

# Supreme Court of Kentucky

OCTOBER 29, 2020 RULINGS

RELEASED: 10:00 A.M.

110. KENNETH LEE V. [2018-SC-0403-DG](#) LYON  
KENTUCKY DEPARTMENT OF TO BE PUBLISHED  
CORRECTIONS

**OPINION OF THE COURT BY JUSTICE  
HUGHES - AFFIRMING**

MINTON, C.J.; HUGHES, KELLER,  
NICKELL, VANMETER, AND WRIGHT,  
JJ., SITTING. ALL CONCUR.  
LAMBERT, J., NOT SITTING.

**Questions Presented:**

Criminal Law. KRS 439.3401. Violent Offenders. Opinion of the Court affirming trial court's dismissal of petition for declaration of rights filed by appellant challenging his classification as a "violent offender" under KRS 439.3401 after conviction for first-degree robbery. After review, the Court held that an individual automatically becomes a "violent offender" upon his or her conviction of any crime listed in KRS 439.3401(1); and, further held that the plain language of KRS 439.3401(1) requires a trial court judgment to state if a victim of any crime listed in KRS 439.3401(1)(not only Class B felonies) suffers death or physical injury, if such a finding is supported by the facts of a case.

111. FRANK LASSITER V. [2018-SC-0657-DG](#) WOODFORD  
WILLIAM M. LANDRUM, III TO BE PUBLISHED

**OPINION OF THE COURT BY JUSTICE  
LAMBERT - AFFIRMING AND  
REMANDING**

ALL SITTING. ALL CONCUR.

**Questions Presented:**

Contracts. Model Procurement Code. Subpoena Power. The Secretary of the Finance and Administration Cabinet has the authority to issue a subpoena to a former state employee, who later became an independent contractor/consultant for a contractor providing fraud detection service while investigating whether the renewal of the contracts for the services violated the Model Procurement Code.

112. CHAZERAE ME'LON TAYLOR, SR. V. COMMONWEALTH OF KENTUCKY [2019-SC-0066-MR](#) FAYETTE  
**TO BE PUBLISHED**

**AND**

CHAZERAE MEL'ON TAYLOR, SR. V. COMMONWEALTH OF KENTUCKY [2019-SC-0138-TG](#) FAYETTE  
**TO BE PUBLISHED**

**OPINION OF THE COURT BY JUSTICE VANMETER - AFFIRMING**

ALL SITTING. ALL CONCUR.

**Questions Presented:**

Wanton Murder. Wanton Endangerment. Directed Verdict. Trial court properly denied directed verdict where there was sufficient evidence for a reasonable jury to conclude that the Defendant knew or should have known that his conduct would render it substantially probable that return gunfire would foreseeably result, placing bystanders at risk of serious physical injury and/or death.

113. COMMONWEALTH OF KENTUCKY V. LEECOLE MITCHELL [2019-SC-0087-DG](#) FAYETTE  
**TO BE PUBLISHED**

**OPINION OF THE COURT BY JUSTICE KELLER - AFFIRMING IN PART, REVERSING IN PART, AND REMANDING**

ALL SITTING. ALL CONCUR.

**Questions Presented:**

Criminal Law. Traffic Stops. Dog Sniff. Reasonable Suspicion. Opinion of the Court affirms the Court of Appeals' holding that a traffic stop was impermissibly extended for a dog sniff but reverses that court's holding that it was precluded from reviewing the Commonwealth's argument that the officers had independent reasonable suspicion to search the vehicle.

114. CLIFFORD RUSSELL, SR., ET AL. V. JOHNSON & JOHNSON, INC., ET AL. [2019-SC-0118-DG](#) FAYETTE  
**TO BE PUBLISHED**

**OPINION OF THE COURT BY JUSTICE WRIGHT - REVERSING AND REMANDING**

MINTON, C.J.; HUGHES, KELLER, LAMBERT, VANMETER, AND WRIGHT, JJ., SITTING. ALL CONCUR. NICKELL, J., NOT SITTING.

