

SUPREME COURT OF KENTUCKY

OCTOBER 27, 2011 MINUTES

RELEASED: 10:00 A.M.

169. CHRISTOPHER CHAVIES V.  
COMMONWEALTH OF KENTUCKY  
**OPINION OF THE COURT BY  
CHIEF JUSTICE MINTON -  
AFFIRMING**  
ALL SITTING. ALL CONCUR.

[2010-SC-000479-MR](#)  
**TO BE PUBLISHED**

LAUREL

**Questions Presented:**

Manufacturing methamphetamine; receipt of stolen property worth \$500 or more, but less than \$10,000; and PFO II - 50 years. Traffic stop. Warrantless search of automobile. Plain view exception. Sufficiency of evidence. Erroneous introduction of prior amended and dismissed charges did not constitute palpable error.

170. SEAN CHRISTOPHER NOAKES V.  
COMMONWEALTH OF KENTUCKY  
**OPINION OF THE COURT BY  
JUSTICE SCOTT - AFFIRMING**  
ALL SITTING. ALL CONCUR.

[2010-SC-000568-MR](#)  
**TO BE PUBLISHED**

BOONE

**Questions Presented:**

Murder, attempted murder and PFO I. Two life sentences. Limited directed verdict does not exist. Language of KRS 504.020(2) properly included in insanity instruction. Error in EED instruction was not reversible because it had been proffered by the defendant. No prosecutorial conduct.

SUPREME COURT OF KENTUCKY

OCTOBER 27, 2011 MINUTES

RELEASED: 10:00 A.M.

171. UNIVERSITY MEDICAL CENTER, INC., D/B/A UNIVERSITY OF LOUISVILLE HOSPITAL V. MICHAEL G. BEGLIN, INDIVIDUALLY; AND MICHAEL G. BEGLIN AS EXECUTOR OF THE ESTATE OF JENNIFER W. BEGLIN; MICHAEL G. BEGLIN AS PARENT AND NEXT FRIEND OF THE MINOR WILLIAM PATRICK BEGLIN; MICHAEL G. BEGLIN AS PARENT AND NEXT FRIEND OF THE MINOR KELLY ANN BEGLIN; WILLIAM PATRICK BEGLIN, INDIVIDUALLY; AND KELLY ANN BEGLIN, INDIVIDUALLY
- [2009-SC-000289-DG](#) JEFFERSON  
[2009-SC-000839-DG](#)  
**TO BE PUBLISHED**

**Questions Presented:**

Personal Injury. Jury Instructions. Missing evidence. Issues include propriety of giving spoliation instruction and other evidentiary and instructional rulings.

**OPINION OF THE COURT BY**

**JUSTICE VENTERS -**

**AFFIRMING IN PART AND**

**REVERSING IN PART**

MINTON, C.J., ABRAMSON, NOBLE, AND SCHRODER, JJ., CONCUR. SCOTT, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION, IN WHICH CUNNINGHAM, J., JOINS.

172. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, AND LARRY BARNES V. RENEE IVY (NOW KNIGHTEN)
- [2010-SC-000527-DGE](#) MCCRACKEN  
**TO BE PUBLISHED**

**Questions Presented:**

Child Support. Contempt of Court. Issues include the amount of child support as well as arrearages to be paid by a non-custodial parent receiving SSI benefits.

**OPINION OF THE COURT BY**

**JUSTICE ABRAMSON -**

**AFFIRMING IN PART,**

**REVERSING IN PART AND**

**REMANDING**

MINTON, C.J.; NOBLE, SCHRODER, AND VENTERS, JJ., CONCUR. CUNNINGHAM, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION IN WHICH SCOTT, J., JOINS.

SUPREME COURT OF KENTUCKY

OCTOBER 27, 2011 MINUTES

RELEASED: 10:00 A.M.

