

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 1, 2007

RELEASED: 10:00 A.M.

- | | | | |
|------|---|--|-----------|
| 154. | QUEENSWAY FINANCIAL HOLDINGS LTD., ET AL. V. COTTON & ALLEN, P.S.C.
OPINION OF THE COURT BY JUSTICE NOBLE –
<u>AFFIRMING</u>
ABRAMSON, J., NOT SITTING. | <u>2004-SC-000254-DG</u>
TO BE PUBLISHED | JEFFERSON |
| 155. | DOLLAR GENERAL STORES, LTD. V. MABEL ROSE SMITH
OPINION OF THE COURT BY CHIEF JUSTICE LAMBERT –
<u>AFFIRMING</u>
ABRAMSON, J., CONCURS BY SEPARATE OPINION. MINTON, J., DISSENTS BY SEPARATE OPINION. | <u>2005-SC-000867-DG</u>
TO BE PUBLISHED | CASEY |
| 156. | COMMONWEALTH OF KENTUCKY (FINANCE AND ADMINISTRATION CABINET), ET AL. V. YAMAHA MOTOR MANUFACTURING CORPORATION OF AMERICA, ET AL.
OPINION OF THE COURT BY CHIEF JUSTICE LAMBERT –
<u>AFFIRMING</u>
MINTON, J., NOT SITTING. | <u>2005-SC-000979-DG</u>
TO BE PUBLISHED | FRANKLIN |
| 157. | COMMONWEALTH OF KENTUCKY V. ANTHONY WAYNE SWIFT
OPINION OF THE COURT BY JUSTICE MINTON –
<u>AFFIRMING</u>
SCHRODER, J., NOT SITTING. | <u>2006-SC-000155-DG</u>
TO BE PUBLISHED | OHIO |

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 1, 2007

RELEASED: 10:00 A.M.

158. THOMAS BERRYMAN V. [2006-SC-000229-MR](#) CLARK
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE MINTON –
AFFIRMING
SCOTT, J., CONCURS IN THE
MAJORITY’S OPINION AS TO THE
ISSUE OF WANTONNESS FOR
REASONS THAT THE EVIDENCE IN
THIS CASE WAS SUFFICIENT TO
SHOW INTOXICATION, SOMETHING
THAT WAS NOT PRESENT IN
BROWN V. COMMONWEALTH,
174 S.W.3RD 421 (KY. 2005), TO WHICH
HE DISSENTED. HE ALSO CONCURS
IN THE ADMISSIBILITY OF THE
EVIDENCE REGARDING THE
COUNTING OF THE LORTAB PILLS.
SCHRODER, J., DISSENTS
BY SEPARATE OPINION.
159. JACQUELINE ANN HINSHAW [2006-SC-000729-DGE](#) JEFFERSON
(NOW LENARZ) V. **TO BE PUBLISHED**
REN RICKY HINSHAW AND
SANDRA G. RAGLAND
OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
AFFIRMING
160. RUSSELLVILLE WAREHOUSING V. [2006-SC-000885-WC](#) FROM COURT
KHRIS BASSHAM, DECEASED, ET AL. **TO BE PUBLISHED** OF APPEALS
OPINION OF THE COURT –
AFFIRMING
SCHRODER, J., DISSENTS
WITHOUT OPINION.

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 1, 2007

RELEASED: 10:00 A.M.

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| 165. | CARROLL L. WITTEN, JR., M.D.,
AND WITTEN, SHERMAN &
CATALANO, PLLC V.
BONNIE PACK, ADMINISTRATRIX
FOR THE ESTATE OF JAMES PACK
OPINION OF THE COURT BY
JUSTICE SCOTT –
<u>REVERSING</u> | 2005-SC-000414-DG
TO BE PUBLISHED | JEFFERSON |
| 166. | TERRY RANKINS V.
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
JUSTICE SCHRODER –
<u>REVERSING</u>
CUNNINGHAM, J., CONCURS IN
RESULT BY SEPARATE OPINION
IN WHICH SCOTT, J., JOINS. | 2005-SC-000690-DG
TO BE PUBLISHED | JEFFERSON |
| 167. | SHELBY MOTOR COMPANY, INC. V.
CARL Q. QUIRE, ET AL.
OPINION OF THE COURT –
<u>REVERSING</u> | 2006-SC-000884-WC
TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 168. | GREGORY IRVIN GOETZ V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT –
<u>AFFIRMING</u>
SCOTT, J., CONCURS
IN RESULT ONLY. | 2004-SC-001002-MR
NOT TO BE PUBLISHED | CAMPBELL |
| 169. | KATHY ELLEN WILLIAMS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT –
<u>AFFIRMING</u>
ABRAMSON, J., NOT SITTING. | 2005-SC-000472-MR
NOT TO BE PUBLISHED | LETCHER |

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 1, 2007

RELEASED: 10:00 A.M.