**Questions Presented:**

Products Liability. Preemption. Civil Rules. Notice Pleading. The preemption clause contained in 21 U.S.C. § 360(k)(a) does not apply to state claims and causes of action – only state “requirements” for a medical device. Parallel state tort claims are permissible, so long as state tort standards are in harmony with federal regulations. The Court also found Appellants' complaint provided sufficient notice to Appellees of parallel state law claims and was sufficient to survive judgment on the pleadings.

115. BENNY LEE HODGE V.  
COMMONWEALTH OF KENTUCKY

[2019-SC-0137-TG](#)  
**TO BE PUBLISHED**

LAUREL

**OPINION OF THE COURT BY JUSTICE  
VANMETER - AFFIRMING**

MINTON, C.J.; HUGHES, KELLER,  
LAMBERT, NICKELL, AND VANMETER,  
JJ., SITTING. ALL CONCUR. WRIGHT,  
J., NOT SITTING.

**Questions Presented:**

Criminal Law. Capital Offense. KRS 422.285, DNA testing. Opinion of the Court affirming the trial court's denial of DNA testing of hair found at victim's home. Proof established beyond a reasonable doubt that Appellant committed two murders, robbery, and burglary and at most DNA evidence would cast some doubt on the testimony of one witness whose testimony is otherwise corroborated. Therefore, DNA evidence in this instance would not result in a more favorable verdict or sentence, nor would it produce exculpatory evidence.

116. BRADY LEE RAY V.  
COMMONWEALTH OF KENTUCKY

[2019-SC-0164-MR](#)  
**TO BE PUBLISHED**

GRAVES

**OPINION OF THE COURT BY JUSTICE  
LAMBERT - AFFIRMING**

ALL SITTING. MINTON, C.J.; HUGHES,  
LAMBERT, VANMETER, AND WRIGHT,  
JJ., CONCUR. KELLER AND NICKELL,  
JJ., CONCUR IN RESULT ONLY.

**Questions Presented:**

Criminal Law. Motions for Directed Verdict. Trial Procedure. Preservation. Criminal defendants may move for directed verdict on one count of a multiple count indictment without rendering the alleged error unpreserved; defendants are not required to move for directed verdict on any lesser included offenses to a particular charge in order to preserve the issue; and nor are they required to object to instructing the jury on that particular charge to preserve the alleged directed verdict error.

117. COMMONWEALTH OF KENTUCKY V. MICHAEL WAYNE CROWE [2019-SC-0231-DG](#) FAYETTE  
**TO BE PUBLISHED**

**OPINION OF THE COURT BY JUSTICE KELLER - AFFIRMING**

MINTON, C.J.; HUGHES, KELLER, LAMBERT, VANMETER, AND WRIGHT, JJ., SITTING. ALL CONCUR. NICKELL, J. NOT SITTING.

**Questions Presented:**

Criminal Law. KRS 439.3401(5) Violent Offender Domestic Violence Exemption. Trial court erred in determining that the Defendant was not a victim of domestic violence with regard to the manslaughter. In order to be eligible for the domestic violence exemption under KRS 439.3401(5), the Defendant is required to show that the domestic violence was involved in the commission of the crime or that there was a relationship or connection between the domestic violence and the crime.

118. RICKEY ALLEN RHOTON V. COMMONWEALTH OF KENTUCKY [2019-SC-0298-DG](#) BATH  
**TO BE PUBLISHED**

**OPINION OF THE COURT BY JUSTICE KELLER - AFFIRMING**

ALL SITTING. ALL CONCUR.

**Questions Presented:**

Criminal Law. Suppression of Evidence. Dog Sniff. Traffic stop was not impermissibly extended where officer discovered an active warrant during a routine outstanding warrant search, resulting in an additional 10-minute delay in processing the Defendant's citation.

119. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES V. K. S., ET AL. [2019-SC-0692-DGE](#) CALLOWAY  
**TO BE PUBLISHED**

**OPINION OF THE COURT BY JUSTICE LAMBERT - AFFIRMING IN PART AND REVERSING IN PART**

ALL SITTING. ALL CONCUR.

