury after dismissal, defendant's due process were not violated. Insufficient evidence for conviction of second-degree fleeing or evading. Unanimous jury verdict.
102. NAMI RESOURCES COMPANY, LLC., ET AL. V. ASHER LAND AND MINERAL, LTD., ET AL.
OPINION OF THE COURT BY JUSTICE VENTERS – AFFIRMING IN PART, VACATING IN PART, REVERSING, AND REMANDING.
ALL SITTING. ALL CONCUR.
- [2015-SC-000489-DG](#) BELL
[2016-SC-000235-DG](#)
TO BE PUBLISHED
- Questions Presented:**
Oil and Gas. Contracts. Fraud. Punitive Damages. Fraud and/or breach of contract in underpayment of oil and gas royalties pursuant to lease. Propriety of imposing punitive damages.

SUPREME COURT OF KENTUCKY

AUGUST 16, 2018 MINUTES

RELEASED: 10:00 A.M.

103. NORFOLK SOUTHERN RAILWAY COMPANY V. SHARON JOHNSON
OPINION OF THE COURT BY JUSTICE WRIGHT – REVERSING
ALL SITTING. CUNNINGHAM, HUGHES, KELLER, VANMETER, VENTERS, AND WRIGHT, JJ., CONCUR. MINTON, C.J., CONCURS IN RESULT ONLY.
- [2016-SC-000248-DG](#)
TO BE PUBLISHED
- BOYLE
- Questions Presented:**
Torts. Property Owner Liability. Firefighter’s Rule bars a police officer from suing a property owner for injuries incurred when she fell down a hill while pursuing a suspect.
104. C.W. HOSKINS HEIRS, A GENERAL PARTNERSHIP COMPRISED OF GREG HOSKINS, ET AL. V. RUTH FARMER WELLS, ET AL.
OPINION OF THE COURT BY JUSTICE HUGHES – REVERSING
ALL SITTING. ALL CONCUR.
- [2017-SC-000004-DG](#)
TO BE PUBLISHED
- LESLIE
- Questions Presented:**
Real Property. Boundary Dispute.
105. JOE DAUGHERTY, ET AL. V. BOBBI TABOR
OPINION OF THE COURT BY JUSTICE CUNNINGHAM – REVERSING
ALL SITTING. ALL CONCUR.
- [2017-SC-000374-DG](#)
TO BE PUBLISHED
- MCCREARY
- Questions Presented:**
Farm Animals Activity Act. KRS 247.401-4029. Exceptions permitting liability.
106. AMERICAN MINING INSURANCE COMPANY V. PETERS FARMS, LLC
OPINION OF THE COURT BY JUSTICE CUNNINGHAM – REVERSING AND REMANDING
MINTON, C.J.; CUNNINGHAM, HUGHES, KELLER, VENTERS, AND WRIGHT, JJ., SITTING. MINTON, C.J.; CUNNINGHAM, HUGHES, AND VENTERS, JJ., CONCUR. WRIGHT, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION, IN WHICH KELLER, J., JOINS. VANMETER, J., NOT SITTING.
- [2017-SC-000066-DG](#)
TO BE PUBLISHED
- OWSLEY
- Questions Presented:**
Insurance Coverage. Interpretation of “Occurrence.” Measure of Damages. Interpretation of insurance policy language as to an “occurrence,” to determine whether there is coverage for the mistaken mining of another’s property. Measure of damages in such a case, specifically, the reasonable royalty rate vs. the market rate of the coal minus the extraction costs.

SUPREME COURT OF KENTUCKY

AUGUST 16, 2018 MINUTES

RELEASED: 10:00 A.M.

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| 107. | KENTUCKY BOARD OF MEDICAL
LICENSURE V.
JON M. STRAUSS, M.D.
OPINION OF THE COURT BY
JUSTICE HUGHES –
<u>REVERSING AND REMANDING</u>
ALL SITTING. ALL CONCUR. | 2017-SC-000260-DG
TO BE PUBLISHED | JEFFERSON |
| <p>Questions Presented:
Administrative Law. KRS 13B.120(1) and KRS 13B.110(1). The issues for consideration are whether the Licensure Board decision was entered in violation of certain statutory requirements, specifically, whether, and the extent to which, the Board panel must consider the record before entry of its order as required by KRS 13B.120(1), and the failure of the hearing officer to recommend a specific penalty as required by KRS 13B.110(1).</p> | | | |
| 108. | NATHANIEL WADE TUCKER V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR.
CUNNINGHAM, J., CONCURS BY
SEPARATE OPINION, IN WHICH
WRIGHT, J., JOINS. | 2016-SC-000649-MR
NOT TO BE PUBLISHED | OHIO |
| 109. | AMANDA BOWEN V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2017-SC-000303-MR
NOT TO BE PUBLISHED | JOHNSON |
| 110. | ALEX DOWELL V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2017-SC-000304-MR
NOT TO BE PUBLISHED | HARDIN |

SUPREME COURT OF KENTUCKY

AUGUST 16, 2018 MINUTES

RELEASED: 10:00 A.M.