173. ST. LUKE HOSPITAL, INC.,  
E. KREBS, R.N.; T. THEISEN;  
JOHN FEY; JOHN HOWARD HARRIS;  
AND ERNEST PRETOT V.  
SHANNON STRAUB  
**OPINION OF THE COURT BY  
CHIEF JUSTICE MINTON -  
REVERSING**  
ALL SITTING. ALL CONCUR.
- [2009-SC-000027-DG](#) CAMPBELL  
**TO BE PUBLISHED**
- Questions Presented:**  
Violation of State Due Process Rights. Statute of Limitations. Issue preclusion. Torts. Issues include: 1. whether KRS 446.070 creates a cause of action for a violation of state constitutional rights; 2. whether federal litigation in a §1983 action precludes state litigation; 3. whether the statute of limitations was observed; 4. whether KRS 413.270 applies; 5. whether the trial court erred by failing to answer jury questions during deliberations; 6. whether the trial court incorrectly admitted evidence of the plaintiff's prior drug and profanity use, and 7. whether the plaintiff is entitled to punitive damages.
174. SHAWNEE TELECOM RESOURCES  
INC., SUCCESSOR BY MERGER TO  
SHAWNEE TECHNOLOGY, INC. V.  
KATHY BROWN  
**OPINION OF THE COURT BY  
JUSTICE ABRAMSON -  
REVERSING IN PART, AFFIRMING  
IN PART, AND REMANDING**  
ALL SITTING. ALL CONCUR.
- [2009-SC-000574-DG](#) FAYETTE  
**TO BE PUBLISHED**
- Questions Presented:**  
Dissenter's Rights. Corporations. The issue is by what method the trial court should value the dissenting shareholder's stock shares.
175. JEREMY D. LAWTON V.  
COMMONWEALTH OF KENTUCKY  
**OPINION OF THE COURT BY  
JUSTICE NOBLE -  
REVERSING AND REMANDING**  
ALL SITTING. ALL CONCUR.
- [2010-SC-000206-DG](#) FAYETTE  
**TO BE PUBLISHED**
- Questions Presented:**  
Second degree escape and PFO II. Sample instruction for second-degree escape from a home as a detention facility in the home incarceration program.

SUPREME COURT OF KENTUCKY

OCTOBER 27, 2011 MINUTES

RELEASED: 10:00 A.M.

176. INTERLOCK INDUSTRIES, INC., [2010-SC-000264-DG](#) SHELBY  
ET AL. V. **TO BE PUBLISHED**  
CHARLES RAWLINGS, ET AL.  
**AND**  
ROSENMAN'S INC. V. [2010-SC-000352-DG](#) SHELBY  
CHARLES RAWLINGS, ET AL. **TO BE PUBLISHED**  
**AND**  
KENTUCKY FLATBED COMPANY, [2010-SC-000368-DG](#) SHELBY  
LLC. V. **TO BE PUBLISHED**  
CHARLES RAWLINGS, ET AL.  
**OPINION OF THE COURT BY**  
**JUSTICE SCHRODER –**  
**REVERSING AND REMANDING**  
MINTON, C.J.; ABRAMSON,  
CUNNINGHAM, AND NOBLE, JJ.,  
CONCUR. SCOTT, J., CONCURS IN  
PART AND DISSENTS IN PART BY  
SEPARATE OPINION IN WHICH  
VENTERS, J., JOINS.
177. PETER BARD V. [2010-SC-000283-DG](#) JEFFERSON  
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE SCOTT -**  
**REVERSING AND REMANDING**  
CUNNINGHAM, NOBLE, SCHRODER,  
AND VENTERS, JJ., CONCUR.  
MINTON, C.J., DISSENTS BY  
SEPARATE OPINION. ABRAMSON, J.,  
NOT SITTING.
178. CORY KEIFER V. [2010-SC-000694-DGE](#) HARDIN  
JAYLYNNE KEIFER **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE VENTERS -**  
**VACATING AND**  
**REMANDING**  
ALL SITTING. ALL CONCUR.

**Questions Presented:**  
Statute of Limitations. Personal Injury. MVRA. Issues include whether the KRS 413.140(1) one-year personal injury statute of limitations or the KRS 304.39-230 two-year MVRA statute of limitations applies to the injury suffered by a trucker when he was struck by part of his load of aluminum bundles as he was rolling up tie-down straps beside the flatbed truck being unloaded.

**Questions Presented:**  
Department of Corrections cannot correct an error in the calculation of a presentencing custody credit after the calculation is incorporated into the trial court's final judgment.

**Questions Presented:**  
Child Custody. Modification. Issues include whether factual findings are required in ruling upon post-dissolution motions to modify parental timesharing to accommodate relocation of one joint custodian.

SUPREME COURT OF KENTUCKY

OCTOBER 27, 2011 MINUTES

RELEASED: 10:00 A.M.

