

SUPREME COURT OF KENTUCKY

OCTOBER 29, 2015 MINUTES

RELEASED: 10:00 A.M.

153. IN RE: NANCY J. MCCARTY,
ET AL. V.
COVOL FUELS NO. 2, LLC, ETC.
**OPINION OF THE COURT BY
JUSTICE VENTERS –
CERTIFYING THE LAW**
ALL SITTING. ALL CONCUR.
- [2014-SC-000589-CL](#) FEDERAL
TO BE PUBLISHED

Question Presented:
Subcontractor injured while installing a garage door on an unfinished building at a mine site may not maintain a wrongful death action against a mine operator under a negligence per se theory for alleged violations of Kentucky mining [statutes and] regulations, codified in KRS §§ 351-352 and KAR §§ 805-825.

154. LENNIE J. DILLON V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE NOBLE –
AFFIRMING**
MINTON, C.J.; ABRAMSON, AND
VENTERS, JJ., CONCUR.
CUNNINGHAM, J., CONCURS IN
RESULT ONLY BY SEPARATE
OPINION IN WHICH BARBER AND
KELLER, JJ., JOIN.
- [2013-SC-000696-MR](#) MUHLENBERG
TO BE PUBLISHED

Questions Presented:
Murder-40 years. Voluntariness of injured defendant's incriminating statements. Use of cellmate's testimony and hearsay testimony of victim's niece. Statements about victim's plans to move were properly admitted.

155. TOWER INSURANCE COMPANY OF
NEW YORK V.
BRENT HORN, ET AL.
**OPINION OF THE COURT BY
JUSTICE KELLER –
AFFIRMING**
ALL SITTING. MINTON, C.J.;
ABRAMSON, BARBER, CUNNINGHAM,
KELLER, AND VENTERS, JJ.,
CONCUR. NOBLE, J., CONCURS IN
RESULT ONLY.
- [2014-SC-000015-DG](#) MARTIN
TO BE PUBLISHED

Questions Presented:
Contract. Automobile Insurance. Employee Exclusion. Severability-of-Interests Clause. Issues include whether the severability-of-interests clause in a business auto insurance policy operates to defeat the policy's employee exclusion when the "insured" seeking coverage is not the policyholder business, but a permissive user.

SUPREME COURT OF KENTUCKY

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RELEASED: 10:00 A.M.

156. ROBERT THORNTON V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE BARBER – AFFIRMING
ALL SITTING. ALL CONCUR.
- [2014-SC-000224-MR](#) JEFFERSON
TO BE PUBLISHED
- Questions Presented:**
Seven counts of first-degree robbery-24 years. Standing to challenge the warrantless global positioning system (GPS) tracking of a vehicle that defendant drove. Denial of motion for directed verdict as to some of the charges. Severance of robbery counts from one another.
157. GREATER CINCINNATI/NORTHERN KENTUCKY APARTMENT ASSOCIATION, INC., ET AL.V. CAMPBELL COUNTY FISCAL COURT, ET AL.
OPINION OF THE COURT BY JUSTICE CUNNINGHAM – AFFIRMING
ALL SITTING. ABRAMSON, BARBER, KELLER, AND NOBLE, JJ., CONCUR. VENTERS, J., DISSENTS BY SEPARATE OPINION IN WHICH MINTON, C.J., JOINS.
- [2014-SC-000383-TG](#) CAMPBELL
TO BE PUBLISHED
- Questions Presented:**
Constitutionality of Ordinance imposing a flat fee upon occupied residential and commercial units to fund 911 emergency telephone services.
158. SHELIA WOOSLEY KINGERY V. SUMITOMO ELECTRIC WIRING, ET AL.
OPINION OF THE COURT BY JUSTICE NOBLE – AFFIRMING
ABRAMSON, CUNNINGHAM AND VENTERS, JJ., CONCUR. MINTON, C.J., DISSENTS BY SEPARATE OPINION IN WHICH BARBER AND KELLER, JJ., JOIN.
- [2014-SC-000422-WC](#) FROM COURT OF APPEALS
TO BE PUBLISHED
- Questions Presented:**
Workers' Compensation. Issues presented include whether on a motion to reopen an Administrative Law Judge can reject uncontroverted expert medical opinions in favor of the claimant's lay testimony.

