

**SUPREME COURT OF KENTUCKY**

**SEPTEMBER 27, 2018 MINUTES**

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

113. PRESBYTERIAN CHURCH (U.S.A.) V. [2016-SC-000699-MR](#) FROM COURT  
HON. BRIAN C. EDWARDS, JUDGE, **TO BE PUBLISHED** OF APPEALS  
JEFFERSON CIRCUIT COURT, ET AL.

**OPINION OF THE COURT BY  
JUSTICE WRIGHT –**

**AFFIRMING**

ALL SITTING. MINTON, C.J.; HUGHES,  
AND KELLER, JJ., CONCUR.  
VENTERS, J., DISSENTS BY  
SEPARATE OPINION WHICH  
CUNNINGHAM AND VANMETER, JJ.,  
JOIN.

**Questions Presented:**

CR 65.09. Petition for Writ of Prohibition.  
Discovery. Discovery limited to that which  
was necessary to determine whether the  
church was entitled to ecclesiastical  
immunity.

114. ACTIVE CARE CHIROPRACTIC,  
INC. V. [2017-SC-000377-WC](#) FROM COURT  
**TO BE PUBLISHED** OF APPEALS

KATHERINE RUDD, ET AL.  
**OPINION OF THE COURT BY  
JUSTICE VANMETER –**

**AFFIRMING**

ALL SITTING. CUNNINGHAM, HUGHES,  
KELLER, VANMETER, VENTERS, AND  
WRIGHT, JJ., CONCUR. MINTON, C.J.  
DISSENTED WITH OPINION.

**Questions Presented:**

Workers Compensation. The two-  
multiplier under KRS 342.730(1)(c)(2)  
applies to a claimant's benefits when that  
claimant returns to work and later retires  
for reasons not solely related to the work-  
related injury itself.

115. DAYMOND L. MALONE V. [2017-SC-000593-MR](#) JEFFERSON  
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**

**OPINION OF THE COURT BY  
CHIEF JUSTICE MINTON –**

**AFFIRMING**

ALL SITTING. ALL CONCUR.

**Questions Presented:**

Kidnapping with serious physical injury,  
assault under extreme emotional disturbance,  
first-degree fleeing and evading, second-  
degree fleeing or evading, and no operator's  
license-70 years. Instruction on the crime of  
kidnapping with serious physical injury was  
proper where the stabbing of the victim that  
took place before the kidnapping intimidated  
the victim into staying put.

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

116. GEOFFREY T. GRIMES V. GHSW ENTERPRISES, LLC  
**OPINION OF THE COURT BY JUSTICE VENTERS—AFFIRMING**  
ALL SITTING. ALL CONCUR.
- [2018-SC-000271-I](#) FAYETTE  
**TO BE PUBLISHED**

**Questions Presented:**  
CR 65.09. Interlocutory Relief to Compel Arbitration. In absence of affirmative language expressly agreeing to a limitation of that right, parties to an arbitration agreement may seek pre-arbitration injunctive relief pursuant to our rules of civil procedure.

117. NORTHERN KENTUCKY AREA DEVELOPMENT DISTRICT V. DANIELLE SNYDER  
**OPINION OF THE COURT BY CHIEF JUSTICE MINTON –AFFIRMING AND REMANDING**  
MINTON, C.J.; CUNNINGHAM, HUGHES, KELLER, VENTERS, AND WRIGHT, JJ., SITTING. ALL CONCUR. VANMETER, J., NOT SITTING.
- [2017-SC-000277-DG](#) BOONE  
**TO BE PUBLISHED**

**Questions Presented:**  
Employment Relations. Contracts. Arbitration. Arbitration agreement entered as a condition of employment with a public agency is unenforceable as a matter of state statutory law. KRS 336.700(2).

118. CABINET FOR HEALTH AND FAMILY SERVICES, COMMONWEALTH OF KENTUCKY ON BEHALF OF THE MINOR CHILD C.R. V. C.B.  
**OPINION OF THE COURT BY JUSTICE KELLER –REVERSING**  
ALL SITTING. ALL CONCUR.
- [2018-SC-000092-DGE](#) CLARK  
**TO BE PUBLISHED**

**Questions Presented:**  
KRS 600.020(1). Dependency, Neglect and Abuse. Custodial Control or Supervision. Parent, who is a drug addict and was periodically not compliant with his case plan with the Cabinet, not required to have custody of the child to be guilty of neglect.

