

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 20, 2007

RELEASED: 02:00 P.M.

143. ROCKY D. GRAY V. [2006-SC-000141-MR](#) WEBSTER  
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE SCOTT –**  
**AFFIRMING**  
ABRAMSON, J., NOT SITTING.
144. SIDNEY COAL COMPANY, INC. / [2006-SC-000849-WC](#) FROM COURT  
CLEAN ENERGY MINING COMPANY V. **TO BE PUBLISHED** OF APPEALS  
JERRY HUFFMAN, ET AL.  
**OPINION OF THE COURT –**  
**AFFIRMING**  
ABRAMSON, J., NOT SITTING.
145. TERESA GAIL SHOWN V. [2005-SC-000855-DG](#) OHIO  
ROBERT TODD SHOWN **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE SCOTT –**  
**REVERSING**  
CUNNINGHAM, J., CONCURS IN  
RESULT ONLY. ABRAMSON, J.,  
NOT SITTING.
146. COMMONWEALTH OF KENTUCKY V. [2005-SC-000981-DG](#) FRANKLIN  
RONNIE LEE COKER **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE MINTON –**  
**REVERSING**  
LAMBERT, C.J., ALSO CONCURS BY  
SEPARATE OPINION IN WHICH  
NOBLE, J., JOINS. ABRAMSON, J.,  
NOT SITTING.
147. HUBERT UMBERTO JOHNSON V. [2005-SC-000948-MR](#) FAYETTE  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF**  
**THE COURT –**  
**AFFIRMING**  
ABRAMSON, J., NOT SITTING.

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 20, 2007

RELEASED: 02:00 P.M.

148. MICHAEL LYNN WIMBERLY V. [2006-SC-000406-TG](#) DAVIESS  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF**  
**THE COURT –**  
**AFFIRMING**  
ABRAMSON, J., NOT SITTING.
149. LARRY BROCK V. [2006-SC-000786-WC](#) FROM COURT  
MANALAPAN MINING **NOT TO BE PUBLISHED** OF APPEALS  
COMPANY, ET AL.  
**MEMORANDUM OPINION OF**  
**THE COURT –**  
**AFFIRMING**  
ABRAMSON, J., NOT SITTING.
150. VENDOME COPPER & [2006-SC-000831-WC](#) FROM COURT  
BRASS WORKS V. **NOT TO BE PUBLISHED** OF APPEALS  
JAMES SCHEHR, ET AL.  
**MEMORANDUM OPINION OF**  
**THE COURT –**  
**AFFIRMING**  
ABRAMSON, J., NOT SITTING.
151. CATHY K. HARMON V. [2007-SC-000188-OA](#) PULASKI  
HONORABLE JEFFREY T. BURDETTE, **NOT TO BE PUBLISHED**  
JUDGE, PULASKI CIRCUIT COURT,  
AND CARLTON E. CASH AND  
JENNIFER L. BURTON,  
REAL PARTIES IN INTEREST  
**MEMORANDUM OPINION OF**  
**THE COURT –**  
**AFFIRMING**

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 20, 2007

RELEASED: 02:00 P.M.

152. GARY CLARK V. [2006-SC-000832-WC](#) FROM COURT  
ELMO GREER & SONS, ET AL. **NOT TO BE PUBLISHED** OF APPEALS  
**MEMORANDUM OPINION OF  
THE COURT –  
AFFIRMING IN PART, REVERSING  
IN PART, AND REMANDING**  
ABRAMSON, J., NOT SITTING.
153. ROY T. LEWIS V. [2006-SC-000900-MR](#) EDMONSON  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF  
THE COURT –  
AFFIRMING IN PART, REVERSING  
IN PART**  
ABRAMSON, J., NOT SITTING.

