

SUPREME COURT OF KENTUCKY

AUGUST 29, 2019 MINUTES

RELEASED: 10:00 A.M.

85. IN RE: KENTUCKY EMPLOYEES RETIREMENT SYSTEM AND BOARD OF TRUSTEES OF KENTUCKY RETIREMENT SYSTEMS **V.** SEVEN COUNTIES SERVICES, INC. **OPINION OF THE COURT BY JUSTICE HUGHES – ORDER CERTIFYING THE LAW**
ALL SITTING. ALL CONCUR.
- [2018-SC-000461-CL](#) FEDERAL
TO BE PUBLISHED
- Questions Presented:**
Seven Counties Services, Inc.'s participation as a department in, and its contributions to the Kentucky Employees Retirement System are based on a statutory obligation.
86. GREGORY Q. POSEY **V.** COMMONWEALTH OF KENTUCKY **OPINION OF THE COURT BY JUSTICE HUGHES – AFFIRMING**
ALL SITTING. ALL CONCUR.
- [2018-SC-000085-MR](#) LOGAN
TO BE PUBLISHED
- Questions Presented:**
Murder. Convicted felon in possession of a handgun-Life. Trial court did not err in failing to instruct on extreme emotional disturbance or in failing to admonish the jury not to consider defendant's prior threatening messages. Use of prior conviction records.
87. TRENTON EASTERLING **V.** COMMONWEALTH OF KENTUCKY **OPINION OF THE COURT BY JUSTICE HUGHES – AFFIRMING**
ALL SITTING. ALL CONCUR.
- [2018-SC-000184-MR](#) MERCER
TO BE PUBLISHED
- Questions Presented:**
Murder-30 years. Trial court properly refused to suppress portions of a videotaped conversation between defendant and family members that took place in an interrogation room shortly after he was arrested. KRS 526.020. Motions for a mistrial, a new trial and to prohibit introduction of photos were properly denied.
88. STEVE MELTON, ET AL. **V.** DONNIE S. CROSS, ET AL. **OPINION OF THE COURT BY CHIEF JUSTICE MINTON – AFFIRMING**
ALL SITTING. ALL CONCUR.
- [2018-SC-000336-DG](#) CLINTON
TO BE PUBLISHED
- Questions Presented:**
Real Property. Prescriptive Easements. Evidence. Hearsay Rule. KRE 801A(c)(2). Admission-by-privity, predecessor's-in-interest hearsay exception.

SUPREME COURT OF KENTUCKY

AUGUST 29, 2019 MINUTES

RELEASED: 10:00 A.M.

89. SAMUEL WETHERBY V. [2018-SC-000542-WC](#) FROM COURT
AMAZON.COM, ET AL. **TO BE PUBLISHED** OF APPEALS
- OPINION OF THE COURT BY JUSTICE HUGHES – AFFIRMING**
- MINTON, C.J., BUCKINGHAM, KELLER, VANMETER AND WRIGHT, JJ., SITTING. ALL CONCUR. LAMBERT, J., NOT SITTING.
- Questions Presented:**
Workers Compensation. Sufficiency of ALJ's findings in assessing claimant's impairment rating. Because work injury resulted in impairment to a different part of claimant's spine than the prior injuries, ALJ correctly limited her discussion of *Finley*.
90. UNIVERSITY OF LOUISVILLE AND RUBY D. FENTON V. [2018-SC-000651-MR](#) FROM COURT
HON. AUDRA J. ECKERLE, JUDGE, ETC., ET AL. **TO BE PUBLISHED** OF APPEALS
- OPINION OF THE COURT BY JUSTICE BUCKINGHAM – AFFIRMING IN PART AND REMANDING IN PART**
- ALL SITTING. ALL CONCUR.
- Questions Presented:**
Writ of Prohibition. Grievance Proceedings. Discovery. Legal representation and application of the attorney-client privilege. Work-product privilege.
91. JACKIE LUCAS V. [2018-SC-000176-MR](#) FROM COURT
HON. JUDITH E. MCDONALD-BURKMAN, JUDGE, JEFFERSON CIRCUIT COURT, ET AL. **TO BE PUBLISHED** OF APPEALS
- OPINION OF THE COURT BY JUSTICE KELLER – AFFIRMING IN PART AND REVERSING IN PART**
- ALL SITTING. MINTON, C.J.; HUGHES, KELLER, LAMBERT, AND VANMETER, JJ.; CONCUR. WRIGHT, J., DISSENTS BY SEPARATE OPINION IN WHICH BUCKINGHAM, J., JOINS.
- Questions Presented:**
Writ of Prohibition. Discovery. Spousal testimony privilege-KRE 504(a). Marital communications privilege-KRE 504(b).