SUPREME COURT OF KENTUCKY

OCTOBER 29, 2015 MINUTES

RELEASED: 10:00 A.M.

159. JEFFREY PETTINGILL V. [2014-SC-000456-DGE](#) JEFFERSON
SARA YOUNT PETTINGILL
TO BE PUBLISHED

**OPINION OF THE COURT BY
JUSTICE KELLER –
AFFIRMING**
MINTON, C.J.; ABRAMSON, BARBER,
CUNNINGHAM, AND KELLER, JJ.,
CONCUR. VENTERS, J., NOT
SITTING. NOBLE, J., CONCURS BUT
WOULD STATE THAT “LETHALITY
FACTORS” ARE MERELY A SERIES
OF FACTORS OFTEN FOUND TO
HAVE BEEN PRESENT AFTER THE
FACT OF DOMESTIC VIOLENCE
(AND CERTAINLY NOT ALL OF THEM
IN EVERY CASE), AND AS ALWAYS,
A COURT MUST EXERCISE
INDEPENDENT JUDGMENT AS TO
THE WEIGHT OF THE PRESENCE OF
ANY OF THE FACTORS IN THE CASE
BEFORE IT, AS SUCH FACTORS
HAVE NOT BEEN NORMED NOR
FOUND TO BE STATISTICALLY
PREDICTIVE.

Questions Presented:
Domestic Violence. Appellate Procedure.
Issues involve the use of “lethality factors” in a
domestic violence determination and the
interplay between CR 75.07(4) and CR 98
when the trial videotape is omitted from the
record on appeal.

160. MICHAEL E. SIMPSON V. [2014-SC-000653-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY
TO BE PUBLISHED

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

Questions Presented:
Possession of a handgun by a convicted felon
and second degree PFO. Search based upon
a “protective sweep.” As the entry of the
police into the residence was consensual and
the scope of the protective sweep was
reasonable, the initial seizure of the defendant
was lawful and the suppression of defendant’s
spontaneous utterance upon his arrest was
not required.

SUPREME COURT OF KENTUCKY

OCTOBER 29, 2015 MINUTES

RELEASED: 10:00 A.M.

161. LARRY PENIX V. [2014-SC-000083-DG](#) MARTIN
BARBARA DELONG
TO BE PUBLISHED
OPINION OF THE COURT BY JUSTICE CUNNINGHAM – AFFIRMING IN PART AND REVERSING IN PART
ALL SITTING. BARBER, KELLER, AND VENTERS, JJ., CONCUR. MINTON, C.J., DISSENTS BY SEPARATE OPINION IN WHICH ABRAMSON AND NOBLE, JJ., JOIN.
- Questions Presented:**
Trespass. Damages. KRS 364.130. Issues involve whether treble damages may be imposed for trespass upon a neighbor's timber by an independent contractor logging for the allegedly trespassing neighbor.
162. RONNIE HALE V. [2014-SC-000062-WC](#) FROM COURT
CDR OPERATIONS, INC., ET AL. **TO BE PUBLISHED** OF APPEALS
AND
CDR OPERATIONS, INC., ET AL. [2014-SC-000066-WC](#) FROM COURT
RONNIE HALE, ET AL. **TO BE PUBLISHED** OF APPEALS
OPINION OF THE COURT BY JUSTICE BARBER – AFFIRMING IN PART, REVERSING IN PART, AND REINSTATING
ALL SITTING. CUNNINGHAM, KELLER, NOBLE, AND VENTERS, JJ., CONCUR. MINTON, C.J., CONCURS IN RESULT ONLY BY SEPARATE OPINION IN WHICH ABRAMSON, J., JOINS.
- Questions Presented:**
Workers' Compensation. Issues presented include whether an Administrative Law Judge is required to apportion liability between a claimant's prior employers for a cumulative trauma injury.
163. COMMONWEALTH OF KENTUCKY V. [2014-SC-000210-DG](#) FAYETTE
MIKE DOUGLAS RIEDER
TO BE PUBLISHED
OPINION OF THE COURT BY JUSTICE CUNNINGHAM – REVERSING
ALL SITTING. ALL CONCUR.
- Questions Presented:**
Criminal Law. Evidence. Palpable Error. Issues include whether the admission of the police officer's statement that the defendant did not have a right to use his gun constituted palpable error.