**OPINIONS AND ORDERS – SEPTEMBER 20, 2007**

- KENTUCKY BAR ASSOCIATION V. [2006-SC-000845-KB](#) IN SUPREME  
MAXWELL LEE HAMMOND, II **TO BE PUBLISHED** COURT  
**ORDER SUSPENDED RESPONDENT  
FROM THE PRACTICE OF LAW FOR  
THE PERIOD OF 61 DAYS.**  
ABRAMSON, J., NOT SITTING.
- RODNEY S. JUSTICE V. [2007-SC-000204-KB](#) IN SUPREME  
KENTUCKY BAR ASSOCIATION **TO BE PUBLISHED** COURT  
**ORDER SUSPENDED MOVANT  
FROM THE PRACTICE OF LAW FOR  
THE PERIOD OF 60 DAYS.**  
ABRAMSON, J., NOT SITTING.
- KENTUCKY BAR ASSOCIATION V. [2007-SC-000295-KB](#) IN SUPREME  
JERRY C. STOLLINGS **TO BE PUBLISHED** COURT  
**ORDER SUSPENDED RESPONDENT  
FROM THE PRACTICE OF LAW FOR  
THE PERIOD OF 180 DAYS.**  
ABRAMSON, J., NOT SITTING.

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**SEPTEMBER 20, 2007**

**RELEASED: 02:00 P.M.**

**OPINIONS AND ORDERS – SEPTEMBER 20, 2007**

KENTUCKY BAR ASSOCIATION V.  
ARTHUR WOODSON PULLIAM  
**ORDER PERMANENTLY DISBARRED  
RESPONDENT IN THE COMMONWEALTH  
OF KENTUCKY.**  
ABRAMSON, J., NOT SITTING.

[2007-SC-000433-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

KENTUCKY BAR ASSOCIATION V.  
R. ALLEN MCCARTNEY  
**ORDER SUSPENDED RESPONDENT  
FROM THE PRACTICE OF LAW FOR  
THE PERIOD OF 1 YEAR.**  
ABRAMSON, J., NOT SITTING.

[2007-SC-000473-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 12, 2007**

JAMES B. TENNILL, SR. V.  
CYRUS M. TALAI

2007-SC-000046-DG

JEFFERSON

ADRIENNE PARK V.  
COMMONWEALTH OF KENTUCKY

2007-SC-000230-DG

JEFFERSON

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**SEPTEMBER 20, 2007**

**RELEASED: 02:00 P.M.**

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 12, 2007**

JOSEPH BERTRAND CAVE V. COMMONWEALTH OF KENTUCKY	2006-SC-000938-D	JEFFERSON
DOW DUNLAP V. COMMONWEALTH OF KENTUCKY <b>COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.</b>	2006-SC-000940-D	CARROLL
SUPER SERVICE INC., V. PAMELA DONES	2007-SC-000104-D	MADISON
CHARLES MICHAEL OPPENHEIMER V. ANDREA JO OPPENHEIMER	2007-SC-000137-D	CARTER
NORTHERN INSURANCE COMPANY OF NEW YORK V. SEVILLE HOMES, INC., AND RANDY FREEMAN	2007-SC-000143-D	JEFFERSON
THOMAS BLOXAM, ET AL. V. JEFFREY BERG, M.D.	2007-SC-000156-D	JEFFERSON
JERRY COLLINS V. COMMONWEALTH OF KENTUCKY	2007-SC-000210-D	LETCHER
JOHN S. JOHNSON V. KENTUCKY STATE PAROLE BOARD, BY AND THROUGH THEODORE R. KUSTER, PAROLE BOARD CHAIRMAN	2007-SC-000262-D	FRANKLIN
MBNA AMERICA BANK, N.A. V. ELAINA FISCHER	2007-SC-000269-D	JEFFERSON
DEWAYNE C. ZACHERY V. COMMONWEALTH OF KENTUCKY	2007-SC-000304-D	BELL