179. ERNEST SHAFFER V. [2009-SC-000630-MR](#) ADAIR  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF**  
**THE COURT – AFFIRMING**  
ALL SITTING. ALL CONCUR.
180. JOSHUA PRIDDY V. [2010-SC-000041-DG](#) MCCracken  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF**  
**THE COURT - AFFIRMING**  
ALL SITTING. ALL CONCUR.
181. JAMES RANDALL MAY V. [2010-SC-000052-MR](#) MERCER  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF**  
**THE COURT – AFFIRMING**  
ALL SITTING. MINTON, C.J.;  
ABRAMSON, CUNNINGHAM, NOBLE,  
SCOTT, AND VENTERS, JJ., CONCUR.  
SCHRODER, J., CONCURS IN RESULT  
ONLY.

**OPINIONS AND ORDERS – OCTOBER 19, 2011**

- AMADOU MBAYE V. 2010-SC-000812-DG BOONE  
COMMONWEALTH OF KENTUCKY  
**ORDER GRANTED DISCRETIONARY REVIEW,**  
**VACATED THE COURT OF APPEALS' OPINION**  
**AND REMANDED TO THE COURT OF APPEALS**  
**FOR FURTHER PROCEEDINGS.**  
ALL SITTING. ALL CONCUR.
- MICHAEL THRASHER V. 2011-SC-000076-DG FRANKLIN  
COMMONWEALTH OF KENTUCKY  
**ORDER GRANTED DISCRETIONARY REVIEW,**  
**VACATED THE COURT OF APPEALS' OPINION**  
**AND REMANDED TO THE COURT OF APPEALS**  
**FOR FURTHER PROCEEDINGS.**  
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

OCTOBER 27, 2011 MINUTES

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – OCTOBER 27, 2011

|   |  |                     |
|---|--|---------------------|
| KENTUCKY BAR ASSOCIATION V.<br>JAMES B. GRAY<br><b>ORDER SUSPENDED RESPONDENT FROM<br/>THE PRACTICE OF LAW FOR FIVE YEARS<br/>FROM THE DATE OF THIS COURT'S PRIOR<br/>OPINION AND ORDER DATED AUGUST 26,<br/>2010.</b><br>ALL SITTING. ALL CONCUR.  | <a href="#">2010-SC-000381-KB</a><br><b>TO BE PUBLISHED</b>                                      | IN SUPREME<br>COURT |
| CHRISTOPHER BRIGHT V.<br>COMMONWEALTH OF KENTUCKY<br><b>ORDER GRANTED DISCRETIONARY REVIEW,<br/>VACATED THE COURT OF APPEALS'<br/>OPINION AND REMANDED TO THE COURT<br/>OF APPEALS FOR FURTHER CONSIDERATION.</b><br>ALL SITTING. ALL CONCUR.   | 2010-SC-000401-DG  | GRAVES              |
| KENTUCKY BAR ASSOCIATION V.<br>MARGARET M. JACKSON-RIGG<br><b>OPINION AND ORDER PERMANENTLY<br/>DISBARRED RESPONDENT FROM THE<br/>PRACTICE OF LAW IN THE<br/>COMMONWEALTH OF KENTUCKY.</b><br>ALL SITTING. ALL CONCUR.  | <a href="#">2011-SC-000212-KB</a><br><a href="#">2011-SC-000329-KB</a><br><b>TO BE PUBLISHED</b> | IN SUPREME<br>COURT |
| KENTUCKY BAR ASSOCIATION V.<br>RONALD E. THORNSBERRY<br><b>ORDER SUSPENDED RESPONDENT FROM<br/>THE PRACTICE OF LAW FOR 30 DAYS.</b><br>ALL SITTING. ALL CONCUR.   | <a href="#">2011-SC-000352-KB</a><br><b>TO BE PUBLISHED</b>                                      | IN SUPREME<br>COURT |
| KENTUCKY BAR ASSOCIATION V.<br>JOSEPH F. BAMBERGER<br><b>OPINION AND ORDER PERMANENTLY<br/>DISBARRED RESPONDENT FROM THE<br/>PRACTICE OF LAW IN THE<br/>COMMONWEALTH OF KENTUCKY.</b><br>MINTON, C.J.; ABRAMSON, CUNNINGHAM,<br>NOBLE, SCOTT, AND VENTERS, JJ., CONCUR.<br>SCHRODER, J., NOT SITTING. | <a href="#">2011-SC-000378-KB</a><br><b>TO BE PUBLISHED</b>                                      | IN SUPREME<br>COURT |