SUPREME COURT OF KENTUCKY

OCTOBER 29, 2015 MINUTES

RELEASED: 10:00 A.M.

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| 164. | WILLIAM R. KING V.
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
JUSTICE VENTERS –
<u>REVERSING AND REMANDING</u>
MINTON, C.J., CUNNINGHAM AND
NOBLE, JJ., CONCUR. ABRAMSON,
J., DISSENTS BY SEPARATE
OPINION IN WHICH BARBER AND
KELLER, JJ., JOIN. | 2013-SC-000556-MR
TO BE PUBLISHED | LAUREL |
| <p style="text-align: center;">Questions Presented:
First-degree sodomy and first-degree sexual
abuse-20 years. Testimony of one of the
Commonwealth’s witnesses improperly
bolstered the alleged victim’s credibility
resulting in palpable error and manifest
injustice.</p> | | | |
| 165. | GREGORY WILSON V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2013-SC-000423-MR
2013-SC-000483-MR
NOT TO BE PUBLISHED | KENTON |
| 166. | JAMES R. THOMAS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2013-SC-000550-MR
NOT TO BE PUBLISHED | OWEN |
| 167. | MARY RUTH MORRIS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. MINTON, C.J.;
ABRAMSON, BARBER, KELLER,
NOBLE, AND VENTERS, JJ., CONCUR.
CUNNINGHAM, J., CONCURS IN
RESULT ONLY. | 2013-SC-000740-MR
NOT TO BE PUBLISHED | LETCHER |
| 168. | THOMAS J. MILLER V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2014-SC-000046-MR
2014-SC-000178-TG
NOT TO BE PUBLISHED | MEADE |

SUPREME COURT OF KENTUCKY

OCTOBER 29, 2015 MINUTES

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| 169. | MICHAEL RUSSIAN V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2014-SC-000082-MR
NOT TO BE PUBLISHED | MCCRACKEN |
| 170. | CHRISTINA MARCUM V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2014-SC-000337-MR
NOT TO BE PUBLISHED | MADISON |
| 171. | SMITHKLINE BEECHAM V.
MICHAEL SMITH, ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. MINTON, C.J.;
ABRAMSON, BARBER, CUNNINGHAM,
NOBLE, AND VENTERS, JJ., CONCUR.
KELLER, J., CONCURS WITH THE
MAJORITY OPINION BUT WRITES
SEPARATELY TO ACKNOWLEDGE
THAT WE ARE RECOGNIZING WITH
THIS OPINION THE COMPENSABILITY
OF A PRE-EXISTING DORMANT
PSYCHOLOGICAL CONDITION THAT
HAS BEEN AROUSED INTO DISABLING
REALITY BY A PHYSICAL INJURY. | 2015-SC-000012-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 172. | WARREN CAMPBELL V.
INTERNATIONAL COAL GROUP,
INC., ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2015-SC-000041-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |

SUPREME COURT OF KENTUCKY

OCTOBER 29, 2015 MINUTES

RELEASED: 10:00 A.M.

173. SONYA LAMB MIDDLETON V. [2015-SC-000120-WC](#) FROM COURT
LOWE'S HOME CENTERS, INC., **NOT TO BE PUBLISHED** OF APPEALS
ET AL.
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. MINTON, C.J.;
ABRAMSON, CUNNINGHAM, NOBLE,
AND VENTERS, JJ., CONCUR.
BARBER, J., DISSENTS BY SEPARATE
OPINION IN WHICH KELLER, J., JOINS.
174. ZAPPOS.COM V. [2014-SC-000462-WC](#) FROM COURT
SONIA S. MULL, ET AL. **NOT TO BE PUBLISHED** OF APPEALS
**MEMORANDUM OPINION OF
THE COURT – REVERSING**
ALL SITTING. MINTON, C.J.;
ABRAMSON, BARBER, CUNNINGHAM,
KELLER AND NOBLE, JJ., CONCUR.
VENTERS, J., DISSENTS.
175. SIMON M. VANDERPOOL, ET AL. V. [2015-SC-000106-MR](#) FROM COURT
K. PETROLEUM, INC. **NOT TO BE PUBLISHED** OF APPEALS
**MEMORANDUM OPINION OF
THE COURT – REVERSING**
ALL SITTING. MINTON, C.J.; BARBER,
CUNNINGHAM, KELLER, NOBLE,
VENTERS, JJ., CONCUR. ABRAMSON,
J., CONCURS IN RESULT ONLY.