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

119. SAMEENA AZMAT, ETC. V. [2016-SC-000560-DG](#) HARDIN  
GEORGE W. BAUER, M.D., III, ET AL. **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE KELLER –**  
**REVERSING AND REMANDING**  
ALL SITTING. ALL CONCUR.
- Questions Presented:**  
Disabled Minors. Personal Injury. Trial court erred in permitting disabled child’s attorney to withdraw from a personal injury action without sufficient inquiry and in directing the injured child’s non-attorney parent to appear pro se on behalf of the child.
120. COMMONWEALTH OF KENTUCKY V. [2017-SC-000602-DG](#) KENTON  
TERRANCE ARMSTRONG **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**CHIEF JUSTICE MINTON –**  
**REVERSING AND REMANDING**  
ALL SITTING. ALL CONCUR.
- Questions Presented:**  
Criminal Law. Evidence. Interplay between KRE 609 and KRE 611 in an assault prosecution.
121. LAURA FAYE SMITH V. [2017-SC-000395-DGE](#) JEFFERSON  
JIMMY HOWARD MCGILL, JR. **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE WRIGHT –**  
**REVERSING AND REINSTATING**  
ALL SITTING. ALL CONCUR.
- Questions Presented:**  
Family Law. KRS 403.220. Attorney Fees. Statute does not require a finding of financial imbalance between the parties before the family court may award attorney fees based upon obstructive tactics or conduct of a party.
122. WILLIAM TRUSS V. [2016-SC-000337-MR](#) JEFFERSON  
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE WRIGHT –**  
**REVERSING, VACATING, AND**  
**REMANDING**  
ALL SITTING. ALL CONCUR.
- Questions Presented:**  
2 counts of Murder-Life without possibility of parole for 25 years. Trial court improperly conducted voir dire when the defendant was ill and unable to be present in court. Trial court had a substantial basis to conclude that the defendant’s use of force was unlawful and to deny immunity pursuant to KRS 503.085(1).

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

123. COMMONWEALTH OF KENTUCKY, [2016-SC-000529-DG](#) HARLAN  
CABINET FOR HEALTH AND  
FAMILY SERVICES, ETC. V. **TO BE PUBLISHED**  
LETTIE SEXTON, ETC., ET AL.  
**AND**  
COVENTRY HEALTH AND LIFE [2016-SC-000534-DG](#) HARLAN  
INSURANCE, ETC. V. **TO BE PUBLISHED**  
LETTIE SEXTON, ETC., ET AL.  
**AND**  
LETTIE SEXTON, ETC., ET AL. V. [2016-SC-000540-DG](#) HARLAN  
COMMONWEALTH OF KENTUCKY, **TO BE PUBLISHED**  
CABINET FOR HEALTH AND  
FAMILY SERVICES, ETC.  
**AND**  
COVENTRY HEALTH AND LIFE [2017-SC-000095-DG](#) HARLAN  
INSURANCE V. **TO BE PUBLISHED**  
LETTIE SEXTON, ETC., ET AL.  
**OPINION OF THE COURT BY**  
**CHIEF JUSTICE MINTON –**  
**REVERSING, VACATING AND**  
**REMANDING**  
ALL SITTING. MINTON, C.J.;  
CUNNINGHAM, HUGHES, KELLER,  
VANMETER AND VENTERS, JJ.,  
CONCUR. WRIGHT, J., DISSENTS  
BY SEPARATE OPINION.

**Questions Presented:**  
Medicaid. Denial of benefits. Interlocutory Appeals. Constitutional Standing. A beneficiary has no constitutional standing to bring an interlocutory appeal of an insurer's denial of a hospital's request for preauthorization of medical services.

124. JAMES LANG V. [2017-SC-000286-MR](#) JEFFERSON  
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**CHIEF JUSTICE MINTON –**  
**REVERSING, VACATING, AND**  
**REMANDING**  
ALL SITTING. MINTON, C.J.;  
CUNNINGHAM, HUGHES, AND,  
VENTERS, JJ., CONCUR. VANMETER,  
J., DISSENTS BY SEPARATE  
OPINION IN WHICH KELLER AND  
WRIGHT, JJ., JOIN.

**Questions Presented:**  
First-degree Robbery and PFO 1 -30 years. No violation of the right to a speedy trial. Under the facts of this case, a directed verdict on the first-degree robbery charge should have been granted. Upon retrial, further review of defendant's request to make his own opening statement and closing argument is merited.