SUPREME COURT OF KENTUCKY

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92. GEOFFREY HAMPTON V. [2018-SC-000611-DG](#) MUHLENBERG
INTECH CONTRACTING, LLC.,
ET AL. **TO BE PUBLISHED**
- Questions Presented:**
Workers Compensation. Motion to Reopen. Partial Summary Judgment. CR 54.02 finality language. Appeal of interlocutory order denying immunity.
93. RICHARD A. GETTY, ET AL. V. [2018-SC-000111-DG](#) BOURBON
BRENDA SUE BRIDGES GETTY, ET AL. **TO BE PUBLISHED**
- Questions Presented:**
Testamentary Capacity. Undue Influence. Directed Verdict. Misappropriation of Marital Property. Contempt. Sufficient evidence of lack of testamentary capacity and undue influence to overcome a motion for directed verdict.
- OPINION OF THE COURT BY JUSTICE BUCKINGHAM – AFFIRMING IN PART AND REVERSING IN PART**
ALL SITTING. ALL CONCUR.
- MINTON, C.J.; BUCKINGHAM, HUGHES, KELLER, LAMBERT AND WRIGHT, JJ., SITTING. VANMETER, J., NOT SITTING. MINTON, C.J.; BUCKINGHAM, HUGHES, KELLER, AND LAMBERT, JJ., CONCUR. WRIGHT, J., CONCURS BY SEPARATE OPINION.
94. LAFARGE HOLCIM V. [2018-SC-000627-WC](#) FROM COURT
JAMES SWINFORD, ET AL. **TO BE PUBLISHED** OF APPEALS
- Questions Presented:**
Workers Compensation. Retroactivity of KRS 342.730(4)-Remand to ALJ to apply time limits set out in the 2018 amendment.
- OPINION OF THE COURT BY JUSTICE WRIGHT – AFFIRMING IN PART, REVERSING IN PART, AND REMANDING**
ALL SITTING. ALL CONCUR.
95. ANTHONY L. BEARD, JR. V. [2017-SC-000633-MR](#) FAYETTE
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
- Questions Presented:**
First-degree burglary, second-degree assault, and second-degree wanton endangerment-30 years. Introduction of non-testifying witness's statement does not warrant palpable error relief. Trial court did not err in refusing to instruct on lesser-included offenses or in responding to the jury's question. Palpable error occurred when the Commonwealth gave the jury incorrect parole eligibility information.
- OPINION OF THE COURT BY JUSTICE HUGHES – AFFIRMING IN PART AND REVERSING AND REMANDING IN PART**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

AUGUST 29, 2019 MINUTES

RELEASED: 10:00 A.M.

96. WILLIAM M. LANDRUM III., IN HIS OFFICIAL CAPACITY AS SECRETARY OF THE FINANCE AND ADMINISTRATION CABINET V. COMMONWEALTH OF KENTUCKY EX. REL. ANDY BESHEAR, ETC., ET AL. [2018-SC-000122-TG](#) FRANKLIN
TO BE PUBLISHED

OPINION OF THE COURT BY CHIEF JUSTICE MINTON – REVERSING
ALL SITTING. MINTON, C.J.; BUCKINGHAM, LAMBERT, VANMETER AND WRIGHT, JJ., CONCUR. HUGHES CONCURS BY SEPARATE OPINION, IN WHICH KELLER, J., JOINS. KELLER, J., CONCURS BY SEPARATE OPINION.

Questions Presented:
Attorney General’s power to enter into contingency fee contracts with outside counsel.

97. COMMONWEALTH OF KENTUCKY V. ALGER FERGUSON [2017-SC-000651-DG](#) LAWRENCE
AND
TO BE PUBLISHED

ALGER FERGUSON V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE WRIGHT – REVERSING AND REINSTATING
ALL SITTING. MINTON, C.J.; BUCKINGHAM, HUGHES, KELLER, VANMETER AND WRIGHT, JJ., CONCUR. LAMBERT, J., DISSENTS BY SEPARATE OPINION.

- [2018-SC-000151-DG](#) LAWRENCE
TO BE PUBLISHED

Questions Presented:
Criminal Law. RCr 11.42 Motion. Ineffective Assistance of Counsel. Pro Se Defendant. Application of *Strickland* standard. Lack of investigation and expert testimony.

SUPREME COURT OF KENTUCKY

AUGUST 29, 2019 MINUTES

RELEASED: 10:00 A.M.

98. ASHLAND HOSPITAL CORPORATION [2018-SC-000276-DG](#) BOYD
D/B/A KING'S DAUGHTERS MEDICAL **TO BE PUBLISHED**
CENTER V.

PAUL WESLEY LEWIS, M.D., ET AL.
AND

PAUL WESLEY LEWIS, M.D.V.
DAVID SHACKELFORD, ET AL.

[2018-SC-000279-DG](#) BOYD
TO BE PUBLISHED

**OPINION OF THE COURT BY
JUSTICE KELLER –
REVERSING AND REINSTATING
MINTON, C.J.; BUCKINGHAM,
HUGHES, KELLER, VANMETER AND
WRIGHT, JJ., SITTING. ALL CONCUR.
LAMBERT, J., NOT SITTING.**

Questions Presented:
Medical Negligence. Summary Judgment. Expert opinion evidence necessary to demonstrate causation. Summary judgment for insufficient evidence is to be reviewed *de novo* on appeal. *Res ipsa loquitor* exception does not apply to this case.

99. COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH AND FAMILY
SERVICES V.

H.C.; AND L.E., A CHILD
**OPINION OF THE COURT BY
JUSTICE KELLER –
VACATING AND REINSTATING
ALL SITTING. ALL CONCUR.**

[2018-SC-000534-DGE](#) HARRISON
TO BE PUBLISHED

Questions Presented:
Dependency, Neglect or Abuse. Expert Witness Funding. Propriety of funding expert witnesses as sought by indigent parents in dependency/neglect/abuse proceedings involving their children.

100. GARY D. WARICK V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE HUGHES –
VACATING AND REMANDING
ALL SITTING. MINTON, C.J.;
KELLER, AND LAMBERT, JJ.,
CONCUR. BUCKINGHAM, J.,
DISSENTS BY SEPARATE OPINION
IN WHICH VANMETER AND WRIGHT,
JJ., JOIN. WRIGHT, J., DISSENTS
BY SEPARATE OPINION IN WHICH
BUCKINGHAM AND VANMETER, JJ.,
JOIN.**

[2018-SC-000229-DG](#) FLOYD
TO BE PUBLISHED

Questions Presented:
Evidence. Suppression. Standing. Extension of DUI Stop. Driver had standing to seek suppression of evidence found by a search dog in a grassy area near the vehicle, after the purpose for the stop for a possible DUI had been accomplished.

SUPREME COURT OF KENTUCKY

AUGUST 29, 2019 MINUTES

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| 101. | MEREDITH L. LAWRENCE, ET AL. V. BINGHAM GREENEBAUM DOLL, L.L.P.
OPINION OF THE COURT BY CHIEF JUSTICE MINTON – <u>VACATING AND REMANDING</u>
ALL SITTING. ALL CONCUR. | 2018-SC-000344-TG
TO BE PUBLISHED | GALLATIN |
| Questions Presented:
Foreclosure. Summary Judgment. Order of judicial sale. | | | |
| 102. | TREY A. RELFORD V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING</u>
ALL SITTING. MINTON, C.J.; BUCKINGHAM, HUGHES, KELLER, VANMETER AND WRIGHT, JJ., CONCUR. LAMBERT, J., CONCURS IN RESULT ONLY WITHOUT SEPARATE OPINION. | 2017-SC-000634-MR
NOT TO BE PUBLISHED | FAYETTE |
| 103. | DANTE C. STONE V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2018-SC-000205-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 104. | MARK D. MURRAY V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING</u>
ALL SITTING. MINTON, C.J.; BUCKINGHAM, LAMBERT, AND VANMETER, JJ., CONCUR. HUGHES, J., CONCURS IN RESULT ONLY. KELLER, J., CONCURS BY SEPARATE OPINION IN WHICH HUGHES AND WRIGHT, JJ., JOIN. | 2018-SC-000267-MR
NOT TO BE PUBLISHED | JEFFERSON |

SUPREME COURT OF KENTUCKY

AUGUST 29, 2019 MINUTES

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105. DAVID MURPHY V. [2018-SC-000281-DG](#) PULASKI
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
MINTON, C.J.; BUCKINGHAM, HUGHES,
KELLER, VANMETER AND WRIGHT, JJ.,
SITTING. ALL CONCUR. LAMBERT, J.,
NOT SITTING.
106. LEON FRANKLIN MONTGOMERY III V. [2018-SC-000426-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.
107. CRAIG ROPER V. [2018-SC-000688-MR](#) FROM COURT
HON. LINDA BRAMLAGE, JUDGE, **NOT TO BE PUBLISHED** OF APPEALS
BOONE FAMILY COURT, ET AL.
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.
108. MCBRAYER, MCGINNIS, LESLIE & [2019-SC-000010-MR](#) FROM COURT
KIRKLAND, PLLC V. **NOT TO BE PUBLISHED** OF APPEALS
HON. AUDRA J. ECKERLE, JUDGE,
JEFFERSON CIRCUIT COURT, ET AL.
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
MINTON, C.J.; BUCKINGHAM, HUGHES,
KELLER, VANMETER AND WRIGHT, JJ.,
SITTING. ALL CONCUR. LAMBERT, J.,
NOT SITTING.
109. JEFFREY A. STREEVAL V. [2019-SC-000068-MR](#) FROM COURT
HON. BRIAN EDWARDS, JUDGE, **NOT TO BE PUBLISHED** OF APPEALS
JEFFERSON CIRCUIT COURT, ET AL.
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

AUGUST 29, 2019 MINUTES

RELEASED: 10:00 A.M.