**SUPREME COURT OF KENTUCKY**

**OCTOBER 27, 2011 MINUTES**

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

**OPINIONS AND ORDERS – OCTOBER 27, 2011**

MAUREEN ANN SULLIVAN V.  
KENTUCKY BAR ASSOCIATION  
**ORDER SUSPENDED MOVANT FROM  
THE PRACTICE OF LAW FOR 61 DAYS  
WITH CONDITIONS.**  
ALL SITTING. ALL CONCUR.

[2011-SC-000533-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

CHRISTOPHER VAVRO V.  
KENTUCKY BAR ASSOCIATION  
**ORDER SUSPENDED MOVANT FROM  
THE PRACTICE OF LAW FOR 61 DAYS.**  
ALL SITTING. ALL CONCUR.

[2011-SC-000538-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –  
OCTOBER 19, 2011**

BARBARA A. ABEL, ET AL. V.  
J. BRENT AUSTIN, ET AL.

2010-SC-000426-DG

FAYETTE

RODGER W. LOFTON V.  
FAIRMONT SPECIALITY INSURANCE  
MANAGERS, INC. (D/B/A FAIRMONT  
SPECIALTY GROUP AND D/B/A FAIRMONT  
SPECIALTY P & C; DENISE MAXEY; AND  
DELBERT K. PRUTT

2010-SC-000749-D

MCCRACKEN

JAMES W. STEADMAN V.  
COMMONWEALTH OF KENTUCKY

2011-SC-000508-DG

LOGAN

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –  
OCTOBER 20, 2011**

JOHN AND ELIZABETH SAWYERS V.  
ARTHUR AND JOYCE BELLER

2010-SC-000678-DG

ALLEN

COMMONWEALTH OF KENTUCKY V.  
DEONTE SIMMONS

2011-SC-000118-DG

MADISON

**SUPREME COURT OF KENTUCKY**

**OCTOBER 27, 2011 MINUTES**

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

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
OCTOBER 19, 2011**

|   |                  |          |
|---|------------------|----------|
| STEWART TITLE GUARANTY COMPANY V.<br>HAYDEN & BUTLER, P.S.C.  | 2010-SC-000581-D | FAYETTE  |
| BRENT R. JENKINS V.<br>COMMONWEALTH OF KENTUCKY   | 2010-SC-000648-D | HARDIN   |
| COMMONWEALTH OF KENTUCKY V.<br>MARLENA BISHOP<br><b>THE COURT OF APPEALS OPINION IS<br/>ORDERED NOT TO BE PUBLISHED</b> | 2010-SC-000653-D | PIKE     |
| LONNA CASTLE V.<br>HIGHLANDS HOSPITAL CORPORATION   | 2010-SC-000666-D | FLOYD    |
| ERIC DETERS V.<br>PHILIP TALIAFERRO, ET AL.   | 2010-SC-000670-D | KENTON   |
| J. CHESTER PORTER, ETC., ET AL. V.<br>TIM TIPTON, ET AL.  | 2010-SC-000675-D | BULLITT  |
| ANTHONY M. CLAUS V.<br>COMMONWEALTH OF KENTUCKY   | 2010-SC-000680-D | CAMPBELL |
| MICHELLE PATRICK V.<br>CORRECTIONS CORPORATION OF<br>AMERICA (D/B/A LEE COUNTY ADJUSTMENT<br>CENTER), ET AL.            | 2010-SC-000683-D | LEE      |
| LARRY ROTHFUSS V.<br>COMMONWEALTH OF KENTUCKY   | 2010-SC-000712-D | KENTON   |
| ELLIS KEYES V.<br>CLYDE HOGG  | 2010-SC-000718-D | LETCHER  |
| JASON WOOD V.<br>COMMONWEALTH OF KENTUCKY   | 2010-SC-000726-D | GRAVES   |