**Questions Presented:**

Dependency, Neglect and Abuse. Due Process. KRS 31.110(1)(b). Funding for Expert Assistance. Considering whether expert assistance must be provided to indigent parties in dependency, neglect and abuse cases, KRS 31.110(10)(b) does not so entitle an indigent parent to state funded assistance. However, under certain circumstances, parents are entitled to reasonably necessary expert assistance as determined by the trial court on a case-by-case basis.

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| 120. | ARTHUR LONG V.<br>COMMONWEALTH OF KENTUCKY<br><br><b>MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u></b><br><br>ALL SITTING. ALL CONCUR.                                                    | <a href="#">2019-SC-0002-MR</a><br><b>NOT TO BE PUBLISHED</b> | LYON                |
| 121. | ROBERT PROFFITT V.<br>COMMONWEALTH OF KENTUCKY<br><br><b>MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u></b><br><br>ALL SITTING. ALL CONCUR.                                                | <a href="#">2019-SC-0173-MR</a><br><b>NOT TO BE PUBLISHED</b> | LAUREL              |
| 122. | ROBERT FOLEY V.<br>COMMONWEALTH OF KENTUCKY<br><br><b>MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u></b><br><br>ALL SITTING. ALL CONCUR.                                                   | <a href="#">2019-SC-0182-MR</a><br><b>NOT TO BE PUBLISHED</b> | LAUREL              |
| 123. | GREGORY ESTES V.<br>HON. ANGELA MCCORMICK BISIG,<br>JUDGE, JEFFERSON CIRCUIT<br>COURT, ET AL.<br><br><b>MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u></b><br><br>ALL SITTING. ALL CONCUR. | <a href="#">2019-SC-0335-MR</a><br><b>NOT TO BE PUBLISHED</b> | COURT OF<br>APPEALS |
| 124. | MICHAEL R. P'SIMER V.<br>COMMONWEALTH OF KENTUCKY<br><br><b>MEMORANDUM OPINION OF THE COURT - <u>AFFIRMING</u></b><br><br>ALL SITTING. ALL CONCUR.                                             | <a href="#">2019-SC-0344-MR</a><br><b>NOT TO BE PUBLISHED</b> | CARTER              |

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| 125. | GARY H. COCHRAN V.<br>COMMONWEALTH OF KENTUCKY<br><br><b>AND</b><br><br>GARY HAVEN COCHRAN V.<br>COMMONWEALTH OF KENTUCKY<br><br><b>MEMORANDUM OPINION OF THE<br/>COURT - <u>REVERSING AND<br/>REMANDING</u></b><br><br>ALL SITTING. MINTON, C.J.; HUGHES,<br>KELLER, LAMBERT, AND NICKELL,<br>JJ., CONCUR. WRIGHT, J., DISSENTS<br>BY SEPARATE OPINION IN WHICH<br>VANMETER, J., JOINS. | <a href="#">2019-SC-0349-MR</a><br><b>NOT TO BE PUBLISHED</b> | LAWRENCE  |
| 126. | JEREMY BREEDEN V.<br>COMMONWEALTH OF KENTUCKY<br><br><b>MEMORANDUM OPINION OF THE<br/>COURT - <u>AFFIRMING</u></b><br><br>ALL SITTING. ALL CONCUR.                                                                                                                                                                                                                                       | <a href="#">2019-SC-0371-MR</a><br><b>NOT TO BE PUBLISHED</b> | KENTON    |
| 127. | BRADLEY ANDERSON V.<br>COMMONWEALTH OF KENTUCKY<br><br><b>MEMORANDUM OPINION OF THE<br/>COURT - <u>AFFIRMING</u></b><br><br>ALL SITTING. ALL CONCUR.                                                                                                                                                                                                                                     | <a href="#">2019-SC-0402-MR</a><br><b>NOT TO BE PUBLISHED</b> | HARDIN    |
| 128. | CHRISTOPHER A. HILL V.<br>COMMONWEALTH OF KENTUCKY<br><br><b>MEMORANDUM OPINION OF THE<br/>COURT - <u>AFFIRMING</u></b><br><br>ALL SITTING. ALL CONCUR.                                                                                                                                                                                                                                  | <a href="#">2019-SC-0571-MR</a><br><b>NOT TO BE PUBLISHED</b> | MCCRACKEN |

**OPINION AND ORDERS - October 29, 2020**

L. H., A CHILD UNDER EIGHTEEN V.  
COMMONWEALTH OF KENTUCKY

[2019-SC-0321-DG](#)  
**NOT TO BE PUBLISHED**

HOPKINS

**OPINION AND ORDER - DISMISSING AS MOOT**

ALL SITTING. ALL CONCUR.