110. ALDEAN HENDERSON, JR. V. [2019-SC-000079-MR](#) FROM COURT
HON. CHARLES L. CUNNINGHAM, JR., **NOT TO BE PUBLISHED** OF APPEALS
JUDGE, JEFFERSON CIRCUIT COURT
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
MINTON, C.J.; BUCKINGHAM, HUGHES,
KELLER, VANMETER AND WRIGHT, JJ.,
SITTING. ALL CONCUR. LAMBERT, J.,
NOT SITTING.
111. DANIEL POPA; NECC TELECOM, INC. [2019-SC-000115-I](#) JEFFERSON
(CANADA), ET AL. V. **NOT TO BE PUBLISHED**
LUCIA TIBERIA POPA, ET AL.
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
MINTON, C.J.; BUCKINGHAM, HUGHES,
KELLER, VANMETER AND WRIGHT, JJ.,
SITTING. ALL CONCUR. LAMBERT, J.,
NOT SITTING.
112. RACHEL ANN NANCE, ETC. V. [2019-SC-000120-MR](#) FROM COURT
HON. KATHY STEIN, JUDGE, **NOT TO BE PUBLISHED** OF APPEALS
FAYETTE FAMILY COURT, DIVISION
SIX, ET AL.
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
113. JAMES COMBS V. [2018-SC-000463-WC](#) FROM COURT
CORRECTIONS CORPORATION OF **NOT TO BE PUBLISHED** OF APPEALS
AMERICA D/B/A LEE ADJUSTMENT
CENTER, ET AL.
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING AND
REMANDING**
ALL SITTING. MINTON, C.J.;
BUCKINGHAM, HUGHES, AND
VANMETER, JJ., CONCUR. LAMBERT,
J., DISSENTS BY SEPARATE OPINION
IN WHICH KELLER AND WRIGHT, JJ.,
JOIN.

SUPREME COURT OF KENTUCKY

AUGUST 29, 2019 MINUTES

RELEASED: 10:00 A.M.

114. JOSEPH NESTOR V. [2018-SC-000383-MR](#) LAUREL
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART/
REVERSING AND REMANDING IN PART**
ALL SITTING. MINTON, C.J.;
BUCKINGHAM, LAMBERT, VANMETER
AND WRIGHT, JJ., CONCUR.
HUGHES, J., CONCURS BY SEPARATE
OPINION IN WHICH KELLER J., JOINS.
115. ORMSCO, INC. V. [2018-SC-000543-WC](#) FROM COURT
GARY BLACKBURN; DR. ERIN GREER, **NOT TO BE PUBLISHED** OF APPEALS
KENTUCKY ONE HEALTH-PCA, ET AL.
**MEMORANDUM OPINION OF
THE COURT – REVERSING AND
REMANDING**
MINTON, C.J.; BUCKINGHAM, HUGHES,
KELLER, VANMETER AND WRIGHT, JJ.,
SITTING. ALL CONCUR. LAMBERT, J.,
NOT SITTING.
116. CABINET FOR HEALTH AND FAMILY, [2019-SC-000020-DGE](#) FAYETTE
SERVICES, COMMONWEALTH OF **NOT TO BE PUBLISHED**
KENTUCKY, AND K.L.W.W., A CHILD V.
P.W.
AND
CABINET FOR HEALTH AND FAMILY, [2019-SC-000021-DGE](#) FAYETTE
SERVICES, COMMONWEALTH OF **NOT TO BE PUBLISHED**
KENTUCKY, AND K.N.W.W., A CHILD V.
P.W.
**MEMORANDUM OPINION OF
THE COURT – REVERSING AND
REMANDING**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

AUGUST 29, 2019 MINUTES

RELEASED: 10:00 A.M.

OPINION AND ORDER – AUGUST 21, 2019

DONALD HARDY V. KENTUCKY PAROLE BOARD ORDER GRANTED DISCRETIONARY REVIEW. THE COURT OF APPEALS DECISION IS VACATED AND THE CASE IS REMANDED TO THE COURT OF APPEALS FOR FURTHER CONSIDERATION IN LIGHT OF THIS COURT'S RECENT DECISION IN JONES V. BAILEY, __ S.W.3D __ (KY. 2019) (FINAL JULY 5, 2019). ALL SITTING. ALL CONCUR.	2019-SC-000143-DG	FRANKLIN
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OPINION AND ORDER – AUGUST 29, 2019

KENTUCKY BAR ASSOCIATION V. WILLIAM O. AYERS ORDER DISSOLVED AUTOMATIC SUSPENSION. ALL SITTING. ALL CONCUR.	2010-SC-000064-KB TO BE PUBLISHED	IN SUPREME COURT
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**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 21, 2019**

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT V. MARK D. HILL LAMBERT, J., NOT SITTING.	2018-SC-000491-DG	JEFFERSON
KIMBERLY HOWARD, ETC. V. BIG SANDY AREA DEVELOPMENT DISTRICT, INC.	2018-SC-000601-DG	MAGOFFIN
NORTHERN KENTUCKY AREA DEVELOPMENT DISTRICT V. MARY WILSON	2018-SC-000665-DG	BOONE

SUPREME COURT OF KENTUCKY

AUGUST 29, 2019 MINUTES

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**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 21, 2019**

EUGENE PHILLIPS, ET AL. V. JOHN ROSQUIST, ET AL.	2018-SC-000671-DG	SCOTT
COMMONWEALTH OF KENTUCKY V. ERIN HESS	2019-SC-000130-DG	CAMPBELL
MAURICE DEAL V. COMMONWEALTH OF KENTUCKY	2019-SC-000175-DG	JEFFERSON
ANTHONY NOEL V. TREVOR WELCH, ETC., ET AL.	2019-SC-000192-DG	FAYETTE
DOLT, THOMPSON, SHEPHERD & CONWAY P.S.C., ETC. V. COMMONWEALTH OF KENTUCKY, EX REL. WILLIAM M. LANDRUM, III, ETC., ET AL.	2019-SC-000197-DG	FRANKLIN
AND COMMONWEALTH OF KENTUCKY, EX REL. ANDY BESHEAR, ATTORNEY GENERAL, ET AL. V. COMMONWEALTH OF KENTUCKY, FINANCE AND ADMINISTRATION CABINET, ETC., ET AL.	2019-SC-000199-DG	FRANKLIN