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

125. JAMES A. CAMPBELL V. [2017-SC-000063-MR](#) BULLITT  
COMMONWEALTH OF KENTUCKY  
**MEMORANDUM OPINION OF  
THE COURT – AFFIRMING**  
ALL SITTING. ALL CONCUR. **NOT TO BE PUBLISHED**
126. WILLIAM TRENT V. [2017-SC-000186-MR](#) HENDERSON  
COMMONWEALTH OF KENTUCKY  
**MEMORANDUM OPINION OF  
THE COURT – AFFIRMING**  
ALL SITTING. ALL CONCUR. **NOT TO BE PUBLISHED**
127. BASS WEBB V. [2017-SC-000327-MR](#) MONTGOMERY  
COMMONWEALTH OF KENTUCKY  
**MEMORANDUM OPINION OF  
THE COURT – AFFIRMING**  
MINTON, C.J.; HUGHES, KELLER,  
VANMETER, VENTERS, AND WRIGHT,  
JJ., CONCUR. CUNNINGHAM, J., NOT  
SITTING. **NOT TO BE PUBLISHED**
128. KEITH MONROE OWENS, JR. V. [2017-SC-000381-MR](#) JEFFERSON  
COMMONWEALTH OF KENTUCKY  
**AND** [2017-SC-000445-MR](#)  
KEITH MONROE OWENS, JR. V. [2017-SC-000399-MR](#) JEFFERSON  
HON. MITCH PERRY, JUDGE, **NOT TO BE PUBLISHED**  
JEFFERSON CIRCUIT COURT, ET AL.  
**MEMORANDUM OPINION OF  
THE COURT – AFFIRMING**  
ALL SITTING. ALL CONCUR.
129. JAMES CARL RENN, SR. V. [2017-SC-000543-MR](#) JEFFERSON  
COMMONWEALTH OF KENTUCKY  
**MEMORANDUM OPINION OF  
THE COURT – AFFIRMING**  
ALL SITTING. ALL CONCUR. **NOT TO BE PUBLISHED**
130. CHRISTOPHER HILL V. [2017-SC-000562-MR](#) KENTON  
COMMONWEALTH OF KENTUCKY  
**MEMORANDUM OPINION OF  
THE COURT – AFFIRMING**  
ALL SITTING. ALL CONCUR. **NOT TO BE PUBLISHED**

**SUPREME COURT OF KENTUCKY**

**SEPTEMBER 27, 2018 MINUTES**

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

131. BRIAN STROZZO V. [2018-SC-00119-WC](#) FROM COURT  
CESA CONTRACTORS, ET AL. **NOT TO BE PUBLISHED** OF APPEALS  
**MEMORANDUM OPINION OF  
THE COURT – AFFIRMING**  
ALL SITTING. ALL CONCUR.
132. RAYMOND KYLE WEATHERLY V. [2017-SC-000522-MR](#) FULTON  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF  
THE COURT – AFFIRMING IN PART  
AND VACATING IN PART**  
ALL SITTING. ALL CONCUR.

**OPINION AND ORDER – SEPTEMBER 19, 2018**

LEWIS FRANCIS MOFFETT V. 2017-SC-000182-DG DAVIESS  
COMMONWEALTH OF KENTUCKY  
**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 MOBERLY V.  
COMMONWEALTH, 551 S.W.3D 26 (KY. 2018);  
COMMONWEALTH V. SMITH, 542 S.W.3D 276  
(KY. 2018); AND COMMONWEALTH V. LANE,  
2016-SC-000655-DG, 2018 WL 3912868 (KY.  
AUG. 16, 2018).**  
ALL SITTING. ALL CONCUR.

**OPINION AND ORDERS – SEPTEMBER 27, 2018**

KENTUCKY BAR ASSOCIATION V. [2017-SC-000650-KB](#) IN SUPREME  
CHRISTINA ROSE EDMONDSON **TO BE PUBLISHED** COURT  
**ORDER OF SUSPENSION FROM THE  
PRACTICE OF LAW FOR 2 YEARS TO RUN  
CONSECUTIVELY TO PREVIOUS SUSPENSION.**  
ALL SITTING. ALL CONCUR.

**SUPREME COURT OF KENTUCKY**

**SEPTEMBER 27, 2018 MINUTES**

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

**OPINION AND ORDERS – SEPTEMBER 27, 2018**

KENTUCKY BAR ASSOCIATION V.  
MATTHEW RYAN MALONE  
**ORDER OF PUBLIC REPRIMAND.**  
ALL SITTING. ALL CONCUR.