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| 170. | JOHNNY HERNANDEZ V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT –
AFFIRMING
NOBLE, J., CONCURS BY SEPARATE
OPINION IN WHICH CUNNINGHAM
AND SCHRODER, J.J., JOIN. | 2005-SC-000607-MR
NOT TO BE PUBLISHED | FAYETTE |
| 171. | JOHN T. THURMAN V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT –
AFFIRMING | 2005-SC-000707-MR
NOT TO BE PUBLISHED | CUMBERLAND |
| 172. | KEITH B. HARRIS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT –
AFFIRMING
CUNNINGHAM, J., NOT SITTING. | 2005-SC-000878-MR
NOT TO BE PUBLISHED | CALDWELL |
| 173. | JAMES D. SOUTH V.
COMMONWEALTH OF KENTUCKY
AND
JAMES D. SOUTH V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT –
AFFIRMING
SCHRODER, J., CONCURS IN
RESULT ONLY. | 2005-SC-000976-MR
NOT TO BE PUBLISHED

2005-SC-000977-MR
NOT TO BE PUBLISHED | CAMPBELL

CAMPBELL |
| 174. | BARBARA SUE SARABIA V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT –
AFFIRMING | 2006-SC-000079-MR
NOT TO BE PUBLISHED | FAYETTE |

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 1, 2007

RELEASED: 10:00 A.M.

175. GENE R. FRONING V. [2006-SC-000101-MR](#) ROBERTSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT –
AFFIRMING
NOBLE, J., DISSENTS BY SEPARATE
OPINION IN WHICH MINTON, J., JOINS.
176. DAVID NICHOLS V. [2006-SC-000104-MR](#) GRAYSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT –
AFFIRMING
177. YVON UTSEY V. [2006-SC-000298-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT –
AFFIRMING
NOBLE, J., CONCURS IN THE
RESULT BUT DISAGREES WITH
THE MAJORITY'S STATEMENT OF
THE HARMLESS ERROR RULE.
178. RAYMOND SCHLAGEL AND [2006-SC-000430-MR](#) BOONE
KORLISS SCHLAGEL V. **NOT TO BE PUBLISHED**
HON. ANTHONY W. FROHLICH,
JUDGE, BOONE CIRCUIT COURT
AND
BERLING DEVELOPMENT
ENTERPRISES/BERLING
CONSTRUCTION COMPANY,
REAL PARTY IN INTEREST, ET AL.
MEMORANDUM OPINION OF
THE COURT –
AFFIRMING
SCHRODER, J., NOT SITTING.

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 1, 2007

RELEASED: 10:00 A.M.

179. KAREN SUE DEATON, ET AL. V. [2006-SC-000577-WC](#) FROM COURT
HAZARD APPALACHIAN REGIONAL **NOT TO BE PUBLISHED** OF APPEALS
HOSPITAL, ET AL.
**MEMORANDUM OPINION OF
THE COURT –
AFFIRMING**
SCHRODER, J., RECUSES.
180. DAVID NICHOLS V. [2006-SC-000686-TG](#) GRAYSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT –
AFFIRMING**
181. BOYD ANDERSON V. [2006-SC-000773-WC](#) FROM COURT
MCCOY ELKHORN COAL, **NOT TO BE PUBLISHED** OF APPEALS
D/B/A JAMES RIVER COAL
COMPANY, ET AL.
**MEMORANDUM OPINION OF
THE COURT –
AFFIRMING**
SCOTT, J., RECUSES.
182. ANDRE EUGENE FANT, JR. V. [2006-SC-000862-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT –
AFFIRMING**
ABRAMSON, J., NOT SITTING.
183. DAVID BRENT HAMILTON V. [2006-SC-000864-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT –
AFFIRMING**

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 1, 2007

RELEASED: 10:00 A.M.