**COURT ORDER GRANTING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 29, 2019**

NORTHERN KENTUCKY WATER DISTRICT V. KATE CARUCCI ORDER AFFIRMING AND ADOPTING THE OPINION OF THE COURT OF APPEALS. MINTON, C.J.; BUCKINGHAM, HUGHES, KELLER, VANMETER AND WRIGHT, JJ., SITTING. ALL CONCUR. LAMBERT, J., NOT SITTING.	2019-SC-000105-DG TO BE PUBLISHED	CAMPBELL
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SUPREME COURT OF KENTUCKY

AUGUST 29, 2019 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 21, 2019**

JULIE ANN WILLIAMS V. CITY OF GLASGOW, KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. LAMBERT, J., NOT SITTING.	2018-SC-000457-D	BARREN
VERONICA MORGAN V. HIGHLAND HEIGHTS OF KENTUCKY, LP, ET AL.	2018-SC-000527-D	CAMPBELL
GAIL MARTIN, ET AL. V. TIMOTHY MAULDIN, ET. AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. LAMBERT, J., WOULD GRANT. MINTON, CJ., NOT SITTING.	2018-SC-000553-D	WARREN
MICHAEL MARKSBERRY V. COMMONWEALTH OF KENTUCKY	2018-SC-000568-D	BOONE
UNIVERSITY OF KENTUCKY V. LEXINGTON H-L SERVICES, INC., D/B/A LEXINGTON HERALD LEADER LAMBERT, J., NOT SITTING.	2018-SC-000570-D	FAYETTE
KEITH SPEARS V. BOARD OF TRUSTEES OF THE LEXINGTON- FAYETTE URBAN COUNTY GOVERNMENT POLICEMEN'S, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED TO BE PUBLISHED.	2018-SC-000591-D	FAYETTE
SHAWN GREEN V. COMMONWEALTH OF KENTUCKY	2018-SC-000598-D	NICHOLAS
KHV, LLC V. TOWN & COUNTY BANK AND TRUST COMPANY LAMBERT, J., NOT SITTING.	2018-SC-000606-D	NELSON

SUPREME COURT OF KENTUCKY

AUGUST 29, 2019 MINUTES

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 21, 2019**

GLENN PEELER V. COMMONWEALTH OF KENTUCKY	2018-SC-000609-D	HARDIN
EDWARD MCKEE V. SANDERS RENTALS, LLC KELLER, J., WOULD GRANT. LAMBERT, J., NOT SITTING.	2018-SC-000636-D	BOURBON
PERRY MASON V. JOHN BARNETT, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2018-SC-000642-D	MCCRACKEN
MARLENE WHITE, ET AL. V. DALLAM HARPER, LEXINGTON-FAYETTE URBAN COUNTY PLANNING COMMISSION MEMBER, ET AL.	2018-SC-000653-D	FAYETTE
MARK TAYLOR V. COMMONWEALTH OF KENTUCKY	2018-SC-000655-D	MCCRACKEN
COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ETC.V. PEDIATRIC SPECIALISTS, PLLC	2018-SC-000683-D	FRANKLIN
DEMETRIET A. ROSE V. COMMONWEALTH OF KENTUCKY LAMBERT, J., NOT SITTING.	2019-SC-000006-D	UNION
JOHN SHEESLEY V. COMMONWEALTH OF KENTUCKY LAMBERT, J., NOT SITTING.	2019-SC-000009-D	JEFFERSON
JOSEPH L. WHITE V. BROOKS COLLINS, ET AL. LAMBERT, J., NOT SITTING.	2019-SC-000027-D	JEFFERSON

SUPREME COURT OF KENTUCKY

AUGUST 29, 2019 MINUTES

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 21, 2019**

TIM LARKINS, TRUSTEE OF THE MARSHALL AND DORIS LARKINS TRUST V. PHILLIP TARVER FEEDLOT, LLC, ETC. LAMBERT, J., NOT SITTING.	2019-SC-000031-D	HICKMAN
SHANE YATER V. COMMONWEALTH OF KENTUCKY LAMBERT, J., NOT SITTING. KELLER, J., WOULD GRANT DISCRETIONARY REVIEW TO DETERMINE WHETHER THE CIRCUIT COURT ERRED BY DENYING THE DEFENDANT’S MOTION TO STRIKE UNCHARGED CRIMINAL ALLEGATIONS FROM HIS PRESENTENCE INVESTIGATIVE REPORT.	2019-SC-000037-D	HOPKINS
PAUL L. CARTER, JR. V. JASON PALMER	2019-SC-000038-D	FAYETTE
PURDUE PHARMA, L.P., ET AL. V. BOSTON GLOBE LIFE SCIENCES MEDIA, LLC D/B/A STAT, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. LAMBERT, J., NOT SITTING.	2019-SC-000045-D	PIKE
CUDDIE HOLBROOK V. COMMONWEALTH OF KENTUCKY LAMBERT, J., NOT SITTING.	2019-SC-000065-D	FAYETTE
TROY WADE V. COMMONWEALTH OF KENTUCKY LAMBERT, J., NOT SITTING.	2019-SC-000067-D	MEADE
MARIAN DEAN, ETC., ET AL. V. MICHAEL S. ROMAINE, SR., ET AL. LAMBERT, J., NOT SITTING.	2019-SC-000078-D	JEFFERSON