[2018-SC-000246-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

KENTUCKY BAR ASSOCIATION V.  
ROBERT GOOD LOHMAN, III  
**ORDER OF SUSPENSION FROM THE  
PRACTICE OF LAW FOR 1 YEAR. TO RUN  
CONCURRENTLY WITH HIS SUSPENSION  
IN ILLINOIS.**  
ALL SITTING. ALL CONCUR.

[2018-SC-000334-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 19, 2018**

VERRALAB JA LLC, A/K/A VLJA LLC, D/B/A  
BIOTAP MEDICAL V.  
DR. SENAD CEMERLIC, ET AL.

2017-SC-000675-DG

JEFFERSON

DARRYL ISAACS, ET AL. V.  
SENTINEL INSURANCE COMPANY LIMITED  
D/B/A THE HARTFORD

2018-SC-000078-DG

JEFFERSON

NISHA WEST, AS ADMINISTRATRIX OF THE  
ESTATE OF RANDALL BRIDGEMAN, ET AL. V.  
WOODMEN OF THE WORLD LIFE INSURANCE  
SOCIETY

2018-SC-000138-DG

WAYNE

ANGELA MAGGARD, M.D. V.  
BRUCE KINNEY, M.D.

2018-SC-000153-DG

FLOYD

LUIS J. GONZALEZ, II, ADMINISTRATOR OF  
THE ESTATE OF LUIS J. GONZALEZ V.  
JEREMY JOHNSON, IN HIS OFFICIAL CAPACITY  
AS SCOTT COUNTY DEPUTY SHERIFF, ET AL.

2018-SC-000224-DG

FAYETTE

GARY D. WARICK V.  
COMMONWEALTH OF KENTUCKY

2018-SC-000229-DG

FLOYD/  
JOHNSON

**SUPREME COURT OF KENTUCKY**

**SEPTEMBER 27, 2018 MINUTES**

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

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 19, 2018**

DEBRA MARSHALL V. MONTAPLAST OF NORTH AMERICA, INC.	2018-SC-000260-DG	FRANKLIN
RICHARD D. FLOYD, IV, M.D. ET AL. V. CHARLOTTE A. NEAL, ET AL.	2018-SC-000277-DG	FAYETTE
RICK BENNINGFIELD, IN HIS OFFICIAL CAPACITY AS TAYLOR COUNTY JAILER, ET AL. V. JERRY FIELDS	2018-SC-000292-DG	TAYLOR
ANGELA JACKSON, ET AL. V. ESTATE OF GARY DAY, ET AL.	2018-SC-000297-DG	JEFFERSON
DAVID MORTON, ET AL. V. BRUCE TIPTON	2018-SC-000390-DGE	MONTGOMERY

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 19, 2018**

WILLIAM THOMPSON, ET AL. V. LAKE CUMBERLAND RESORT COMMUNITY ASSOCIATION, INC., ET AL.	2017-SC-000626-D	PULASKI
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT V. WILLIAM WILCOX	2017-SC-000639-D	JEFFERSON
JACKIE LAMONT NEAL V. COMMONWEALTH OF KENTUCKY	2017-SC-000646-D	JEFFERSON
KAY JEAN SNODGRASS V. COMMONWEALTH OF KENTUCKY <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2017-SC-000660-D	KENTON



**SUPREME COURT OF KENTUCKY**

**SEPTEMBER 27, 2018 MINUTES**

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

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 19, 2018**

COMMONWEALTH OF KENTUCKY V. LARRY MORRISON <b>CUNNINGHAM AND VANMETER, JJ., WOULD GRANT.</b>	2017-SC-000662-D	MCCRACKEN
JIM ALLEN V. COMMONWEALTH OF KENTUCKY	2017-SC-000666-D	HARDIN
LAURA FULKERSON V. WADE LEWIS	2018-SC-000012-D	OLDHAM
THOMAS BYRD LAWHON, JR. V. TERRILL DELAINE MCNULTY	2018-SC-000033-D	MADISON
POCAHONTAS DEVELOPMENT CORPORATION V. DANIEL B. BLANTON, ET AL.	2018-SC-000096-D	HARLAN
BARDSTOWN CAPITAL CORPORATION V. NATIONSTAR MORTGAGE, LLC, ET AL.	2018-SC-000112-D	JEFFERSON
COUNTY OF BUTLER V. CITY OF MORGANTOWN, ET AL.	2018-SC-000121-D	BUTLER
JAMES CARR POTTER, II V. COMMONWEALTH OF KENTUCKY	2018-SC-000127-D	MCCRACKEN
JEFFREY TODD PEARCE V. UNIVERSITY OF LOUISVILLE	2018-SC-000141-D	JEFFERSON
MICHAEL PREWITT V. DANNY PREWITT, ET AL.	2018-SC-000170-D	KNOX
TRAVIS LEE ORTEN V. COMMONWEALTH OF KENTUCKY	2018-SC-000182-D	CHRISTIAN
GREGORY POWER V. DEPARTMENT OF CORRECTIONS	2018-SC-000195-D	FRANKLIN