- | | | | |
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| 184. | TRANSIT AUTHORITY OF RIVER CITY V. JAMES B. STEINHAUER, ET AL. COMPANY, ET AL.
MEMORANDUM OPINION OF THE COURT –
<u>AFFIRMING</u> | 2006-SC-000883-WC
NOT TO BE PUBLISHED | FROM COURT OF APPEALS |
| 185 | ENERSYS, INC. V. JOSEPH WALTERS, ET AL.
MEMORANDUM OPINION OF THE COURT –
<u>AFFIRMING</u> | 2007-SC-000088-WC
NOT TO BE PUBLISHED | FROM COURT OF APPEALS |
| 186. | UNIVERSITY OF KENTUCKY MEDICAL CENTER, ET AL. V. HON. GARY D. PAYNE, ET AL.
MEMORANDUM OPINION OF THE COURT –
<u>AFFIRMING</u> | 2007-SC-000256-MR
NOT TO BE PUBLISHED | FAYETTE |
| 187. | MICHAEL LOVE HOWELL V. HON. WILLIAM MITCHELL NANCE, JUDGE, BARREN FAMILY COURT AND JENNIE ELIZABETH HOWELL (REAL PARTY IN INTEREST)
MEMORANDUM OPINION OF THE COURT –
<u>AFFIRMING</u> | 2007-SC-000390-MR
NOT TO BE PUBLISHED | BARREN |
| 188. | EDDIE JOE COBB V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT –
<u>AFFIRMING IN PART AND REVERSING IN PART</u> | 2006-SC-000316-MR
NOT TO BE PUBLISHED | CLAY |

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 1, 2007

RELEASED: 10:00 A.M.

189. COMMONWEALTH OF KENTUCKY V. [2006-SC-000781-DG](#) FAYETTE
JOHN W. BLACK **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT –
REVERSING
LAMBERT, C.J., AND
SCHRODER, J., DISSENT.

OPINIONS AND ORDERS – NOVEMBER 1, 2007

KENTUCKY BAR ASSOCIATION,
CLE COMMISSION V. [2006-SC-000908-KB](#) IN SUPREME
VALERIE LYNN BOCK **TO BE PUBLISHED** COURT
ORDER SUSPENDED RESPONDENT
FROM THE PRACTICE OF LAW.

PETITIONER F, A JUVENILE, ET AL. V. 2007-SC-000135-I FRANKLIN
BRIDGET SKAGGS BROWN, **NOT TO BE PUBLISHED**
COMMISSIONER, DEPARTMENT OF
JUVENILE JUSTICE
ORDER GRANTED CR 65.09.

KENTUCKY BAR ASSOCIATION V. [2007-SC-000331-KB](#) IN SUPREME
KEVIN M. CALLIHAN **TO BE PUBLISHED** COURT
ORDER SUSPENDED RESPONDENT
FROM THE PRACTICE OF LAW FOR
30 DAYS.

KENTUCKY BAR ASSOCIATION V. [2007-SC-000344-KB](#) IN SUPREME
IRVIN SCOTT JOHNS **TO BE PUBLISHED** COURT
ORDER PERMANENTLY DISBARRED
RESPONDENT FROM THE PRACTICE
OF LAW.

DAVID W. WILLIAMS V. [2007-SC-000499-KB](#) IN SUPREME
KENTUCKY BAR ASSOCIATION **TO BE PUBLISHED** COURT
ORDER PERMANENTLY DISBARRED
RESPONDENT FROM THE PRACTICE
OF LAW.

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 1, 2007

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
OCTOBER 24, 2007**

ROBBIE RUDOLPH, SECRETARY OF THE FINANCE AND ADMINISTRATION CABINET OF THE COMMONWEALTH OF KENTUCKY, ET AL. V. JOHNSON CONTROLS, INC., ET AL.	2006-SC-000416-DG	FRANKLIN
TEN BROECK DUPONT, INC., D/B/A/ TEN BROECK HOSPITAL V. ARTEMECIA BROOKS	2006-SC-000484-DG	JEFFERSON
WOODIE CANTRELL, ET AL. V. ASHLAND OIL, INC., ET AL.	2006-SC-000763-DG	JOHNSON
JONATHAN E. HODES, M.D. V. DEBRA IRELAND	2006-SC-000890-DG	JEFFERSON
COMMONWEALTH OF KENTUCKY V. JOHN DAVID GILBERT	2007-SC-000085-DG	TODD
JULIE ANNE GASKILL V. JON KEVIN ROBBINS AND JON KEVIN ROBBINS V. JULIE ANNE GASKILL	2007-SC-000190-DGE 2007-SC-000207-DGE	WARREN WARREN
JIMMY L. EPPS V. COMMONWEALTH OF KENTUCKY	2007-SC-000312-DG	MONTGOMERY
CARLOS COUCH V. COMMONWEALTH OF KENTUCKY	2007-SC-000372-DG	PERRY
BRIAN R. SMITH V. COMMONWEALTH OF KENTUCKY	2007-SC-000404-DG	LAUREL