SUPREME COURT OF KENTUCKY

AUGUST 29, 2019 MINUTES

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 21, 2019**

RAYMOND JOSEPH HEMMERLE V. COMMONWEALTH OF KENTUCKY LAMBERT, J., NOT SITTING.	2019-SC-000088-D	MEADE
JUSTIN PRATT V. COMMONWEALTH OF KENTUCKY	2019-SC-000090-D	MONROE
TYRONE SYKES V. TIFFANY RATLIFF, WARDEN, BLACKBURN CORRECTIONAL COMPLEX, ET AL.	2019-SC-000095-D	FAYETTE
WENDY J. PALMER, ET AL. V. NICK N. ABEDI, M.D., ET AL.	2019-SC-000101-D	FAYETTE
COMMONWEALTH OF KENTUCKY V. HON. KENNETH L. EASTERLING, JUDGE, ET AL.	2019-SC-000125-D	KENTON
BACILIO RUIZ GODINEZ V. COMMONWEALTH OF KENTUCKY	2019-SC-000129-D	JEFFERSON
KENTUCKY PERSONNEL BOARD V. KELLIE LANG, ET AL. AND COMMONWEALTH OF KENTUCKY, PERSONNEL CABINET, ET AL. V. KELLIE LANG, ET AL. VANMETER, J., WOULD GRANT.	2019-SC-000134-D 2019-SC-000136-D	FRANKLIN FRANKLIN
GERALD GIBBINS V. KEITH HELTON, WARDEN	2019-SC-000139-D	FRANKLIN
JOHN DOE #1-37, ET AL. V. GOLDEN AND WALTERS, PLLC, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2019-SC-000146-D	FAYETTE

SUPREME COURT OF KENTUCKY

AUGUST 29, 2019 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 21, 2019**

ERIKA STRECKER V. BLUE STALLION BREWING, LLC. VANMETER, J., WOULD GRANT.	2019-SC-000157-D	FAYETTE
KENTUCKY BOARD OF MEDICAL LICENSURE V. ONYINYECHI R. URADU, M.D. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. VANMETER AND WRIGHT, JJ., WOULD GRANT.	2019-SC-000161-D	JEFFERSON
DAWN M. WILKERSON V. JUSTICE AND PUBLIC SAFETY CABINET, ET AL.	2019-SC-000163-D	FRANKLIN
CODY WILLIAMS V. COMMONWEALTH OF KENTUCKY	2019-SC-000171-D	LAWRENCE
G. A. A., SR. V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. LAMBERT, J., WOULD GRANT.	2019-SC-000172-DE	FAYETTE
BARRY W. RAYNER V. COMMONWEALTH OF KENTUCKY	2019-SC-000174-D	BULLITT
ILENE ORAM V. DANIELLE BLANDFORD, ET AL. LAMBERT, J., NOT SITTING.	2019-SC-000177-D	FAYETTE
DAN SEUM, ET AL. V. MATT BEVIN, GOVERNOR, ET AL.	2019-SC-000184-D	FRANKLIN

SUPREME COURT OF KENTUCKY

AUGUST 29, 2019 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 21, 2019**

MARLENE WHITE, ET AL. V. PETER BROWN, LEXINGTON-FAYETTE COUNTY BOARD OF ADJUSTMENTS MEMBER, ET AL.	2019-SC-000185-D	FAYETTE
TIA JOHNSON, ADMINISTRATOR OF THE ESTATE OF CRISTIANO WAIDE V. JAYLEN BOND, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2019-SC-000188-D	FAYETTE
ROOSEVELT JOHNSON, JR. V. LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT	2019-SC-000193-D	FAYETTE
TERRANCE JOHNSON V. COMMONWEALTH OF KENTUCKY LAMBERT, J., NOT SITTING.	2019-SC-000200-D	JEFFERSON
GARY BARNETT V. COMMONWEALTH OF KENTUCKY	2019-SC-000202-D	ROBERTSON
DR. VENETA KOTEVSKA, ET AL. V. RUBY FENTON, ET AL.	2019-SC-000203-DG	JEFFERSON
DAVID THOMAS COHRON V. DEPARTMENT OF CORRECTIONS	2019-SC-000205-D	FRANKLIN
SIRRETHIA FOX V. RONALD BRUMBACK	2019-SC-000213-DE	FRANKLIN
JAMES LEROY CAYTON V. COMMONWEALTH OF KENTUCKY	2019-SC-000222-D	FRANKLIN
SONYA R. THOMPSON, NOW COLE V. ROBERT L. THOMPSON, M.D.	2019-SC-000227-DE	JEFFERSON
JIMMY THACKER, JR. V. COMMONWEALTH OF KENTUCKY	2019-SC-000234-D	FLOYD