111. DORAN CLAY V. [2017-SC-000403-MR](#) FROM COURT
HON. HUGH SMITH HAYNIE, JUDGE, **NOT TO BE PUBLISHED** OF APPEALS
JEFFERSON CIRCUIT COURT, FAMILY
DIVISION TWO, ET AL.
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
112. TRACELL NUNN V. [2017-SC-000473-MR](#) MCCRACKEN
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. MINTON, C.J.; HUGHES,
VANMETER, VENTERS, AND WRIGHT,
JJ., CONCUR. CUNNINGHAM, AND
KELLER, JJ., CONCUR IN RESULT
ONLY.

OPINION AND ORDERS – AUGUST 8, 2018

UPPER POND CREEK VOLUNTEER FIRE 2018-SC-000179-D PIKE
DEPARTMENT, INC. V.
RONNIE KINSER, ET AL.
**ORDER GRANTED DISCRETIONARY REVIEW,
VACATED THE COURT OF APPEALS OPINION
AND REMANDED BACK TO THE COURT OF
APPEALS.**
ALL SITTING. ALL CONCUR.

OPINION AND ORDER – AUGUST 16, 2018

BASIL POLLITT, ET AL. V. [2018-SC-000102-1](#) FRANKLIN
PUBLIC SERVICE COMMISSION OF **TO BE PUBLISHED**
KENTUCKY
ORDER DENYING INTERLOCUTORY RELIEF.
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

AUGUST 16, 2018 MINUTES

RELEASED: 10:00 A.M.

OPINION AND ORDERS – AUGUST 16, 2018

DAVID JOE PORTER V.
KENTUCKY BAR ASSOCIATION
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 181 DAYS WITH
CONDITIONS AND PUBLIC REPRIMAND.**
ALL SITTING. ALL CONCUR.

[2018-SC-000115-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
JASON THOMAS BUTLER
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 30 DAYS WITH
CONDITIONS.**
ALL SITTING. ALL CONCUR.

[2018-SC-000149-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
JAMES WILLIS HARRIS
ORDER OF PUBLIC REPRIMAND.
ALL SITTING. ALL CONCUR.

[2018-SC-000209-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

INQUIRY COMMISSION V.
RICHARD GRAHAM KENNISTON
ORDER OF TEMPORARY SUSPENSION.
ALL SITTING. ALL CONCUR.

[2018-SC-000230-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

BETHANY L. STANZIANO-SPARKS V.
KENTUCKY BAR ASSOCIATION
**ORDER OF PUBLIC REPRIMAND WITH
CONDITIONS.**
ALL SITTING. ALL CONCUR.

[2018-SC-000259-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 8, 2018**

CHRISTOPHER CULVER V.
COMMONWEALTH OF KENTUCKY

2017-SC-000568-DG

NELSON

PAUL MOSTERT V.
THE MOSTERT GROUP, LLC.

2017-SC-000600-DG

FAYETTE

SUPREME COURT OF KENTUCKY

AUGUST 16, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 8, 2018**

ROBERT BALDWIN, III V. COMMONWEALTH OF KENTUCKY	2018-SC-000059-DG	TRIMBLE
DIANA METZGER, ET AL. V. AUTO-OWNERS INSURANCE COMPANY, ET AL.	2018-SC-000070-DG	JEFFERSON
CSX TRANSPORTATION, INC. V. LARRY M. BOGGS.	2018-SC-000191-DG	JEFFERSON
JOHN ROBINSON V. COMMONWEALTH OF KENTUCKY VENTERS, J., NOT SITTING.	2018-SC-000234-DG	JEFFERSON
DIXIE MEINDERS, ET AL. V. DARYL K. MIDDLETON	2018-SC-000251-DGE	MCCRACKEN

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 8, 2018**

MARCUS GREENE V. MERVIN HADDIX, WARDEN	2017-SC-000434-D	OLDHAM
COURTNEY BALTIMORE V. COMMONWEALTH OF KENTUCKY	2017-SC-000438-D	JEFFERSON