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 19, 2018**

JANET FRALEY V. PHILLIP ZAMBOS, M.D.	2018-SC-000210-D	FLOYD
STEPHON SLONE V. COMMONWEALTH OF KENTUCKY	2018-SC-000211-D	PERRY
ROBERT RAGLE V. SHON WYLIE <b>KELLER, J., WOULD GRANT.</b>	2018-SC-000214-D	FAYETTE
ERIC DYE V. COMMONWEALTH OF KENTUCKY	2018-SC-000227-D	WARREN
COMMONWEALTH OF KENTUCKY V. WILLIAM SCOTT ALBRIGHT <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2018-SC-000228-D	JEFFERSON
PAUL KORDENBROCK V. KENTUCKY DEPARTMENT OF CORRECTIONS, ET AL. <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2018-SC-000231-D	LYON
ELLEN MCCLINTIC, ET AL. V. KENTUCKY ENERGY WORKERS HEALTHCARE, LLC, ET AL.	2018-SC-000242-D	FRANKLIN
CHRISTINE TAYLOR V. ROBERT TAYLOR	2018-SC-000243-D	LAUREL
COMMONWEALTH OF KENTUCKY V. RONNIE WHALEY <b>VANMETER, J., WOULD GRANT.</b>	2018-SC-000258-D	CHRISTIAN
JAD FARHAT IRREVOCABLE GSTT TRUST #1 V. TTM GROUP, LLC., ET AL.	2018-SC-000266-D	FAYETTE

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 19, 2018**

CHEROKEE TRIANGLE ASSOCIATION, INC., 2018-SC-000275-D JEFFERSON  
ET AL. V.  
WILLOW GRANDE, LLC., ET AL.

IRMA LITTLE V. 2018-SC-000278-D BREATHITT  
LARRY HAMMOND, IN HIS OFFICAL CAPACITY  
AS STATE MANAGER OF THE BREATHITT  
COUNTY SCHOOLS, ET AL.  
**THE OPINION OF THE COURT OF APPEALS  
IS ORDERED NOT TO BE PUBLISHED.**

RONA ALEXANDER V. 2018-SC-000288-D CAMPBELL  
COMMONWEALTH OF KENTUCKY  
**CUNNINGHAM, VENTERS, AND WRIGHT, JJ.,  
WOULD GRANT.**

ORLANDO GONZALEZ V. 2018-SC-000291-D HARDIN  
COMMONWEALTH OF KENTUCKY

DANIEL HOSTETLER V. 2018-SC-000293-D HART  
COMMONWEALTH OF KENTUCKY  
**VANMETER, J., WOULD GRANT.**

ARTIS ANDERSON V. 2018-SC-000299-D CLARK  
ROBERT HORN, AS GUARDIAN AND  
CONSERVATOR FOR MARY E. REYNOLDS

AUSTIN BERRY V. 2018-SC-000301-DE GRAVES  
DORAN HARRISON, ET AL.  
**VANMETER, J., WOULD GRANT.**

NATALIYA WILLIAMS V. 2018-SC-000304-D HARDIN  
MATTHEW WILLIAMS

JORGE Q. CAMACHO V. 2018-SC-000313-D SCOTT  
COMMONWEALTH OF KENTUCKY  
**THE OPINION OF THE COURT OF APPEALS  
IS ORDERED NOT TO BE PUBLISHED.**

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 19, 2018**

PATRICIA ANN GIBSON V. COMMONWEALTH OF KENTUCKY	2018-SC-000319-D	FAYETTE
RONNIE WOODS V. RAVONNE SIMS, WARDEN	2018-SC-000327-D	OLDHAM
JAMES BLAIR V. COMMONWEALTH OF KENTUCKY	2018-SC-000330-D	LYON
K. B. T. A. V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES <b>AND</b> B. T. J. V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES <b>KELLER, J., WOULD GRANT.</b>	2018-SC-000355-DE  2018-SC-000362-DE	DAVIESS  DAVIESS
ROGER LEE BLANKENSHIP V. HEIDI JILL OFFICER	2018-SC-000368-DE	WARREN