**SUPREME COURT OF KENTUCKY**

**OCTOBER 27, 2011 MINUTES**

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

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
OCTOBER 19, 2011**

|   |                  |           |
|---|------------------|-----------|
| JOSHUA PALKEN, ET AL. V.<br>W. A. BROCKMAN, ET AL.  | 2010-SC-000729-D | ADAIR     |
| COMMONWEALTH OF KENTUCKY, FINANCE<br>AND ADMINISTRATION CABINET,<br>DEPARTMENT OF REVENUE V.<br>LEXINGTON-FAYETTE URBAN COUNTY<br>GOVERNMENT                            | 2010-SC-000732-D | FRANKLIN  |
| CAROLYN MCGREW V.<br>KENTUCKY RETIREMENT SYSTEMS  | 2010-SC-000742-D | FRANKLIN  |
| JONATHAN DYER V.<br>COMMONWEALTH OF KENTUCKY  | 2010-SC-000751-D | GARRARD   |
| ANTHONY D. PENNINGTON, JR. V.<br>COMMONWEALTH OF KENTUCKY   | 2010-SC-000756-D | JEFFERSON |
| BETTIE WILLIS V.<br>LOUISVILLEJEFFERSON COUNTY<br>METROPOLITAN SEWER DISTRICT, ET AL.<br><b>THE OPINION OF THE COURT OF APPEALS<br/>IS ORDERED NOT TO BE PUBLISHED.</b> | 2010-SC-000763-D | JEFFERSON |
| STAR RUN, INC V.<br>COMMONWEALTH OF KENTUCKY,<br>ENVIRONMENTAL AND PUBLIC PROTECTION<br>CABINET   | 2010-SC-000772-D | FRANKLIN  |
| STEVEN PENA, ET AL. V.<br>JOHN SWICEGOOD, ET AL.  | 2010-SC-000775-D | SCOTT     |
| DARRELL RAY KEELING V.<br>COMMONWEALTH OF KENTUCKY  | 2010-SC-000778-D | MCCRACKEN |
| THERESA GERSTLE V.<br>RIVER CITY BANK   | 2010-SC-000803-D | JEFFERSON |

**SUPREME COURT OF KENTUCKY**

**OCTOBER 27, 2011 MINUTES**

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

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
OCTOBER 19, 2011**

|   |                  |           |
|---|------------------|-----------|
| WILLIAM R. JOSEPH V.<br>BOARD OF TRUSTEES OF KENTUCKY<br>RETIREMENT SYSTEMS | 2011-SC-000013-D | FRANKLIN  |
| SHELLEY NETHERWOOD V.<br>ELAINE KENNEDY, ET AL.                             | 2011-SC-000014-D | JEFFERSON |
| JAMES LAWRENCE KOWALSKI V.<br>COMMONWEALTH OF KENTUCKY                      | 2011-SC-000176-D | WARREN    |
| GREEN TREE SERVICING, LLC. V.<br>JUAN PENA, ETC., ET AL.                    | 2011-SC-000194-D | JEFFERSON |
| HARRY L. SMITH V.<br>COMMONWEALTH OF KENTUCKY                               | 2011-SC-000195-D | CAMPBELL  |
| CARLOS FAULKNER V.<br>COMMONWEALTH OF KENTUCKY                              | 2011-SC-000199-D | KENTON    |
| PATRICK MEEKS V.<br>COMMONWEALTH OF KENTUCKY                                | 2011-SC-000203-D | JEFFERSON |
| JEWISH HOSPITAL HEALTHCARE<br>SERVICES, INC. V.<br>LINDA WEISS              | 2011-SC-000237-D | JEFFERSON |
| CAROL ANDERSON V.<br>COMMONWEALTH OF KENTUCKY                               | 2011-SC-000242-D | CAMPBELL  |
| MARK EDWARD NEWTON V.<br>COMMONWEALTH OF KENTUCKY                           | 2011-SC-000246-D | HARDIN    |
| COMMONWEALTH OF KENTUCKY V.<br>JEROME CASEY                                 | 2011-SC-000249-D | CAMPBELL  |
| JENNIFER LEIGH TURNER (AS NEXT BEST<br>FRIEND OF NATHAN MICHAEL DEAN        | 2011SC-000258-D  | HARLAN    |