SUPREME COURT OF KENTUCKY

OCTOBER 29, 2015 MINUTES

RELEASED: 10:00 A.M.

176. HOWARD HILL ANDERSON V. [2014-SC-000153-MR](#) MCLEAN
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – REVERSING AND
REMANDING**
ALL SITTING. MINTON, C.J.; BARBER,
KELLER, NOBLE, AND VENTERS, JJ.,
CONCUR. ABRAMSON, J., CONCURS
IN RESULT ONLY. CUNNINGHAM, J.,
RESPECTFULLY DISSENTS, PURSUANT
TO HIS ANALYSIS AS PUT FORTH AS
TO THE UNANIMITY ISSUE IN HIS
CONCURRING IN PART AND
DISSENTING IN PART IN JOHNSON V.
COMMONWEALTH, 405 S.W.3D 439
(KY. 2013).
177. MICHAEL JOHN ROBERT V. [2014-SC-000284-MR](#) DAVIESS
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – REVERSING AND
REMANDING**
ALL SITTING. MINTON, C.J.;
ABRAMSON, BARBER, CUNNINGHAM,
AND KELLER, JJ., CONCUR. NOBLE. J.,
CONCURS IN RESULT ONLY BY
SEPARATE OPINION IN WHICH VENTERS,
J., JOINS.

OPINION AND ORDER – OCTOBER 21, 2015

BONITA COBB V. 2014-SC-0000191-DG FAYETTE
JOSEPH KAMER, ET AL.
**ORDER GRANTED DISCRETIONARY REVIEW,
VACATED THE COURT OF APPEALS DECISION
AND REMANDED TO THE COURT OF APPEALS
FOR FURTHER CONSIDERATION IN LIGHT OF
THIS COURT’S RECENT DECISION IN CARTER
V. BULLITT HOST, LLC, 2013-SC-000325-DG,
____ S.W.3D ____ (KY.2015).
ALL SITTING. ALL CONCUR.**

SUPREME COURT OF KENTUCKY

OCTOBER 29, 2015 MINUTES

RELEASED: 10:00 A.M.

OPINION AND ORDERS – OCTOBER 29, 2015

DERMOT HALPIN AND HILLARY HALPIN V. 2014-SC-000640-MR FAYETTE
BILL HARDY, ET AL.

**ORDER GRANTED MOTIONS TO DISMISS AND
REMANDED TO THE COURT OF APPEALS.**

MINTON, C.J.; BARBER, CUNNINGHAM,
KELLER, NOBLE, AND VENTERS, JJ., SITTING.
ALL CONCUR. ABRAMSON, J., NOT SITTING.

RICHMOND HEALTH FACILITIES- [2015-SC-000045-MR](#) FROM COURT
MADISON, LP, ETC., ET AL.V. **TO BE PUBLISHED** OF APPEALS
HONORABLE WILLIAM G. CLOUSE,
JR., JUDGE, MADISON CIRCUIT
COURT, ET AL.

AND

EXTENDICARE, INC. ET AL. V. [2015-SC-000122-MR](#) FROM COURT
HONORABLE WILLIAM G. CLOUSE, **TO BE PUBLISHED** OF APPEALS
JR., JUDGE, MADISON CIRCUIT
COURT, ET AL.

**ORDER AFFIRMED DENIAL OF THE WRITS
BY THE COURT OF APPEALS.**

ALL SITTING. MINTON, C.J.; ABRAMSON,
NOBLE, AND KELLER, JJ., CONCUR. BARBER,
J., CONCURS IN RESULT ONLY BY SEPARATE
OPINION IN WHICH CUNNINGHAM AND
VENTERS, JJ., JOIN.