**COURT ORDERS GRANTING MOTION TO TRANSFER – SEPTEMBER 27, 2018**

D. S., A CHILD UNDER EIGHTEEN V. HON. KIM WILKIE, JUDGE, FAYETTE DISTRICT COURT, ET AL. <b>ORDER GRANTED THE MOTION FOR TRANSFER. THE CIRCUIT COURT DECISION IS VACATED AND THE CASE IS REMANDED TO THE DISTRICT COURT FOR FURTHER CONSIDERATION IN LIGHT OF COMMONWEALTH V. B.H., 548 S.W.3D 238, 248 (KY. 2018). ALL SITTING. ALL CONCUR.</b>	2018-SC-000222-TG	FROM COURT OF APPEALS
MEREDITH L. LAWRENCE, ET AL. V. BINGHAM GREENEBAUM DOLL, LLP. <b>ALL SITTING. ALL CONCUR.</b>	2018-SC-000344-TG	GALLATIN

**SUPREME COURT OF KENTUCKY**

**SEPTEMBER 27, 2018 MINUTES**

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

**COURT ORDER DENYING MOTION TO TRANSFER – SEPTEMBER 27, 2018**

ALLISON BALL, ETC V. 2018-SC-000311-T FRANKLIN  
THOMAS ELLIOTT, ET AL.  
**ALL SITTING. ALL CONCUR.**

**COURT ORDER GRANTING PETITION FOR REHEARING – SEPTEMBER 27, 2018**

AUSLANDER PROPERTIES, LLC. V. [2016-SC-000099-DG](#) NELSON  
JOSEPH HERMAN NALLEY, ET AL. **TO BE PUBLISHED**  
**WITHDRAWING AND REISSUING OPINION**  
ALL SITTING. ALL CONCUR.

**COURT ORDERS DENYING PETITION FOR REHEARING – SEPTEMBER 27, 2018**

COMMONWEALTH OF KENTUCKY, FINANCE 2016-SC-000281-DG FROM SUPREME  
AND ADMINISTRATION CABINET, ETC. V. COURT  
INTERSTATE GAS SUPPLY, INC., FOR THE  
USE AND BENEFIT OF TRI-STATE  
HEALTHCARE LAUNDRY, INC.  
**ALL SITTING. ALL CONCUR.**

BAUMANN PAPER COMPANY, INC. V. [2016-SC-000511-DG](#) FAYETTE  
KENNETH HOLLAND **TO BE PUBLISHED**  
**ORDER DENIED PETITION FOR REHEARING  
AND MODIFIED THE OPINION OF THE COURT  
RENDERED JUNE 14, 2018 BY SUBSTITUTION  
OF THIS OPINION IN LIEU OF THE ORIGINAL  
OPINION.**  
ALL SITTING. MINTON, C.J.; CUNNINGHAM,  
VANMETER, VENTERS, AND WRIGHT, JJ.,  
CONCUR. HUGHES AND KELLER, JJ., WOULD  
GRANT THE PETITION FOR REHEARING.