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 8, 2018**

W. CHRISTOPHER MOSES, ET AL. V. ROBERT BIGGERSTAFF, ET AL.	2017-SC-000517-D	JEFFERSON
KARLTEN RATON-OMAR STIGALL V. COMMONWEALTH OF KENTUCKY	2017-SC-000564-D	FAYETTE
ROGER WESTON V. COMMONWEALTH OF KENTUCKY	2017-SC-000570-D	RUSSELL

SUPREME COURT OF KENTUCKY

AUGUST 16, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 8, 2018**

FREDERICK DAVIS V. COMMONWEALTH OF KENTUCKY	2017-SC-000575-D	JEFFERSON
CITY OF GRAYSON, ET AL. V. 4 TH LEAF LLC, ET AL.	2017-SC-000581-D	CARTER
MICHEL WITHERS V. KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY, ET AL. VANMETER, VENTERS, AND WRIGHT, JJ., WOULD GRANT.	2017-SC-000589-D	JEFFERSON
ANITA ROACH V. DONNA WILSON, ET AL.	2017-SC-000598-D	CARLISLE
DERMOT HALPIN, ET AL. V. SUSAN HARDY, ET AL. AND THOMAS D. BULLOCK, ET AL. V. SUSAN HARDY, ET AL. VANMETER, J., NOT SITTING.	2017-SC-000610-D 2018-SC-000093-D	FAYETTE FAYETTE
JEREMY SMITH V. COMMONWEALTH OF KENTUCKY	2017-SC-000612-D	MCLEAN
DARRELL STEVE MCINTOSH, ET AL. V. ARROW-MED AMBULANCE, INC.	2017-SC-000619-D	BREATHITT
JOHNATHAN MASTERS V. COMMONWEALTH OF KENTUCKY VANMETER, J., WOULD GRANT.	2017-SC-000628-D	BRECKINRIDGE
ANTHONY DWAIN CASTLE V. COMMONWEALTH OF KENTUCKY	2017-SC-000645-D	FAYETTE
UNIVERSITY OF KENTUCKY V. REBECCA LYNN DAVIS, ET AL.	2017-SC-000677-D	FRANKLIN

SUPREME COURT OF KENTUCKY

AUGUST 16, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 8, 2018**

JARRELL MARCUM, ET AL. V. EQUITABLE RESOURCES EXPLORATION, INC., ET AL. WRIGHT, J., NOT SITTING.	2018-SC-000008-D	LAWRENCE
JAMES CHARLES MAXIE V. COMMONWEALTH OF KENTUCKY	2018-SC-000016-D	MCCRACKEN
HAZEL ENTERPRISES, LLC. V. JOSEPH FULTON, ET AL. VANMETER, J., NOT SITTING.	2018-SC-000025-D	MASON
COMMONWEALTH OF KENTUCKY V. WILLIAM ALEXANDER	2018-SC-000030-D	KENTON
COMMONWEALTH OF KENTUCKY V. SHANNQUAN MITCHELL, ET AL.	2018-SC-000032-D	JEFFERSON
CHERYL A. HENDERSON, ET AL. V. HILLARY OLIVER	2018-SC-000034-D	JEFFERSON
JEFFREY CONRAD V. COMMONWEALTH OF KENTUCKY	2018-SC-000051-D	MCCRACKEN
CHARLES WAYNE BUSSELL V. COMMONWEALTH OF KENTUCKY	2018-SC-000060-D	CHRISTIAN
LARRY S. ROBERTS, FAYETTE COUNTY ATTORNEY V. KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION, ET AL. VANMETER, J., WOULD GRANT.	2018-SC-000065-D	FAYETTE
CITY OF HAZARD, KENTUCKY V. BRIAN CARTER, ET AL.	2018-SC-000077-D	PERRY
JARAD MCCARGO V. COMMONWEALTH OF KENTUCKY	2018-SC-000082-D	FAYETTE