CHRISTY HANLEY SHIRCLIFF V.  
KENTUCKY BAR ASSOCIATION

[2020-SC-0123-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**ORDER OF SUSPENSION FOR ONE YEAR**

ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V. ROBERT  
ANDREW ROWLAND

[2020-SC-0228-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**ORDER OF SUSPENSION FOR 180 DAYS**

ALL SITTING. MINTON, C.J.; HUGHES, KELLER,  
LAMBERT, NICKELL AND WRIGHT, JJ.,  
CONCUR. VANMETER, J., CONCURS IN PART  
AND DISSENTS IN PART BY SEPARATE  
OPINION.

KENTUCKY BAR ASSOCIATION V.  
LEILA LOUISE HALE

[2020-SC-0317-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**ORDER OF PUBLIC REPRIMAND**

ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V.  
HAROLD MCCLURE SCHWARZ, III

[2020-SC-0318-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**ORDER OF INDEFINITE SUSPENSION**

ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V.  
RYAN RICHARD STITH

[2020-SC-0320-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**ORDER OF INDEFINITE SUSPENSION**

ALL SITTING. ALL CONCUR.

**ORDER GRANTING DISCRETIONARY REVIEW (ORAL ARGUMENT) - October 22, 2020**

PAUL KEARNEY, M.D. V. [2020-SC-0010-DG](#) FAYETTE  
UNIVERSITY OF KENTUCKY

CRAIG BRAMLETT, ET AL. V. [2020-SC-0232-DG](#) PIKE  
ARNOLD J. RYAN, JR., ET AL.

**ORDER GRANTING DISCRETIONARY REVIEW (NO ORAL ARGUMENT) - October 22, 2020**

KENTUCKY GUARDIANSHIP [2019-SC-0295-DG](#) WHITLEY  
ADMINISTRATORS, LLC, AS CONSERVATOR  
FOR KALI CRUSENBERRY, ET AL. V.  
BAPTIST HEALTH SYSTEM, INC. D/B/A BAPTIST  
HEALTH CORBIN, ET AL.  
NICKELL, J., NOT SITTING.

A. G. V. [2020-SC-0273-DGE](#) JEFFERSON  
CABINET FOR HEALTH AND FAMILY  
SERVICES, COMMONWEALTH OF KENTUCKY,  
ET AL.

COMMONWEALTH OF KENTUCKY V. [2020-SC-0279-DG](#) ANDERSON  
JAMES PERRY

**ORDER DENYING DISCRETIONARY REVIEW - October 21, 2020**

THOMAS STONE, ET AL. V. [2019-SC-0629-D](#) FAYETTE  
HOME DEPOT U.S.A., INC. ET AL.