SUPREME COURT OF KENTUCKY

AUGUST 29, 2019 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 21, 2019**

S.H., GRANDMOTHER OF MINOR CHILDREN V.
COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. 2019-SC-000250-DE CLARK

COMMONWEALTH OF KENTUCKY, CABINET FOR ECONOMIC DEVELOPMENT V.
THE COURIER - JOURNAL, INC.
THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.
LAMBERT, J., NOT SITTING. 2019-SC-000325-DE FRANKLIN

COURT ORDER GRANTING MOTION TO TRANSFER

GARY HAVEN COCHRAN V.
COMMONWEALTH OF KENTUCKY
ENTERED: JUNE 18, 2019 2019-SC-000263-TG LAWRENCE

COURT ORDERS DENYING MOTION TO TRANSFER – AUGUST 29, 2019

G.F. V.
COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH AND FAMILY SERVICES, DEPARTMENT FOR COMMUNITY BASED SERVICES, ET AL 2019-SC-000126-T FAYETTE

AND
G.F. V.
COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH AND FAMILY SERVICES, DEPARTMENT FOR COMMUNITY BASED SERVICES, ET AL. 2019-SC-000127-T FAYETTE

AND
G.F. V.
COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH AND FAMILY SERVICES, DEPARTMENT FOR COMMUNITY BASED SERVICES, ET AL. 2019-SC-000128-T FAYETTE
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

AUGUST 29, 2019 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – AUGUST 29, 2019

ROBERT A. TAYLOR V. COMMONWEALTH OF KENTUCKY ALL SITTING. ALL CONCUR.	2017-SC-000442-MR	JEFFERSON
PERRY JACK PROBUS JR. V. COMMONWEALTH OF KENTUCKY ALL SITTING. ALL CONCUR.	2018-SC-000019-MR	OLDHAM
RAYMOND BRYANT V. JESSAMINE CAR CARE, ET AL. AND JESSAMINE CAR CARE V. RAYMOND BRYANT, ET AL. ALL SITTING. ALL CONCUR.	2018-SC-000265-WC 2018-SC-000269-WC	FROM COURT OF APPEALS FROM COURT OF APPEALS

COURT ORDERS DISMISSING

HITACHI AUTOMOTIVE SYSTEMS AMERICAS, INC. V. MARCUS COOTS, ET AL. ENTERED: JUNE 17, 2019	2018-SC-000626-WC	FROM COURT OF APPEALS
THE GLENVIEW TRUST COMPANY, EXECUTOR OF THE ESTATE OF GEORGE H. REESE, III V. HON. A.C. MCKAY CHAUVIN, JUDGE, JEFFERSON CIRCUIT COURT, ET AL. BUCKINGHAM, KELLER, LAMBERT AND VANMETER, JJ., SITTING. ALL CONCUR. ENTERED: AUGUST 23, 2019	2018-SC-000637-MR	FROM COURT OF APPEALS
DANA CORPORATION V. DINA WOOD, ET AL. ENTERED: AUGUST 26, 2019	2018-SC-000687-WC	FROM COURT OF APPEALS
SAMANTHA KILLARY V. LINDA THOMPSON, ET AL. BUCKINGHAM, KELLER, LAMBERT AND VANMETER, JJ., SITTING. ALL CONCUR. ENTERED: AUGUST 23, 2019	2019-SC-000326-T	FROM COURT OF APPEALS

SUPREME COURT OF KENTUCKY

AUGUST 29, 2019 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

DAVID DAUGHERTY V. 2019-SC-000332-WC FROM COURT
WARRIOR COAL, LLC, ET AL. OF APPEALS
**BUCKINGHAM, KELLER, LAMBERT AND
VANMETER, JJ., SITTING. ALL CONCUR.**
ENTERED: AUGUST 23, 2019

GARY WARICK V. 2019-SC-000384-D JOHNSON
PAINTSVILLE HOSPITAL CO. LLC, ETC., ET AL.
ENTERED: AUGUST 5, 2019

COURT ORDERS

LARA PAIGE CONLEY V. [2017-SC-000291-MR](#) KENTON
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
**ORDER CORRECTED THE OPINION OF
THE COURT RENDERED JUNE 13,
2019, BY SUBSTITUTION OF THIS OPINION
IN LIEU OF THE ORIGINAL OPINION.**
ENTERED: JULY 25, 2019

DONALD G. ADAMS V. [2017-SC-000599-DG](#) DAVIESS
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
**ORDER CORRECTED THE OPINION OF
THE COURT RENDERED JUNE 13,
2019, BY SUBSTITUTION OF THIS OPINION
IN LIEU OF THE ORIGINAL OPINION.**
ENTERED: JULY 9, 2019

COMMONWEALTH OF KENTUCKY, [2018-SC-000592-DGE](#) CAMPBELL
CABINET FOR HELATH AND FAMILY **TO BE PUBLISHED**
SERVICES V.
N. B. D.
**ORDER CORRECTED THE OPINION OF
THE COURT RENDERED JUNE 13,
2019, BY SUBSTITUTION OF THIS OPINION
IN LIEU OF THE ORIGINAL OPINION.**
ENTERED: JULY 17, 2019

SUPREME COURT OF KENTUCKY

AUGUST 29, 2019 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS

BETH LEWIS MAZE V. 2018-SC-000633-KB IN SUPREME
KENTUCKY JUDICIAL CONDUCT COMMISSION COURT
**ORDER GRANTED MOTION FOR
RECONSIDERATION**
ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V. 2018-SC-000664-KB IN SUPREME
JUSTIN NEAL O'MALLEY COURT
**ORDER DENIED MOTION FOR
RECONSIDERATION**
ALL SITTING. ALL CONCUR.