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**SEPTEMBER 20, 2007**

**RELEASED: 02:00 P.M.**

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 12, 2007**

COMMONWEALTH OF KENTUCKY V. BILLY RAY DEHART	2007-SC-000320-D	PERRY
RALPH W. SULLIVAN V. ANTOINETTE ANDERSON	2007-SC-000345-D	JEFFERSON
LESLIE SCHAEFER V. AMERICAN CARPET SYSTEMS, INC.	2007-SC-000352-D	FAYETTE
KWI SUN HOOD V. COMMONWEALTH OF KENTUCKY	2007-SC-000371-D	JEFFERSON
D.B., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY	2007-SC-000380-D	SIMPSON
LARRY BAILEY V. GARY BECKSTROM, WARDEN, ET AL.	2007-SC-000401-D	ELLIOTT
L.A.H.C. V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL.	2007-SC-000408-DE	JEFFERSON
D.C., AND M.C., NATURAL PARENTS OF C.M.C., A MINOR V. COMMONWEALTH OF KENTUCKY	2007-SC-000412-DE	JEFFERSON
THOMAS T. WATSON, SR. V. COMMONWEALTH OF KENTUCKY	2007-SC-000423-D	JEFFERSON
BARRY D. MCCARTHY V. RUTH A. BIBEAU	2007-SC-000447-DE	JESSAMINE
GEORGE A. GABBARD V. COMMONWEALTH OF KENTUCKY	2007-SC-000457-D	BELL

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**SEPTEMBER 20, 2007**

**RELEASED: 02:00 P.M.**

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
SEPTEMBER 12, 2007**

CHRISTY BROCKETT V. COMMONWEALTH OF KENTUCKY	2007-SC-000458-D	BOYD
CARLTON P. SMITH V. COMMONWEALTH OF KENTUCKY	2007-SC-000496-D	HOPKINS
COMMONWEALTH OF KENTUCKY, EX REL., CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. V. DANIEL CLEMENTE	2007-SC-000512-D	JEFFERSON

**COURT ORDERS GRANTING MOTION TO TRANSFER –**

TIMMY CARROLL V. COMMONWEALTH OF KENTUCKY <b>ENTERED: AUGUST 30, 2007</b>	2007-SC-000613-TG	MUHLENBERG
---	-------------------	------------

**COURT ORDERS DENYING PETITION FOR REHEARING – SEPTEMBER 20, 2007**

MICHAEL KEITH BUTTREY V. COMMONWEALTH OF KENTUCKY <b>ORDER MODIFIED OPINION RENDERED JUNE 21, 2007, BY SUBSTITUTION OF PAGES 1 AND 11.</b>	<a href="#">2005-SC-000320-MR</a>	LAUREL
TONY GLASPER V. COMMONWEALTH OF KENTUCKY	2006-SC-000300-MR	JEFFERSON

SUPREME COURT OF KENTUCKY

MINUTES

SEPTEMBER 20, 2007

RELEASED: 02:00 P.M.

**COURT ORDERS:**

GENERAL ELECTRIC COMPANY V. [2004-SC-000043-DG](#) JEFFERSON  
DENNIS CAIN, AS EXECUTOR OF  
THE ESTATE DANIEL CAIN, ET AL.

**AND**  
DEBBIE ELLEN REHM, INDIVIDUALLY [2005-SC-000242-DGE](#) JEFFERSON  
AND AS EXECUTRIX OF THE ESTATE  
OF JAMES DAVID REHM, ET AL. V.  
NAVISTAR INTERNATIONAL  
CORPORATION, ET AL.  
**ORDER CORRECTED OPINION  
RENDERED AUGUST 23, 2007, BY  
SUBSTITUTION OF PAGES 1, 46 AND 47.  
ENTERED: AUGUST 30, 2007**

REVENUE CABINET, [2004-SC-000519-DG](#) FRANKLIN  
COMMONWEALTH OF KENTUCKY V.  
GTE SOUTH, INC., N/K/A  
VERIZON SOUTH, INC.

**AND**  
GTE SOUTH, INC., N/K/A [2005-SC-000223-DG](#) FRANKLIN  
VERIZON SOUTH, INC. V.  
REVENUE CABINET,  
COMMONWEALTH OF KENTUCKY  
**ORDER CORRECTED OPINION  
RENDERED AUGUST 23, 2007, BY  
SUBSTITUTION OF PAGES 1 AND 9.  
ENTERED: AUGUST 30, 2007**

COMMONWEALTH OF KENTUCKY V. [2006-SC-000001-MR](#) CHRISTIAN  
CHARLES BUSSELL  
**ORDER CORRECTED OPINION  
RENDERED JUNE 21, 2007, BY  
SUBSTITUTION OF PAGES 1 AND 19.  
ENTERED: AUGUST 30, 2007**