SUPREME COURT OF KENTUCKY

AUGUST 16, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 8, 2018**

SARAH JANE GROVES, ET AL. V. JOHN WOODS, SR, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2018-SC-000086-D	BOYD
APPALACHIAN REGIONAL HEALTHCARE, INC. V. ALICE DAY CUNNINGHAM, J., WOULD GRANT. WRIGHT, J., NOT SITTING.	2018-SC-000094-D	LETCHER
JORDAN BURTON, SUCCESSOR ADMINISTRATOR OF THE ESTATE OF ROGER WAYNE BURTON V. DONALD E. BROWN, M.D. VENTERS, J., NOT SITTING.	2018-SC-000108-D	PULASKI
PHILLIP COLLINS, IN HIS INDIVIDUAL CAPACITY AS FLOYD COUNTY DEPUTY SHERIFFS, ET AL. V. JEFFREY VANDIVER CUNNINGHAM, J., WOULD GRANT.	2018-SC-000116-D	FLOYD
RONALD MASON, ET AL. V. BILLY STEGALL, ET AL. VANMETER, J., NOT SITTING.	2018-SC-000120-D	MADISON
DASHAWN JOHNSON V. COMMONWEALTH OF KENTUCKY	2018-SC-000129-D	HENDERSON
AUGUST PROPERTIES, LLC. V. CITY OF BURGIN	2018-SC-000144-D	MERCER
ROBIN MAPEL V. COMMONWEALTH OF KENTUCKY	2018-SC-000150-D	CARTER
GABRIEL ORTEGA V. COMMONWEALTH OF KENTUCKY	2018-SC-000169-D	JEFFERSON

SUPREME COURT OF KENTUCKY

AUGUST 16, 2018 MINUTES

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 8, 2018**

GUY J. TURCOTTE V. CITY OF GLASGOW, KENTUCKY, ET AL.	2018-SC-000181-D	BARREN
ELLIS KEYES V. EDISON G. BANKS, II	2018-SC-000199-D	LETCHER
LINDA KAY LEWIS V. ESTATE OF RICHARD D. LEWIS, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2018-SC-000207-D	GREENUP
JERRY MOONEY V. THE ESTATE OF JAMES DUNCAN, ET AL.	2018-SC-000212-D	WEBSTER
ELIZABETH ANN ROWE EWERS, ET AL. V. APPALACHIAN INVESTMENTS, LLC.	2018-SC-000213-D	PIKE
CHRISTOPHER A. DITTO V. COMMONWEALTH OF KENTUCKY	2017-SC-000225-D	BRECKINRIDGE
CARL E. KNOCHELMANN, JR. V. MARY E. BJELLAND	2018-SC-000232-DE	CAMPBELL

COURT ORDERS GRANTING MOTION TO TRANSFER

WILLIAM M. LANDRUM, III, IN HIS OFFICIAL CAPACITY AS SECRETARY OF THE FINANCE AND ADMINISTRATION CABINET V. COMMONWEALTH OF KENTUCKY, EX REL., ANDY BESHEAR, ATTORNEY GENERAL, ET AL. ALL SITTING. ALL CONCUR. ENTERED: AUGUST 16, 2018	2018-SC-000122-TG	FRANKLIN
UNIVERSITY OF KENTUCKY, ETC., ET AL. V. SARAH R. MOORE, ET AL. ALL SITTING. ALL CONCUR. ENTERED: AUGUST 16, 2018	2018-SC-000193-TG	FAYETTE

SUPREME COURT OF KENTUCKY

AUGUST 16, 2018 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS GRANTING MOTION TO TRANSFER

COMMONWEALTH OF KENTUCKY, 2018-SC-000194-TG FAYETTE
DEPARTMENT OF REVENUE, ET AL. V.
SARAH R. MOORE
ALL SITTING. ALL CONCUR.
ENTERED: AUGUST 16, 2018

KENTUCKY STATE BOARD OF ELECTIONS, 2018-SC-000351-TG FRANKLIN
ET AL. V.
KAREN E. FAULKNER, ET AL.
ALL SITTING. ALL CONCUR.
ENTERED: JULY 13, 2018

MATTHEW G. BEVIN IN HIS OFFICIAL 2018-SC-000419-TG FRANKLIN
CAPACITY AS GOVERNOR OF THE 2018-SC-000421-TG
COMMONWEALTH OF KENTUCKY, ET AL. V.
COMMONWEALTH OF KENTUCKY, EX REL.
ANDY BESHEAR, ATTORNEY GENERAL,
ET AL.
ENTERED: AUGUST 10, 2018

COURT ORDER GRANTING PETITION FOR REHEARING – AUGUST 16, 2018

ROGER DALE EPPERSON V. [2017-SC-000044-MR](#) WARREN
COMMONWEALTH OF KENTUCKY
**MINTON, C.J.; CUNNINGHAM, HUGHES,
KELLER, VANMETER AND VENTERS, JJ.,
SITTING. ALL CONCUR. WRIGHT, J., NOT
SITTING.**
WITHDRAWING AND REISSUING OPINION

COURT ORDERS DENYING PETITION FOR REHEARING – AUGUST 16, 2018

TERRY O'BANNON V. 2016-SC-000133-MR MUHLENBERG
COMMONWEALTH OF KENTUCKY
ALL SITTING. ALL CONCUR.