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 1, 2007

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
OCTOBER 24, 2007**

COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, AND A.J.M., A CHILD V. T.G., MOTHER	2007-SC-000436-DGE	JEFFERSON
OFFICER JOHN HUNT, ET AL. V. JAMES D. LAWSON	2007-SC-000438-DG	PIKE
CANEYVILLE VOLUNTEER FIRE DEPARTMENT, ET AL. V. GREEN'S MOTORCYCLE SALVAGE, INC., ET AL.	2007-SC-000517-DG	GRAYSON
MICHAEL STONE V. COMMONWEALTH OF KENTUCKY	2007-SC-000576-DG	JEFFERSON
TDC GROUP, LLC, D/B/A/ MOLLY MALONE'S V. LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, AND ALCOHOLIC BEVERAGE CONTROL BOARD, COMMONWEALTH OF KENTUCKY	2007-SC-000581-DG	FRANKLIN
COMMONWEALTH OF KENTUCKY V. HEATHER ROSE	2007-SC-000603-DG	ESTILL
CYRUS M. TALAI V. JAMES B. TENNILL, SR.	2007-SC-000673-DG	JEFFERSON

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 1, 2007

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
OCTOBER 24, 2007**

FLORAINE BRANHAM, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF CLINTON MAYNARD, ET AL. V. DONALD MAYNARD	2006-SC-000362-D	PIKE
GREGORY D. HELTSLEY V. COMMONWEALTH OF KENTUCKY	2006-SC-000438-D	CALDWELL
NITA BANDY, ADMINISTRATRIX OF THE ESTATE OF RUSSELL D. BANDY V. CINCINNATI, NEW ORLEANS AND TEXAS PACIFIC RAILWAY COMPANY, A/K/A NORFOLK SOUTHERN RAILWAY CO.	2006-SC-000448-D	FAYETTE
FIRSTSTAR BANK, NA, N/K/A U.S. BANK V. BARRY JOHNS COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.	2006-SC-000515-D	PIKE
RANDALL KIPER V. PATTI WEBB, WARDEN	2006-SC-000594-D	MUHLENBERG
HNTB CORPORATION V. MID STATES STEEL PRODUCTS COMPANY	2006-SC-000689-D	FRANKLIN
UNIVERSITY OF KENTUCKY V. MID STATES STEEL PRODUCTS COMPANY	2006-SC-000692-D	FRANKLIN
CHRIST CHURCH UNITED METHODIST, INC., A/K/A CHRIST METHODIST CHURCH V. NORMA BAILEY TANDY	2006-SC-000939-D	JEFFERSON
JAMES R. SMITH V. CAROLYN KING SMITH	2007-SC-000020-D	JEFFERSON

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 1, 2007

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
OCTOBER 24, 2007**

PROCESS MACHINERY, INC., AND MONROE GUARANTY INSURANCE COMPANY V. WHEATLAND MACHINE & WELDING, INC.; AND GENERAL AGENTS INSURANCE COMPANY	2007-SC-000029-D	JEFFERSON
TAURUS JERMAINE SIMMONS V. COMMONWEALTH OF KENTUCKY	2007-SC-000036-D	WARREN
FRANK PRINCE V. JIMMY HOUNSHELL	2007-SC-000054-D	ROWAN
ROY SETTLES V. COMMONWEALTH OF KENTUCKY	2007-SC-000099-D	FAYETTE
WALTER BRUNE LONG V. COMMONWEALTH OF KENTUCKY	2007-SC-000108-D	BOONE
WILFORD CATES V. TOM SIMPSON	2007-SC-000117-D	LYON
MELINDA LEWIS COBB V. RUSSELL W. BEHANAN, INDIVIDUALLY, ET AL.	2007-SC-000160-D	FAYETTE
AND BOARD OF EDUCATION OF FAYETTE COUNTY, KENTUCKY, AS A BODY POLITIC AND CORPORATE V. MELINDA LEWIS COBB COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.	2007-SC-000170-D	FAYETTE
S. RANDALL SWEENEY, ET AL. V. AURORA CASKET COMPANY, INC., ET AL.	2007-SC-000163-D	HANCOCK
KATHLEEN SCHROEDER V. ATRIA MANAGEMENT CO., LLC	2007-SC-000167-D	JEFFERSON