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**SEPTEMBER 20, 2007**

**RELEASED: 02:00 P.M.**

**COURT ORDERS:**

KENTUCKY BAR ASSOCIATION V. [2006-SC-000492-KB](#) IN SUPREME  
STEPHEN B. CATRON COURT  
**ORDER CORRECTED OPINION AND  
ORDER ENTERED AUGUST 15, 2007,  
BY SUBSTITUTION OF ENTIRE  
OPINION AND ORDER.**  
ENTERED: AUGUST 27, 2007

PAUL HURT V. 2007-SC-000332-DG JEFFERSON  
COMMONWEALTH OF KENTUCKY  
**ORDER GRANTED DISCRETIONARY REVIEW,  
VACATED THE COURT OF APPEALS OPINION  
AND JUDGMENT OF THE TRIAL COURT, AND  
REMANDED TO JEFFERSON CIRCUIT COURT.**  
ENTERED: SEPTEMBER 12, 2007

KENTUCKY BAR ASSOCIATION V. [2007-SC-000461-KB](#) IN SUPREME  
DEAN L. SEXTON **TO BE PUBLISHED** COURT  
**ORDER CONFIRMED RESPONDENT'S  
AUTOMATIC SUSPENSION.**  
ABRAMSON, J., NOT SITTING.

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

SHERRY FRANCES HARDY V. 2007-SC-000587-KB IN SUPREME  
KENTUCKY BAR ASSOCIATION COURT  
**ENTERED: AUGUST 30, 2007**

CONLEY C. CONGLETON V. 2007-SC-000588-KB IN SUPREME  
KENTUCKY BAR ASSOCIATION COURT  
**ENTERED: AUGUST 30, 2007**

JACKIE HOWELL FRANKS V. 2007-SC-000589-KB IN SUPREME  
KENTUCKY BAR ASSOCIATION COURT  
**ENTERED: AUGUST 30, 2007**

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**SEPTEMBER 20, 2007**

**RELEASED: 02:00 P.M.**

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

JENNIFER MARSHALL LEACH V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 30, 2007</b>	2007-SC-000590-KB	IN SUPREME COURT
KEMBLE HAGERMAN GARRETT V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 30, 2007</b>	2007-SC-000591-KB	IN SUPREME COURT
DONALD D. BUSSELL V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 30, 2007</b>	2007-SC-000592-KB	IN SUPREME COURT
KIRK B. MOBERLEY JR. V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 30, 2007</b>	2007-SC-000593-KB	IN SUPREME COURT
JAMES RAY PHELPS V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 30, 2007</b>	2007-SC-000594-KB	IN SUPREME COURT
JOSEPH R. GOEKE V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 30, 2007</b>	2007-SC-000595-KB	IN SUPREME COURT
KEVIN J. BALDWIN V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 30, 2007</b>	2007-SC-000596-KB	IN SUPREME COURT
EDWARD R. GREEN V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 30, 2007</b>	2007-SC-000597-KB	IN SUPREME COURT
MICHAEL A. BANKS V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 30, 2007</b>	2007-SC-000598-KB	IN SUPREME COURT

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**SEPTEMBER 20, 2007**

**RELEASED: 02:00 P.M.**

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

BEN B. WRIGHT, JR. V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 30, 2007	2007-SC-000599-KB	IN SUPREME COURT
---	-------------------	---------------------

**COURT ORDERS DISMISSING – SEPTEMBER 17, 2007**

GARY HEARN V. COMMONWEALTH OF KENTUCKY	2005-SC-000996-TG	JEFFERSON
---	-------------------	-----------

DAVID W. KOHER V. HONORABLE JOHN DAVID CAUDILL, JUDGE, PERRY CIRCUIT COURT, ET AL.	2006-SC-000798-MR	PERRY
--	-------------------	-------

APPALACHIAN REGIONAL HEALTHCARE, INC. V. HONORABLE EDDY COLEMAN, JUDGE, PIKE CIRCUIT COURT, ET AL.	2007-SC-000340-MR	PIKE
---	-------------------	------

ROCKY SCOTT V. COMMONWEALTH OF KENTUCKY	2007-SC-000272-MR	MCCRACKEN
--	-------------------	-----------