**SUPREME COURT OF KENTUCKY**

**OCTOBER 27, 2011 MINUTES**

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

TURNER) V.  
SUSIE CLARKE, ET AL.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
OCTOBER 19, 2011**

|  |                  |            |
|--|------------------|------------|
| JUAN LEOTIS SANDERS, ET AL. V.<br>COMMONWEALTH OF KENTUCKY | 2011-SC-000314-D | JEFFERSON  |
| CHARLES A. THORNTON V.<br>COMMONWEALTH OF KENTUCKY         | 2011-SC-000410-D | JEFFERSON  |
| DARRELL WAYNE SALLEE V.<br>JEAN CAROL SALLEE               | 2011-SC-000426-D | MARION     |
| CHARLES L. WILSON, JR. V.<br>ANGELA KAY WILSON             | 2011-SC-000431-D | MUHLENBERG |
| CRYSTAL ELLERT-STRINGER V.<br>MICHAEL RAY STRINGER, ET AL. | 2011-SC-000435-D | WARREN     |

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
OCTOBER 20, 2011**

|   |                  |          |
|---|------------------|----------|
| DIRK PARKER V.<br>COMMONWEALTH OF KENTUCKY            | 2011-SC-000046-D | FAYETTE  |
| KIMMY'S KORNER V.<br>COMMONWEALTH OF KENTUCKY, ET AL. | 2011-SC-000113-D | FRANKLIN |

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
OCTOBER 24, 2011**

|  |                  |           |
|--|------------------|-----------|
| ROBERT E. SHIRLEY V.<br>COMMONWEALTH OF KENTUCKY | 2011-SC-000090-D | WARREN    |
| BRECK MCCRACKEN V.<br>COMMONWEALTH OF KENTUCKY   | 2011-SC-000312-D | JEFFERSON |

**SUPREME COURT OF KENTUCKY**

**OCTOBER 27, 2011 MINUTES**

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

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

|  |                  |         |
|--|------------------|---------|
| MICHAEL L. KOLLROS V.<br>COMMONWEALTH OF KENTUCKY<br>ENTERED: SEPTEMBER 14, 2011 | 2011-SC-000433-D | FAYETTE |
|--|------------------|---------|

**COURT ORDERS DENYING PETITION FOR REHEARING – OCTOBER 27, 2011**

|   |   |                      |
|---|---|----------------------|
| WILLIAM HARRY MEECE V.<br>COMMONWEALTH OF KENTUCKY  | 2006-SC-000881-MR   | WARREN               |
| JOSEPH FISCHER AND CINDY FISCHER V.<br>JOHN R.FISCHER, ETC.   | 2009-SC-000245-DG   | JEFFERSON            |
| MORGAN & POTTINGER, ATTORNEYS,<br>P.S.C. V.<br>NOEL MARK BOTTS<br>AND<br>GMAC MORTGAGE CORPORATION V.<br>NOEL MARK BOTTS<br><b>ORDER DENIED PETITION FOR<br/>REHEARING AND GRANTED PETITION FOR<br/>MODIFICATION OR EXTENSION OF OPINION.</b> | 2009-SC-000515-TG<br>2009-SC-000751-TG<br><br>2009-SC-000818-TG | MERCER<br><br>MERCER |
| PERRY BENNINGTON V.<br>COMMONWEALTH OF KENTUCKY   | 2009-SC-000521-MR   | BULLITT              |

**COURT ORDERS DISMISSING**

|  |                   |                          |
|--|-------------------|--------------------------|
| SHANNA LEE ROBERTS, ET AL.<br>V.<br>HON. GARY PAYNE, JUDGE,<br>PULASKI FAMILY COURT, ET AL.<br>ENTERED: SEPTEMBER 21, 2011 | 2011-SC-000368-MR | PULASKI                  |
| EATON CORPORATION V.<br>HONORABLE JEFF S. TAYLOR, CHIEF<br>JUDGE, COURT OF APPEALS OF KENTUCKY,<br>ET AL.                  | 2011-SC-000504-OA | FROM COURT<br>OF APPEALS |

**SUPREME COURT OF KENTUCKY**

**OCTOBER 27, 2011 MINUTES**

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

**ENTERED: OCTOBER 5, 2011**

**COURT ORDERS**

**TOMMY DOTSON V.** 2010-SC-000222-DG **PIKE**  
**COMMONWEALTH OF KENTUCKY**  
**THE ORDER GRANTING DISCRETIONARY**  
**REVIEW IN THIS MATTER IS HEREBY**  
**VACATED HAVING DETERMINED**  
**DISCRETIONARY REVIEW WAS**  
**IMPROVIDENTLY GRANTED. THE COURT**  
**OF APPEALS OPINION IS ORDERED NOT**  
**TO BE PUBLISHED.**  
ENTERED: OCTOBER 27, 2011