JEROME KUNKEL, ET AL. V. 2019-SC-000359-I BOONE
NORTHERN KENTUCKY INDEPENDENT
HEALTH DISTRICT, ET AL.
**ORDER DENIED PETITION FOR CR 65.09
RELIEF.**
ALL SITTING. ALL CONCUR.
ENTERED: AUGUST 29, 2019

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

JAMES WORTHAM LACY, III V. 2019-SC-000324-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT
ENTERED: JULY 22, 2019

JOHN PAUL LANGENDERFER V. 2019-SC-000338-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT
ENTERED: JUNE 26, 2019

LAWRENCE ALAN FLEMER V. 2019-SC-000375-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT
ENTERED: JULY 10, 2019

LAURA JEAN MURPHY V. 2019-SC-000376-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT
ENTERED: JULY 10, 2019

SUPREME COURT OF KENTUCKY

AUGUST 29, 2019 MINUTES

RELEASED: 10:00 A.M.

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

GEORGE ALBERT CHADWICK IV V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 22, 2019	2019-SC-000392-KB	IN SUPREME COURT
RYAN CALEB BALLARD V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 22, 2019	2019-SC-000393-KB	IN SUPREME COURT
THOMAS MURPHY STANLEY, JR. V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 22, 2019	2019-SC-000394-KB	IN SUPREME COURT
JAMES BRADFORD GAINER V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 25, 2019	2019-SC-000405-KB	IN SUPREME COURT
MARK EARNEST LUTZ V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 25, 2019	2019-SC-000406-KB	IN SUPREME COURT
LISA POLLACK FULKERSON V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 25, 2019	2019-SC-000407-KB	IN SUPREME COURT
ALLISON SARAH COX V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 25, 2019	2019-SC-000408-KB	IN SUPREME COURT
REBECCA SUZANNE WEDDLE V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 25, 2019	2019-SC-000409-KB	IN SUPREME COURT
KARLA W. KATAKIS V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 25, 2019	2019-SC-000410-KB	IN SUPREME COURT
MARCIA JOY MYERS V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 25, 2019	2019-SC-000411-KB	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

AUGUST 29, 2019 MINUTES

RELEASED: 10:00 A.M.

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

LUCIUS ELI TILLMAN V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 2, 2019	2019-SC-000430-KB	IN SUPREME COURT
ROBERT WILFRED EVERETT V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 2, 2019	2019-SC-000431-KB	IN SUPREME COURT
EDWIN LEWIS KINCER, JR. V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 2, 2019	2019-SC-000432-KB	IN SUPREME COURT
BRUNA MARGIT LOZANO V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 2, 2019	2019-SC-000433-KB	IN SUPREME COURT
BRIEN KEITH MILLER V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 8, 2019	2019-SC-000440-KB	IN SUPREME COURT
KRISTI WEIHE MCANULTY V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 8, 2019	2019-SC-000441-KB	IN SUPREME COURT
DEBORAH NIEBRUGGE-REIMERS V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 14, 2019	2019-SC-000460-KB	IN SUPREME COURT
STEVEN DONALD STEWART V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 14, 2019	2019-SC-000462-KB	IN SUPREME COURT
BRADLEY E. DILLON V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 14, 2019	2019-SC-000463-KB	IN SUPREME COURT
WILLIAM RANDALL LUNDY, JR. V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 14, 2019	2019-SC-000464-KB	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

AUGUST 29, 2019 MINUTES

RELEASED: 10:00 A.M.

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

SAMANTHA LELAND MILLIER V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 14, 2019	2019-SC-000465-KB	IN SUPREME COURT
THOMAS E. EWEN V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 14, 2019	2019-SC-000466-KB	IN SUPREME COURT
ELISABETH LONG YOUNG V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 14, 2019	2019-SC-000467-KB	IN SUPREME COURT
MIKI JANE THOMPSON V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 16, 2019	2019-SC-000472-KB	IN SUPREME COURT
REBECCA LYNN HOBBS V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 23, 2019	2019-SC-000481-KB	IN SUPREME COURT
MITCHELL ANDREW KROCK V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 23, 2019	2019-SC-000482-KB	IN SUPREME COURT
ROBERT KENNETH STRONG V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 23, 2019	2019-SC-000483-KB	IN SUPREME COURT
STEPHEN MICHAEL PROCTOR V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 23, 2019	2019-SC-000484-KB	IN SUPREME COURT
MICHAEL CHARLES LUEDER V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 23, 2019	2019-SC-000485-KB	IN SUPREME COURT