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 1, 2007

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
OCTOBER 24, 2007**

JOE PATRICK, ET AL. V. WALTER J. MEACHUM, ET AL.	2007-SC-000173-D	KNOX
P.S., INDIVIDUALLY AND AS GUARDIAN OF M.S., ET AL. V. MEADE COUNTY BAPTIST TEMPLE	2007-SC-000191-D	MEADE
KELLY FRANK MILLER V. COMMONWEALTH OF KENTUCKY	2007-SC-000192-D	PERRY
COMMONWEALTH OF KENTUCKY V. BEN MUSGROVE COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.	2007-SC-000200-D	MCCREARY
LENA LEONARD, ADMINISTRATRIX OF THE ESTATE OF CIERRA GRIMES, ET AL. V. ST. CLAIRE MEDICAL CENTER, INC., ET AL.	2007-SC-000205-D	ROWAN
LAWRENCE CAUDILL V. MELISSA STEPHENS, MICHAEL MCPHERSON, AND JOE VENEMAN	2007-SC-000229-D	ROWAN
KENNETH URIAH ROSS, A/K/A URIAH PASHA V. JOHN D. REES, COMMISSIONER, KENTUCKY DEPARTMENT OF CORRECTIONS	2007-SC-000245-D	FRANKLIN
UNIVERSITY OF KENTUCKY MEDICAL CENTER, ET AL. V. X.D., A MINOR, BY AND THROUGH HIS MOTHER AND NEXT FRIEND, L.H.	2007-SC-000279-D	FAYETTE
COMMONWEALTH OF KENTUCKY V. BENJAMIN C. FERRY	2007-SC-000287-D	BRECKINRIDGE

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 1, 2007

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
OCTOBER 24, 2007**

CAMERON WILSON V. BIG LOTS, INC., ET AL.	2007-SC-000292-D	JEFFERSON
LUTHER BARRETT, III V. COMMONWEALTH OF KENTUCKY	2007-SC-000305-D	CAMPBELL
GARY L. TINNELL, ET AL. V. BETTY J. READY, ET AL.	2007-SC-000314-D	JEFFERSON
ROBERT COBB V. PATTI WEBB, WARDEN	2007-SC-000319-D	MUHLENBERG
GEORGE ISON V. ANTHONY THOMAS	2007-SC-000329-D	PENDLETON
THOMAS ELZA, JR. V. COMMONWEALTH OF KENTUCKY	2007-SC-000338-D	LAUREL
RANDY WATERS V. GUS SKINNER AND MCCREARY COUNTY BOARD OF ELECTIONS COURT OF APPEALS' OPINION ORDERED TO BE PUBLISHED.	2007-SC-000346-D	MCCREARY
DEMETRIUS ADAMS V. COMMONWEALTH OF KENTUCKY	2007-SC-000381-D	FAYETTE
JAMES BUMPHIS V. COMMONWEALTH OF KENTUCKY	2007-SC-000391-D	WARREN
ISA HELEN RICHARDSON, INDIVIDUALLY, ET AL. V. JACKIE HEAD, ET AL.	2007-SC-000403-D	MONROE
ROBERT THORPE, JR. V. COMMONWEALTH OF KENTUCKY	2007-SC-000417-D	NELSON

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 1, 2007

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
OCTOBER 24, 2007**

ED ALLEN AND JUDY ALLEN V. DANNY DEVINE AND LISA DEVINE COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.	2007-SC-000450-DE	LOGAN
JOSEPH EDWARD MORRIS V. COMMONWEALTH OF KENTUCKY	2007-SC-000482-D	HARLAN
COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS V. HOWARD JAMES AND OPAL JAMES, HIS WIFE	2007-SC-000521-D	PIKE
KEVIN DEWAYNE JOLICOEUR V. COMMONWEALTH OF KENTUCKY	2007-SC-000522-D	TODD
MORGAN KEEGAN & CO., INC., ET AL. V. GARY FORCE COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.	2007-SC-000541-DE	WARREN
PHILIP D. OVERSTREET V. LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT	2007-SC-000544-D	FAYETTE
MONTIE GUSSLER V. COMMONWEALTH OF KENTUCKY	2007-SC-000554-D	LAWRENCE
COMMONWEALTH OF KENTUCKY V. JAMES HOWELL LEACH AND KAREN ELAINE LEACH	2007-SC-000555-D	MCCRACKEN

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 1, 2007

RELEASED: 10:00 A.M.