COREY M. JETER V. 2017-SC-000232-DG JEFFERSON  
COMMONWEALTH OF KENTUCKY  
**ALL SITTING. ALL CONCUR.**

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DISMISSING**

JOYCE CALES, ET AL. V. BAPTIST HEALTHCARE SYSTEM, INC. D/B/A CENTRAL BAPTIST HOSPITAL <b>AND</b> BAPTIST HEALTHCARE SYSTEM, INC. D/B/A CENTRAL BAPTIST HOSPITAL V. JOYCE CALES, ET AL. <b>KELLER, VANMETER, VENTERS, WRIGHT AND CUNNINGHAM, JJ., SITTING. ALL CONCUR.</b> ENTERED: SEPTEMBER 20, 2018	2017-SC-000057-DG    2017-SC-000076-DG	FAYETTE    FAYETTE
THE FEDERAL MATERIALS COMPANY V. COMMONWEALTH OF KENTUCKY, FINANCE AND ADMINISTRATION CABINET, ET AL. <b>KELLER, VENTERS, WRIGHT AND CUNNINGHAM, JJ., SITTING. ALL CONCUR.</b> <b>HUGHES AND VANMETER, JJ., NOT SITTING.</b> ENTERED: SEPTEMBER 20, 2018	2017-SC-000153-DG	FRANKLIN
MARY GODDARD V. HON. KEN M. HOWARD, JUDGE, HARDIN CIRCUIT COURT, DIVISION TWO, ET AL. <b>ALL SITTING. ALL CONCUR.</b> ENTERED: SEPTEMBER 27, 2018	2017-SC-000635-OA	FROM COURT OF APPEALS
ROBERT BALDWIN, III V. COMMONWEALTH OF KENTUCKY <b>KELLER, VANMETER, VENTERS, WRIGHT AND CUNNINGHAM, JJ., SITTING. ALL CONCUR.</b> ENTERED: SEPTEMBER 20, 2018	2018-SC-000059-DG	TRIMBLE
LEWIS ALLEN WILLIAMSON V. MOREHEAD STATE UNIVERSITY, ET AL. <b>KELLER, VANMETER, VENTERS, WRIGHT AND CUNNINGHAM, JJ., SITTING. ALL CONCUR.</b> ENTERED: SEPTEMBER 20, 2018	2018-SC-000384-WC	FROM COURT OF APPEALS

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DISMISSING**

CHARLES E. HUTSELL V. 2018-SC-000404-D FRANKLIN  
DEPARTMENT OF KENTUCKY STATE POLICE,  
ET AL.  
ENTERED: AUGUST 17, 2018

**COURT ORDERS**

NATHANIEL WADE TUCKER V. 2016-SC-000649-MR OHIO  
COMMONWEALTH OF KENTUCKY NOT TO BE PUBLISHED  
ORDER CORRECTED THE MEMORANDUM  
OPINION OF THE COURT RENDERED  
AUGUST 16, 2018, BY SUBSTITUTION OF  
THIS MEMORANDUM OPINION IN LIEU OF  
THE ORIGINAL MEMORANDUM OPINION.  
ENTERED: AUGUST 20, 2018

PRESBYTERIAN CHURCH (U.S.A) V. 2016-SC-000699-MR FROM COURT  
HON. BRIAN C. EDWARDS, JUDGE, TO BE PUBLISHED OF APPEALS  
JEFFERSON CIRCUIT COURT, ET AL.  
ORDER CORRECTED THE COURT'S ORDER  
DENYING MOTION TO RECUSE ENTERED  
AUGUST 7, 2018, BY SUBSTITUTION OF  
THIS ORDER IN LIEU OF THE ORIGINAL  
ORDER.  
ENTERED: AUGUST 20, 2018

GUY MARCUS ALLEN V. 2018-SC-000433-OA JEFFERSON  
HON. DARRYL S. LAVERY, ETC., ET AL.  
ORDER DENYING PETITION FOR WRIT OF  
PROHIBITION AS BEING MOOT.  
ALL SITTING. ALL CONCUR.

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

BRIANNA BAKER ZUBER V. 2018-SC-000441-KB IN SUPREME  
KENTUCKY BAR ASSOCIATION COURT  
ENTERED: AUGUST 21, 2018

**SUPREME COURT OF KENTUCKY**

**SEPTEMBER 27, 2018 MINUTES**

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

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

SUSAN W. SOWARDS V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 21, 2018</b>	2018-SC-000442-KB	IN SUPREME COURT
ROBERT CHARLES GIBSON V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 21, 2018</b>	2018-SC-000443-KB	IN SUPREME COURT
ROBERT PHILIP GETTYS V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 21, 2018</b>	2018-SC-000444-KB	IN SUPREME COURT
RENEE LYNN NEIER V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 21, 2018</b>	2018-SC-000446-KB	IN SUPREME COURT
KENNIS MAYNARD V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 13, 2018</b>	2018-SC-000475-KB	IN SUPREME COURT
JEFFREY COLLINS SAUER V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 12, 2018</b>	2018-SC-000481-KB	IN SUPREME COURT
DANIEL MICHAEL SIMS V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 12, 2018</b>	2018-SC-000482-KB	IN SUPREME COURT
JOSPEH MARK LOVETT V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 12, 2018</b>	2018-SC-000483-KB	IN SUPREME COURT
JOSEPH EHRENREICH V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 12, 2018</b>	2018-SC-000484-KB	IN SUPREME COURT
F. ROBERT RADEL, II V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 12, 2018</b>	2018-SC-000485-KB	IN SUPREME COURT