AARON CAMPBELL V. [2019-SC-0727-D](#) FRANKLIN  
KEVIN MAZZA

AARON CAMPBELL V. [2020-SC-0074-D](#) FAYETTE  
COMMONWEALTH OF KENTUCKY



**ORDER DENYING DISCRETIONARY REVIEW - October 21, 2020**

PHILIP ROBERTS, M.D. V. KENTUCKY BOARD OF MEDICAL LICENSURE NICKELL, J., NOT SITTING.	<a href="#">2020-SC-0076-D</a>	JEFFERSON
ABIGAIL BOARD V. COMMONWEALTH OF KENTUCKY	<a href="#">2020-SC-0077-D</a>	JEFFERSON
GINI G. GRACE V. COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS, ET AL.	<a href="#">2020-SC-0079-D</a>	MCCRACKEN
MICHAEL BROADWAY V. COMMONWEALTH OF KENTUCKY <b>KELLER, LAMBERT, AND VANMETER, JJ., WOULD GRANT DISCRETIONARY REVIEW.</b>	<a href="#">2020-SC-0086-D</a>	JEFFERSON
LEXINGTON VILLAGE, LLC V. SHEA CINQUE, ET AL.	<a href="#">2020-SC-0174-D</a>	FAYETTE
UNIVERSITY OF LOUISVILLE, ET AL. V. STITES & HARBISON, PLLC	<a href="#">2020-SC-0185-D</a>	JEFFERSON
DAKOTA MILLER V. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY	<a href="#">2020-SC-0190-D</a>	KNOX
JAMES E. MILLER V. COMMONWEALTH OF KENTUCKY	<a href="#">2020-SC-0204-D</a>	HENDERSON
RENE A. BOUCHER V. RAND PAUL MINTON, C.J., NOT SITTING.	<a href="#">2020-SC-0223-D</a>	WARREN
HARRY WAYNE SIMPSON, JR. V. COMMONWEALTH OF KENTUCKY	<a href="#">2020-SC-0233-D</a>	FAYETTE

**ORDER DENYING DISCRETIONARY REVIEW - October 21, 2020**

MARYSUSAN WARD V. LOUISVILLE METRO GOVERNMENT	<a href="#">2020-SC-0246-D</a>	JEFFERSON
B. K. L. V. CABINET FOR HEALTH AND FAMILY SERVICES, COMMONWEALTH OF KENTUCKY, ET AL.	<a href="#">2020-SC-0263-DE</a>	GARRARD
KEITH STURDIVANT V. R.A. JONES & CO., INC.	<a href="#">2020-SC-0265-D</a>	BOONE
WILLIE L. WHITE V. COMMONWEALTH OF KENTUCKY	<a href="#">2020-SC-0268-D</a>	KENTON
HAMILTON HOLDINGS, LTD., ET AL. V. APPALACHIAN ROYALTY TRUST, LLC	<a href="#">2020-SC-0280-D</a>	BELL
DAVID LEE FINK V. LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, ET AL.	<a href="#">2020-SC-0286-D</a>	JEFFERSON
ROBERT ROBINSON V. COMMONWEALTH OF KENTUCKY	<a href="#">2020-SC-0287-D</a>	KENTON
KRISTI CISSELL, ET AL. V. H. L., A MINOR CHILD, ET AL.	<a href="#">2020-SC-0340-DE</a>	MARION
FRANKFORT PLANT BOARD MUNICIPAL PROJECTS CORPORATION V. BELLSOUTH TELECOMMUNICATIONS, LLC D/B/A AT&T KENTUCKY <b>VANMETER J., WOULD GRANT DISCRETIONARY REVIEW.</b>	<a href="#">2020-SC-0344-D</a>	FRANKLIN
DEJUAN HAMMOND V. COMMONWEALTH OF KENTUCKY	<a href="#">2020-SC-0375-D</a>	JEFFERSON

**ORDER DENYING DISCRETIONARY REVIEW - October 21, 2020**

K. H. V. [2020-SC-0393-D](#) FAYETTE  
COMMONWEALTH OF KENTUCKY

**ORDER DENYING DISCRETIONARY REVIEW - October 22, 2020**

MARK GRAY, ET AL. V. [2019-SC-0626-D](#) MERCER  
DAVID BEST, MERCER COUNTY PROPERTY  
VALUATION ADMINISTRATOR, ET AL.

EDWARD C. KLEMAN, ET AL. V. [2019-SC-0740-D](#) PULASKI  
LAKE CUMBERLAND RESORT COMMUNITY  
ASSOCIATION, ET AL.  
NICKELL, J., NOT SITTING.

LT. ED ROBINSON, CITY OF MT. VERNON, [2020-SC-0019-D](#) ROCKCASTLE  
KENTUCKY POLICE DEPARTMENT V.  
CITY OF MT. VERNON, KENTUCKY, ET AL.  
LAMBERT AND NICKELL, JJ., NOT SITTING.  
COLLINS AND OVEY, S.J., SITTING.