RAKIM MOBERLY V. 2016-SC-000429-DG FAYETTE
COMMONWEALTH OF KENTUCKY
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

AUGUST 16, 2018 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – AUGUST 16, 2018

CARLIS HALL V. 2016-SC-000660-MR PERRY
COMMONWEALTH OF KENTUCKY
ALL SITTING. ALL CONCUR.

SUNZ INSURANCE COMPANY V. 2017-SC-000257-WC FROM COURT
HENRY J. DECKER, ET AL. OF APPEALS
ALL SITTING. ALL CONCUR.

COURT ORDERS DISMISSING

ANGEL TORRES III V. 2018-SC-000075-MR DAVIESS
COMMONWEALTH OF KENTUCKY
ENTERED: JUNE 29, 2018

THE RECOVERY CENTER, LLC, ET AL. V. 2018-SC-000105-I BREATHITT
COMMONWEALTH OF KENTUCKY, CABINET
FOR HEALTH AND FAMILY SERVICES,
DEPARTMENT OF MEDICAID SERVICES, ET
AL.
**HUGHES, KELLER, CUNNINGHAM, AND
WRIGHT, JJ., SITTING. ALL CONCUR.**
ENTERED: AUGUST 10, 2018

CHRISTOPHER GREGORY V. 2018-SC-000139-MR FROM COURT
A & G TREE SERVICE, ET AL. OF APPEALS
ENTERED: JUNE 21, 2018

GEORGE WALKER V. 2018-SC-000162-MR LOGAN
COMMONWEALTH OF KENTUCKY
ENTERED: JULY 18, 2018

KENTUCKY SCHOOL BOARDS 2018-SC-000165-D FRANKLIN
ASSOCIATION V.
CERTAIN UNDERWRITERS AT LLOYD'S,
LONDON, ET AL.
**HUGHES, KELLER, CUNNINGHAM, AND
WRIGHT, JJ., SITTING. ALL CONCUR.**
ENTERED: AUGUST 10, 2018

SUPREME COURT OF KENTUCKY

AUGUST 16, 2018 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

CERTAIN UNDERWRITERS AT LLOYD'S, LONDON V. JOSEPH N. POPE, IN HIS CAPACITY AS DEPUTY REHABILITATOR OF THE KENTUCKY SCHOOL BOARDS INSURANCE FUND, ETC., ET AL. HUGHES, KELLER, CUNNINGHAM, AND WRIGHT, JJ., SITTING. ALL CONCUR. ENTERED: AUGUST 10, 2018	2018-SC-000173-D	FRANKLIN
WILLIAM B. WALKER V. JOSEPH MEKO, WARDEN ENTERED: JUNE 12, 2018	2018-SC-000252-D	FRANKLIN
CIRCUIT COURT JUDGE V. KENTUCKY JUDICIAL CONDUCT COMMISSION ORDER DENYING STAY OF JUDICIAL CONDUCT COMMISSION PROCEEDINGS AND DENYING MOTION TO SEAL APPELLATE RECORD. MINTON, C.J.; HUGHES, KELLER, VANMETER, VENTERS AND WRIGHT, JJ., SITTING. ALL CONCUR. CUNNINGHAM, J., NOT SITTING. ENTERED: AUGUST 16, 2018	2018-SC-000268-RR	IN SUPREME COURT
TERRY W. BLANKENSHIP, ET AL. V. HON. WILLIAM ENGLE III, SPECIAL JUDGE, LAUREL CIRCUIT COURT, ET AL. ENTERED: JULY 18, 2018	2018-SC-000284-MR	FROM COURT OF APPEALS
LARRY HARMS, ET AL. V. CHASE HOME FINANCE, LLC, ET AL. ENTERED: AUGUST 10, 2018	2018-SC-000296-D	CLAY
PAULA PEARSON V. CHARLES PEARSON, ET AL. ENTERED: AUGUST 10, 2018	2018-SC-000341-D	JEFFERSON

SUPREME COURT OF KENTUCKY

AUGUST 16, 2018 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS

COMMONWEALTH OF KENTUCKY V. [2016-SC-000365-DG](#) HARDIN
KYLE D. THOMPSON TO BE PUBLISHED
**ORDER CORRECTED THE OPINION
RENDERED JUNE 14, 2018, BY
SUBSTITUTION OF THIS OPINION IN LIEU
OF THE ORIGINAL OPINION.**
ENTERED: JUNE 14, 2018

EQT PRODUCTION COMPANY V. 2017-SC-000161-DG PIKE
DANNY POTTER, ET AL.