**SUPREME COURT OF KENTUCKY**

**SEPTEMBER 27, 2018 MINUTES**

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

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

<b>CINDRA KAY WALKER V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 12, 2018</b>	<b>2018-SC-000486-KB</b>	<b>IN SUPREME COURT</b>
<b>KATHLEEN WOODS KOLODGY V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 12, 2018</b>	<b>2018-SC-000487-KB</b>	<b>IN SUPREME COURT</b>
<b>MICHAEL FITZGERALD HAMMOND V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018</b>	<b>2018-SC-000500-KB</b>	<b>IN SUPREME COURT</b>
<b>KEVIN MILES NOLAND V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018</b>	<b>2018-SC-000501-KB</b>	<b>IN SUPREME COURT</b>
<b>WILLIAM ARNOLD SANDERS, JR. V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018</b>	<b>2018-SC-000502-KB</b>	<b>IN SUPREME COURT</b>
<b>NEILL AVERILL WENTE V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018</b>	<b>2018-SC-000503-KB</b>	<b>IN SUPREME COURT</b>
<b>WILLIAM HENRY MOHR V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018</b>	<b>2018-SC-000504-KB</b>	<b>IN SUPREME COURT</b>
<b>JOHN CHARLES HOUT V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018</b>	<b>2018-SC-000505-KB</b>	<b>IN SUPREME COURT</b>
<b>JEFFREY A. HEATHERLY V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018</b>	<b>2018-SC-000506-KB</b>	<b>IN SUPREME COURT</b>
<b>JEREMY TILFORD ELLIS V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018</b>	<b>2018-SC-000507-KB</b>	<b>IN SUPREME COURT</b>

**SUPREME COURT OF KENTUCKY**

**SEPTEMBER 27, 2018 MINUTES**

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

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

<b>WILLIAM ALLMAN GATES III V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018</b>	<b>2018-SC-000508-KB</b>	<b>IN SUPREME COURT</b>
<b>SAMUEL ABRAHAM ARIETI V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018</b>	<b>2018-SC-000509-KB</b>	<b>IN SUPREME COURT</b>
<b>KATHLEEN TYGER BRIGHTFIELD BAILEY V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018</b>	<b>2018-SC-000510-KB</b>	<b>IN SUPREME COURT</b>
<b>JAMIE S. BOLYARD V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018</b>	<b>2018-SC-000511-KB</b>	<b>IN SUPREME COURT</b>
<b>SUSAN ANDERSON CRULL V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018</b>	<b>2018-SC-000512-KB</b>	<b>IN SUPREME COURT</b>
<b>JEANNETTE DANIELLE GUTE. V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018</b>	<b>2018-SC-000513-KB</b>	<b>IN SUPREME COURT</b>
<b>JOANN BECKER HEPPELMANN V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018</b>	<b>2018-SC-000514-KB</b>	<b>IN SUPREME COURT</b>
<b>ERIN KATHLEEN HOBEN V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018</b>	<b>2018-SC-000515-KB</b>	<b>IN SUPREME COURT</b>
<b>SARAH ELAINE KEATES V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018</b>	<b>2018-SC-000516-KB</b>	<b>IN SUPREME COURT</b>
<b>BETTY J. MORTON V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018</b>	<b>2018-SC-000517-KB</b>	<b>IN SUPREME COURT</b>

**SUPREME COURT OF KENTUCKY**

**SEPTEMBER 27, 2018 MINUTES**

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

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

JANA MARIE SMOOT WHITE V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 14, 2018</b>	2018-SC-000518-KB	IN SUPREME COURT
LISA M. ZOKAS-KINDY V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 14, 2018</b>	2018-SC-000519-KB	IN SUPREME COURT
DONALD S. DOTT, JR. V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 14, 2018</b>	2018-SC-000520-KB	IN SUPREME COURT
JAMES MATTHEW HENDERSON, SR. V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 14, 2018</b>	2018-SC-000521-KB	IN SUPREME COURT
WASEEM ANWAR KARIM V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 14, 2018</b>	2018-SC-000522-KB	IN SUPREME COURT
ASHLEY VINSEL HERD V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 19, 2018</b>	2018-SC-000528-KB	IN SUPREME COURT
JOANNE FRANCES GROGAN V. KENTUCKY BAR ASSOCIATION <b>ENTERED: SEPTEMBER 21, 2018</b>	2018-SC-000544-KB	IN SUPREME COURT