KENTUCKY BAR ASSOCIATION V. [2015-SC-000405-KB](#) IN SUPREME
REBECCA COX VENTER **TO BE PUBLISHED** COURT
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 60 DAYS.**
ALL CONCUR.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
OCTOBER 21, 2015**

COMMONWEALTH OF KENTUCKY V. 2015-SC-000021-DG MONROE
RITA MITCHELL

INDIANA INSURANCE COMPANY V. 2015-SC-000107-DG CAMPBELL
JAMES DEMETRE

SUPREME COURT OF KENTUCKY

OCTOBER 29, 2015 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
OCTOBER 21, 2015**

THE ESTATE OF CHRISTINA WITTICH, ETC. V. MICHAEL JOSEPH FLICK NOBLE, J., NOT SITTING.	2015-SC-000114-DG	FAYETTE
MARY E. MCCANN, ETC. V. THE SULLIVAN UNIVERSITY SYSTEM, INC., D/B/A SULLIVAN UNIVERSITY COLLEGE OF PHARMACY, ET AL.	2015-SC-000144-DG	JEFFERSON
DARRYL M. SAMUELS V. COMMONWEALTH OF KENTUCKY	2015-SC-000180-DG	MCCRACKEN
SUPERIOR STEEL INC., ET AL. V. THE ASCENT AT ROEBLING'S BRIDGE, LLC, ET AL.	2015-SC-000204-DG	KENTON
JEFFREY W. MURPHY V. COMMONWEALTH OF KENTUCKY	2015-SC-000235-DG	BOONE

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
OCTOBER 21, 2015**

JEFFREY FRANZ, ETC. V. ASHLAND HOSPITAL CORPORATION, ETC., ET AL.	2014-SC-000164-D	BOYD
HERBERT VAN ARSDALE, III V. JOHN E. LYNCH, ET AL.	2014-SC-000181-D	JEFFERSON
DEREK GUINN V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2014-SC-000229-D	WEBSTER
ROBYN SMITH V. DOUGLAS ALAN LURDING, JR. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2014-SC-000539-DE	JEFFERSON

SUPREME COURT OF KENTUCKY

OCTOBER 29, 2015 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
OCTOBER 21, 2015**

KENNETH REED V. COMMONWEALTH OF KENTUCKY	2014-SC-000687-D	CHRISTIAN
MICHAEL SMITH V. COMMONWEALTH OF KENTUCKY	2014-SC-000730-D	MCCRACKEN
WHITNEY FALLON V. KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION, ET AL.	2015-SC-000003-D	JEFFERSON
JEFFREY ALLEN V. COMMONWEALTH OF KENTUCKY	2015-SC-000010-D	WHITLEY
JESSE L. WALDON V. COMMONWEALTH OF KENTUCKY	2015-SC-000024-D	JEFFERSON
COMMONWEALTH OF KENTUCKY, FINANCE AND ADMINISTRATION CABINET V. STEPHEN BARR	2015-SC-000030-D	BRECKINRIDGE
GERALD R. SMITH V. COMMONWEALTH OF KENTUCKY	2015-SC-000043-D	SCOTT
LAUREN WALDMAN, ET AL. V. PNC BANK, NATIONAL ASSOCIATION	2015-SC-000070-D	GRAYSON
VF RENTAL PROPERTIES, LLC V. MATTHEW FOY, ET AL.	2015-SC-000073-D	JEFFERSON
CHAUNCY D. RHODES V. COMMONWEALTH OF KENTUCKY NOBLE, J., WOULD GRANT.	2015-SC-000082-D	JEFFERSON
MICHAEL DAVID DAVIS V. KASSANDRA DAVIS	2015-SC-000087-D	CALLOWAY
B. DAHLENBURG BONAR, P.S.C., ET AL. V. STANLEY MORRIS CHESLEY, ET AL. KELLER, J., NOT SITTING.	2015-SC-000089-D	BOONE

SUPREME COURT OF KENTUCKY

OCTOBER 29, 2015 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
OCTOBER 21, 2015**