AND
BLUE FLAME ENERGY CORPORATION. V. 2017-SC-000164-DG PIKE
DANNY POTTER, ET AL.

**THE VOTE OF THE SIX MEMBERS OF THIS
COURT PARTICIPATING IN THE
DETERMINATION OF THIS APPEAL BEING
EQUALLY DIVIDED, PURSUANT TO SCR 1.020,
THE OPINION OF THE COURT OF APPEALS
HEREBY STANDS AFFIRMED.**
MINTON, C.J., CUNNINGHAM AND VANMETER,
JJ., WOULD AFFIRM THE OPINION OF THE
COURT OF APPEALS. HUGHES, KELLER AND
VENTERS, JJ., WOULD REVERSE THE OPINION
OF THE COURT OF APPEALS. WRIGHT, J.,
NOT SITTING.
ENTERED: AUGUST 16, 2018

SEAN PATRICK PARIS V. [2018-SC-000200-KB](#) IN SUPREME
KENTUCKY BAR ASSOCIATION TO BE PUBLISHED COURT
**ORDER CORRECTED THE OPINION AND
ORDER RENDERED JUNE 14, 2018, BY
SUBSTITUTION OF THIS OPINION AND
ORDER IN LIEU OF THE ORIGINAL OPINION
AND ORDER.**
ENTERED: JUNE 18, 2018

SUPREME COURT OF KENTUCKY

AUGUST 16, 2018 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS

KENTUCKY BAR ASSOCIATION V. STEVEN O. THORNTON
2018-SC-000254-KB IN SUPREME COURT
ORDER DENIED MOTION FOR SUSPENSION AS MOOT AND REMANDED TO THE KENTUCKY BAR ASSOCIATION.
CUNNINGHAM, HUGHES, KELLER, VANMETER, VENTERS, AND WRIGHT, JJ., SITTING. ALL CONCUR. MINTON, C.J., NOT SITTING.

KENTUCKY STATE BOARD OF ELECTIONS, ET AL.
2018-SC-000351-TG FRANKLIN
KAREN E. FAULKNER, ET AL.
ORDER REVERSED AND VACATED THE FINAL ORDER OF THE TRIAL COURT. DUE TO THE EXPEDITED NATURE OF THESE ACTIONS, PREPARATION OF A FULL OPINION AT THIS TIME WAS NOT POSSIBLE BUT SUCH OPINION WILL FOLLOW THIS ORDER.
ENTERED: AUGUST 10, 2018

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

SCOTT THERON NOTH V. KENTUCKY BAR ASSOCIATION
2018-SC-000323-KB IN SUPREME COURT
ENTERED: JUNE 29, 2018

ROY FUGITT V. KENTUCKY BAR ASSOCIATION
2018-SC-000324-KB IN SUPREME COURT
ENTERED: JUNE 29, 2018

MARGARET FAMWORTH BINDNER V. KENTUCKY BAR ASSOCIATION
2018-SC-000325-KB IN SUPREME COURT
ENTERED: JUNE 29, 2018

MICHAEL D. BENNETT V. KENTUCKY BAR ASSOCIATION
2018-SC-000326-KB IN SUPREME COURT
ENTERED: JUNE 29, 2018

SUPREME COURT OF KENTUCKY

AUGUST 16, 2018 MINUTES

RELEASED: 10:00 A.M.

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

CAROLYN G. BAIRD V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 16, 2018	2018-SC-000356-KB	IN SUPREME COURT
JAY BRUCE HOWD V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 16, 2018	2018-SC-000357-KB	IN SUPREME COURT
MARK C. WHITLOW V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 16, 2018	2018-SC-000358-KB	IN SUPREME COURT
JENNIFER SCHAEFFER V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 17, 2018	2018-SC-000371-KB	IN SUPREME COURT
SCOTT DEVON MCMURRAY V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 20, 2018	2018-SC-000378-KB	IN SUPREME COURT
DIANNE PIERCE ALLISON V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 25, 2018	2018-SC-000387-KB	IN SUPREME COURT
KRISTINA BERIT LUND ALCANTARA V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 2, 2018	2018-SC-000410-KB	IN SUPREME COURT