**KENTUCKY BAR ASSOCIATION V.** [2011-SC-000230-KB](#) **IN SUPREME**  
**THEODORE H. LAVIT** **TO BE PUBLISHED** **COURT**  
**ORDER GRANTED THE MOTION OF**  
**THE RESPONDENT FOR RECONSIDERATION**  
**OF THE OPINION AND ORDER ENTERED**  
**JUNE 16, 2011, AND MODIFIED THE ORIGINAL**  
**OPINION AND ORDER.**  
ENTERED: OCTOBER 27, 2011

**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE**  
**KENTUCKY BAR ASSOCIATION- SEPTEMBER 22, 2011**

**PHILLIP M. ARMSTRONG V.** 2011-SC-000568-KB **IN SUPREME**  
**KENTUCKY BAR ASSOCIATION** **COURT**

**JOSEPH HUBERT FELDHAUS V.** 2011-SC-000569-KB **IN SUPREME**  
**KENTUCKY BAR ASSOCIATION** **COURT**

**DEREK RAY DILLMAN V.** 2011-SC-000570-KB **IN SUPREME**  
**KENTUCKY BAR ASSOCIATION** **COURT**

**LOUIS ALLEN WINKLER V.** 2011-SC-000571-KB **IN SUPREME**  
**KENTUCKY BAR ASSOCIATION** **COURT**

**SUPREME COURT OF KENTUCKY**

**OCTOBER 27, 2011 MINUTES**

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

**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE  
KENTUCKY BAR ASSOCIATION – SEPTEMBER 22, 2011**

|  |                   |                     |
|--|-------------------|---------------------|
| STEPHEN DANIEL WEISSKOPF V.<br>KENTUCKY BAR ASSOCIATION              | 2011-SC-000572-KB | IN SUPREME<br>COURT |
| DAVID ALFRED COPELAND V.<br>KENTUCKY BAR ASSOCIATION                 | 2011-SC-000573-KB | IN SUPREME<br>COURT |
| ROSS CHARLES ROBERT LEACH LOVELY V.<br>KENTUCKY BAR ASSOCIATION      | 2011-SC-000574-KB | IN SUPREME<br>COURT |
| ALAN D. CHUTE V.<br>KENTUCKY BAR ASSOCIATION                         | 2011-SC-000575-KB | IN SUPREME<br>COURT |
| JOHN E. STEINER, JR. V.<br>KENTUCKY BAR ASSOCIATION                  | 2011-SC-000576-KB | IN SUPREME<br>COURT |
| MONICA LYNN SMITH V.<br>KENTUCKY BAR ASSOCIATION                     | 2011-SC-000577-KB | IN SUPREME<br>COURT |
| JACQUELINE MARIE ALLSHORE-HUTCHENS<br>V.<br>KENTUCKY BAR ASSOCIATION | 2011-SC-000578-KB | IN SUPREME<br>COURT |
| JOAN PATRICIA BRADY V.<br>KENTUCKY BAR ASSOCIATION                   | 2011-SC-000579-KB | IN SUPREME<br>COURT |
| CATHERINE PEACOCK KAUFMAN V.<br>KENTUCKY BAR ASSOCIATION             | 2011-SC-000581-KB | IN SUPREME<br>COURT |
| MAUREEN SIOBHAN MOORE V.<br>KENTUCKY BAR ASSOCIATION                 | 2011-SC-000582-KB | IN SUPREME<br>COURT |
| DAVID THOMAS WALLACE V.<br>KENTUCKY BAR ASSOCIATION                  | 2011-SC-000583-KB | IN SUPREME<br>COURT |

**SUPREME COURT OF KENTUCKY**

**OCTOBER 27, 2011 MINUTES**

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

**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE  
KENTUCKY BAR ASSOCIATION – OCTOBER 19, 2011**

BEN LOVELL CUNDIFF V.  
KENTUCKY BAR ASSOCIATION

2011-SC-000637-KB

IN SUPREME  
COURT

JOHN H. BURRUS V.  
KENTUCKY BAR ASSOCIATION

2011-SC-000638-KB

IN SUPREME  
COURT