VICKI BRAY, ET AL. V. RONNIE DICK, ET AL. VENTERS, J., NOT SITTING.	2015-SC-000111-D	PULASKI
MICHELLE MURRAY, D.P.M. V. CLYDE CHAPMAN, ET AL. AND HOSPITAL OF LOUISA, D/B/A THREE RIVERS MEDICAL CENTER V. CLYDE CHAPMAN, ET AL.	2015-SC-000113-D 2015-SC-000119-D	LAWRENCE LAWRENCE
ROBERT L. MCAULIFFE V. SLEEPY HOLLOW, INC.	2015-SC-000118-D	OLDHAM
CLIFTON CHESTER V. COMMONWEALTH OF KENTUCKY	2015-SC-000121-D	CHRISTIAN
NORTON FAMILY TRUST V. SJ LAND HOLDINGS, LLC, ET AL.	2015-SC-000126-D	CLARK
ALAN DEAN HICKS, ET AL. V. KENTUCKIANA MEDICAL RECIPROCAL RISK RETENTION GROUP, ET AL.	2015-SC-000129-D	JEFFERSON
JERRY WARD V. NATIONWIDE ASSURANCE COMPANY	2015-SC-000130-D	JEFFERSON
DAVID BRENT HAMILTON V. COMMONWEALTH OF KENTUCKY	2015-SC-000139-D	JEFFERSON
ROGER OSBORNE, ADMINISTRATOR, ETC., ET AL. V. PAULA D. BAILEY, M.D., ET AL.	2015-SC-000142-D	FAYETTE
DEREK EDMONDS V. COMMONWEALTH OF KENTUCKY	2015-SC-000143-D	JEFFERSON
COMMONWEALTH OF KENTUCKY V. D.T.B., A CHILD	2015-SC-000150-D	WHITLEY

SUPREME COURT OF KENTUCKY

OCTOBER 29, 2015 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
OCTOBER 21, 2015**

JUDITH TOOMEY, ET AL. V. LP AUGUSTA, LLC, D/B/A BRACKEN COUNTY NURSING & REHABILITATION CENTER, ET AL.	2015-SC-000152-D	BRACKEN
JAMES ANTHONY WILLIAMS V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2015-SC-000160-D	JEFFERSON
JEFFERY CARPENTER V. COMMONWEALTH OF KENTUCKY BARBER, J., NOT SITTING.	2015-SC-000166-D	BUTLER
ALLEN S. BEASLEY V. COMMONWEALTH OF KENTUCKY	2015-SC-000176-D	MCCRACKEN
JAY TURICZEK V. LISA LACARIA	2015-SC-000182-D	HARDIN
JULIA ANN ASHCRAFT V. PATRICK B. KENNEDY, D.M.D	2015-SC-000187-D	JEFFERSON
KL & JL INVESTMENTS INC. V. DONALD W. LYNCH, ET AL.	2015-SC-000199-D	HARDIN
JOSPEH ROACH V. COMMONWEALTH OF KENTUCKY	2015-SC-000207-D	JEFFERSON
ARTHUR N. PRUITT V. COMMONWEALTH OF KENTUCKY	2015-SC-000211-D	JEFFERSON
BETTY A. MARCUM V. COMMOMWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES	2015-SC-000228-D	LAUREL
ROBERT SETREE, ET AL. V. RIVER CITY BANK	2015-SC-000234-D	JEFFERSON

SUPREME COURT OF KENTUCKY

OCTOBER 29, 2015 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
OCTOBER 21, 2015**

ADRIAN BROWN V. KENTUCKY DEPARTMENT OF CORRECTIONS, ET AL.	2015-SC-000374-D	LYON
SOUTHERN FINANCIAL LIFE INSURANCE COMPANY V. ROGER MULLINS, ADMINISTRATOR, ETC.	2015-SC-000427-DE	PIKE
GEOFFREY M. YOUNG V. COMMONWEALTH OF KENTUCKY, ET AL.	2015-SC-000453-D	JEFFERSON
MICHAEL DEAN VAUGHAN V. JENNIFER CAROL VAUGHAN	2015-SC-000457-DE	KENTON

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE
MOTION FOR DISCRETIONARY REVIEW**

THOMAS O'CONNOR V. WILLIAM SHIPLEY, ET AL. CUNNINGHAM, KELLER, NOBLE AND VENTERS, JJ., SITTING. ALL CONCUR. ENTERED: OCTOBER 26, 2015	2015-SC-000289-D	JEFFERSON
SHAUN KLASERNER V. BURLINGTON FIRE PROTECTION DISTRICT CUNNINGHAM, ABRAMSON, NOBLE AND VENTERS, JJ., SITTING. ALL CONCUR. ENTERED: OCTOBER 26, 2015	2015-SC-000474-D	BOONE