MARVIN TIMOTHY PENNINGTON V. [2020-SC-0147-D](#) FAYETTE  
COMMONWEALTH OF KENTUCKY

**ORDER DENYING DISCRETIONARY REVIEW AND DEPUBLISHING - October 21, 2020**

SCOTT YOUNG V. [2020-SC-0355-D](#) JEFFERSON  
COMMONWEALTH OF KENTUCKY

**ORDER DENYING DISCRETIONARY REVIEW AND DEPUBLISHING - October 22, 2020**

J. FOX DEMOISEY, ET AL. V. [2018-SC-0337-D](#) JEFFERSON  
PETER L. OSTERMILLER  
LAMBERT, J., NOT SITTING.

**ORDER DENYING DISCRETIONARY REVIEW AND ORDERING PUBLICATION - October 22, 2020**

DONALD MORGAN, ET AL. V. [2019-SC-0686-D](#) ALLEN  
ALLEN COUNTY, KENTUCKY, ET AL.

**ORDER DISMISSING - October 15, 2020**

KMART V.  
PEGGY COFFEY, ET AL.

[2020-SC-0290-WC](#)

IN SUPREME  
COURT

**ORDER DISMISSING**

**ORDER DISMISSING – October 26, 2020**

DAWN GENTRY, JUDGE, KENTON FAMILY  
CIRCUIT COURT, DIVISION 5 V.  
JUDICIAL CONDUCT COMMISSION

[2020-SC-0362-OA](#)

IN SUPREME  
COURT

**ORDER GRANTING MOTION TO DISMISS**

KELLER, LAMBERT, NICKELL, AND VANMETER,  
JJ., SITTING. ALL CONCUR.

**ORDER AS TO RECONSIDERATION - October 29, 2020**

SEAN M. MAGUIRE V.  
JAMES WILLIAM CROOK

[2018-SC-0290-D](#)

HOPKINS

**ORDER DENYING RECONSIDERATION**

MINTON, C.J.; HUGHES, KELLER, LAMBERT,  
VANMETER, AND WRIGHT, JJ., SITTING. ALL  
CONCUR. NICKELL, J., NOT SITTING.

GEOFFREY M. YOUNG V.  
ADAM EDELEN, ET AL.

[2019-SC-0625-I](#)

FAYETTE

**ORDER DENYING RECONSIDERATION**

ALL SITTING. ALL CONCUR.

**ORDER DENYING - October 29, 2020**

COMMONWEALTH OF KENTUCKY V. JASON  
BOWLES

[2019-SC-0599-CL](#)

WARREN

**ORDER DENYING REQUEST TO CERTIFY THE  
LAW**

ALL SITTING. ALL CONCUR.

**ORDER DENYING - October 29, 2020**

SAMANTHA KILLARY V.  
LINDA THOMPSON, ET AL.

[2020-SC-0073-T](#)

JEFFERSON

**ORDER DENYING TRANSFER**

ALL SITTING. ALL CONCUR.

DENNIS DOLAN, ET AL. V.  
LOUISVILLE/JEFFERSON COUNTY METRO  
SEWER DISTRICT (MSD), ET AL.

[2020-SC-0212-T](#)

JEFFERSON

**ORDER DENYING TRANSFER**

ALL SITTING. ALL CONCUR.

**ORDER VACATING AND DISMISSING - October 29, 2020**

MICAH C. SCHOETTLE V. COMMONWEALTH  
OF KENTUCKY

[2018-SC-0498-MR](#)

KENTON

**ORDER VACATING AND DISMISSING  
AS MOOT**

ALL SITTING. ALL CONCUR.

**ORDER WITHDRAWING FROM KENTUCKY BAR ASSOCIATION - October 19, 2020**

CYNTHIA ANNE POWELEIT V.  
KENTUCKY BAR ASSOCIATION

[2020-SC-0504-KB](#)

IN SUPREME  
COURT

SANA HASSAN V.  
KENTUCKY BAR ASSOCIATION

[2020-SC-0505-KB](#)

IN SUPREME  
COURT