COURT ORDERS DENYING MOTION TO TRANSFER – OCTOBER 29, 2015

WAYNE T. RUTHERFORD, ETC., ET AL. V. TONY WILDER, ETC., ET AL. MINTON, C.J.; ABRAMSON, CUNNINGHAM, KELLER, NOBLE, AND VENTERS, JJ., CONCUR. BARBER, J., NOT SITTING.	2015-SC-000132-T	FRANKLIN
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SUPREME COURT OF KENTUCKY

OCTOBER 29, 2015 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – OCTOBER 29, 2015

DUSTIN DWAYNE FARRA V.
COMMONWEALTH OF KENTUCKY
ALL SITTING. ALL CONCUR.

2013-SC-000505-MR

JACKSON

NERY J. RUIZ V.
COMMONWEALTH OF KENTUCKY
**ORDER MODIFIED OPINION OF THE COURT
RENDERED MAY 14, 2015 BY SUBSTITUTION
OF THIS OPINION IN LIEU OF THE ORIGINAL
OPINION.**
ALL SITTING. ALL CONCUR

[2014-SC-000124-MR](#)
TO BE PUBLISHED

CHRISTIAN

COURT ORDERS DISMISSING

BRANDON DIAZ, ETC. V.
SUJATA GUTTI, M.D.
**BARBER, CUNNINGHAM, KELLER, AND
NOBLE, JJ., SITTING. ALL CONCUR.**
ENTERED: OCTOBER 27, 2015

2015-SC-000274-D

PIKE

KELVIN L. QUARLES V.
GARY BECKSTROM, WARDEN, EASTERN
KENTUCKY CORRECTIONAL COMPLEX
ENTERED: OCTOBER 14, 2015

2015-SC-000513-D

MORGAN

SUPREME COURT OF KENTUCKY

OCTOBER 29, 2015 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS

EXTENDICARE HOMES, INC., ETC.,
ET AL. V.

[2013-SC-000426-I](#)
TO BE PUBLISHED

TRIGG

BELINDA WHISMAN, ETC., ET AL.

AND

KINDRED NURSING CENTERS
LIMITED PARTNERSHIP, ETC.,
ET AL. V.

[2013-SC-000430-I](#)
TO BE PUBLISHED

CLARK

JANIS E. CLARK, ETC.,

AND

KINDRED NURSING CENTERS
LIMITED PARTNERSHIP, ETC.,
ET AL. V.

[2013-SC-000431-I](#)
TO BE PUBLISHED

CLARK

BEVERLY WELLNER, ETC.

**ORDER CORRECTED THE OPINION OF THE
COURT BY JUSTICE VENTERS RENDERED
SEPTEMBER 24, 2015, BY SUBSTITUTION
OF THIS OPINION IN LIEU OF THE ORIGINAL
OPINION.**

ENTERED: OCTOBER 9, 2015

TAWAIIN WILLIAM LEWIS V.
COMMONWEALTH OF KENTUCKY
**ORDER MODIFIED THE MEMORANDUM
OPINION OF THE COURT RENDERED
SEPTEMBER 24, 2015, BY
SUBSTITUTION OF THIS OPINION
IN LIEU OF THE ORIGINAL OPINION.**

[2014-SC-000223-MR](#)
TO BE PUBLISHED

JEFFERSON

CUNNINGHAM, KELLER, NOBLE AND
VENTERS, JJ., SITTING. ALL CONCUR.

ENTERED: OCTOBER 29, 2015

KIMBERLY LYNN BUNTON V.
KENTUCKY BAR ASSOCIATION
**ORDER GRANTING MOTION TO AMEND
OPINION AND ORDER, ENTERED AUGUST
20, 2015, IS AMENDED BY SUBSTITUTION
OF THIS OPINION IN LIEU OF THE ORIGINAL
OPINION.**

[2015-SC-000219-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

OCTOBER 29, 2015 MINUTES

RELEASED: 10:00 A.M.

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

WILLIAM C. MOYER V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000523-KB	IN SUPREME COURT
JAMESA J. DRAKE V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000524-KB	IN SUPREME COURT
MICHAEL Z. GREEN V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000525-KB	IN SUPREME COURT
DONALD HAROLD WEBB V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000526-KB	IN SUPREME COURT
JOHN WINSTON MARKHAM V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000527-KB	IN SUPREME COURT
THOMAS GLENN ALIG, JR. V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000528-KB	IN SUPREME COURT
HOLLY MARTIN STONE V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000529-KB	IN SUPREME COURT
KIMBERLY EVERSOLE JONES V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000530-KB	IN SUPREME COURT
SHELIA THERESE MINIHANE V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000531-KB	IN SUPREME COURT
JOHN PAUL O,BRIEN, JR. V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000532-KB	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

OCTOBER 29, 2015 MINUTES

RELEASED: 10:00 A.M.

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

NICHOLAS RAPIER BROWN V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000533-KB	IN SUPREME COURT
ANDREW JUSTIN SONDERMAN V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000534-KB	IN SUPREME COURT
MICHAEL A. RICHARDSON V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000535-KB	IN SUPREME COURT
SARAH MICHELLE FOSTER V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000536-KB	IN SUPREME COURT
DANIEL JOHN RISCH V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000537-KB	IN SUPREME COURT
RONALD JAMES GIACONE II V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000538-KB	IN SUPREME COURT
PAULA SPINA V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000539-KB	IN SUPREME COURT
JEFFREY WILLIAM BRYSON V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000540-KB	IN SUPREME COURT
RAYMOND D. BECK V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000541-KB	IN SUPREME COURT
JEREMY A. KLOTZ V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000542-KB	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

OCTOBER 29, 2015 MINUTES

RELEASED: 10:00 A.M.

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

DOROTHY M. PITT V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000543-KB	IN SUPREME COURT
LISA MARIE OWEN V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000544-KB	IN SUPREME COURT
DAVID SCOTT TILFORD V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000545-KB	IN SUPREME COURT
MICHAEL DEAN ZIMMERMAN V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000546-KB	IN SUPREME COURT
WILLIAM H. CHATFIELD V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000547-KB	IN SUPREME COURT
TIMOTHY THORNTON RIDDELL V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000548-KB	IN SUPREME COURT
RONALD C. PITT V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000549-KB	IN SUPREME COURT
CASSIE MARIE KOCHER V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000550-KB	IN SUPREME COURT
MURIEL B. VARHELY V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000551-KB	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

OCTOBER 29, 2015 MINUTES

RELEASED: 10:00 A.M.

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

RENEE ANN KREISA V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 29, 2015	2015-SC-000552-KB	IN SUPREME COURT
JOSHUA RYAN KIDD V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 30, 2015	2015-SC-000553-KB	IN SUPREME COURT
KENNETH WYNDHAM STUTTS V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 30, 2015	2015-SC-000554-KB	IN SUPREME COURT
NDIDI LINDA GBULIE V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 30, 2015	2015-SC-000555-KB	IN SUPREME COURT
NANCY ANN LAWSON V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 30, 2015	2015-SC-000556-KB	IN SUPREME COURT
SARAH RUTH RUEDEMAN V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 30, 2015	2015-SC-000557-KB	IN SUPREME COURT
KRISTA RENEE PAOLUCCI V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 30, 2015	2015-SC-000559-KB	IN SUPREME COURT
JOEL LANDON WESCH V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 30, 2015	2015-SC-000560-KB	IN SUPREME COURT
VICKI LOUISE LAYMAN V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 30, 2015	2015-SC-000561-KB	IN SUPREME COURT
JOSEPH CASEY ALLISON V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 30, 2015	2015-SC-000562-KB	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

OCTOBER 29, 2015 MINUTES

RELEASED: 10:00 A.M.

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

MICHAEL DAHLEN V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 30, 2015	2015-SC-000563-KB	IN SUPREME COURT
KERRY A. WALSH SKELLY V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 30, 2015	2015-SC-000564-KB	IN SUPREME COURT
CHRISTOPHER STEPHEN MORRIS V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 30, 2015	2015-SC-000565-KB	IN SUPREME COURT
JAMES DONALD KEFFER V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 30, 2015	2015-SC-000566-KB	IN SUPREME COURT
JANET R. WHITE V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 30, 2015	2015-SC-000567-KB	IN SUPREME COURT