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

CHARLES L. SIMPSON V. 2007-SC-000453-D FRANKLIN
CANDACE T. MURPHY
ENTERED: OCTOBER 3, 2007

COURT ORDERS GRANTING PETITION FOR REHEARING – NOVEMBER 1, 2007

ROBERT KEITH WELCH V. [2005-SC-000279-MR](#) FAYETTE
COMMONWEALTH OF KENTUCKY [2005-SC-000806-MR](#)
**ORDER WITHDREW OPINION
RENDERED NOVEMBER 22, 2006
AND REISSUED OPINION**

COURT ORDERS DENYING PETITION FOR REHEARING – NOVEMBER 1, 2007

MICHAEL RAY PENLEY V. [2005-SC-000106-MR](#) WARREN
COMMONWEALTH OF KENTUCKY
**ORDER MODIFIED OPINION
RENDERED APRIL 19, 2007,
BY SUBSTITUTION OF
PAGES 1, 4, 5 AND 6.**

STEELE TECHNOLOGIES, INC. V. 2005-SC-000551-MR GALLATIN
JASON CONGLETON (INDIVIDUALLY;
IN HIS CAPACITY AS ADMINISTRATOR
FOR THE ESTATE OF MELISSA CONGLETON;
AND IN HIS CAPACITY AS PARENT AND
NEXT FRIEND OF JASON AND
SAMANTHA CONGLETON)

LAWRENCE ELMER PATE V. [2005-SC-000654-MR](#) BRACKEN
COMMONWEALTH OF KENTUCKY
**ORDER MODIFIED OPINION
RENDERED MAY 7, 2007,
BY SUBSTITUTION OF PAGES
1 AND 12 THROUGH 15.**

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 1, 2007

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING – OCTOBER 23, 2007

SHERMAN LOUIS NOBLE V. COMMONWEALTH OF KENTUCKY	2005-SC-000127-MR	JEFFERSON
SHERMAN L.G. NOBLE V. GLENN HAEBERLIN, WARDEN ENTERED: OCTOBER 24, 2007	2006-SC-000036-TG	LYON
MCDONALD'S CORPORATION V. HON. TOM MCDONALD, SPECIAL JUDGE, BULLITT CIRCUIT COURT, ET AL.	2007-SC-000534-MR	BULLITT
D.D. WILLIAMSON CO., INC. V. LOUIS PERRY, ET AL.	2007-SC-000525-WC	FROM COURT OF APPEALS
HENRY "JUNIE" CRAWFORD V. HON. MARTIN MCDONALD, JUDGE, JEFFERSON CIRCUIT COURT, ET AL. ENTERED: OCTOBER 17, 2007	2007-SC-000648-OA	JEFFERSON

COURT ORDERS –

LESLIE EMERSON V. COMMONWEALTH OF KENTUCKY ORDER MODIFIED OPINION OF THE COURT BY JUSTICE NOBLE RENDERED AUGUST 23, 2007, BY SUBSTITUTION OF PAGES 1 AND 5. ENTERED: SEPTEMBER 27, 2007	2005-SC-000205-MR	JEFFERSON
LEROY HAMPTON V. COMMONWEALTH OF KENTUCKY ORDER MODIFIED OPINION OF THE COURT BY JUSTICE NOBLE RENDERED AUGUST 23, 2007, BY SUBSTITUTION OF PAGES 1, 9, AND 15. ENTERED: OCTOBER 4, 2007	2006-SC-000122-MR	WARREN

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 1, 2007

RELEASED: 10:00 A.M.

COURT ORDERS –

**CHARLES WILLIAM SHAVER V.
KENTUCKY BAR ASSOCIATION
ORDER RESTORED MOVANT TO
KBA MEMBERSHIP AND THE
PRACTICE OF LAW IN THE
COMMONWEALTH.
ENTERED: NOVEMBER 1, 2007**

[2007-SC-000311-KB](#)
TO BE PUBLISHED

**IN SUPREME
COURT**

**JEFFREY LEONARD V.
COMMONWEALTH OF KENTUCKY
ORDER DENIED MOTION TO
RE-OPEN CASE.
ENTERED: OCTOBER 24, 2007**

2007-SC-000571-OA

**IN SUPREME
COURT**

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

**MONICA LEAH ROBINSON V.
KENTUCKY BAR ASSOCIATION
ENTERED: SEPTEMBER 19, 2007**

2007-SC-000667-KB

**IN SUPREME
COURT**

**HERBERT PAUL BERLEJUNG V.
KENTUCKY BAR ASSOCIATION
ENTERED: SEPTEMBER 19, 2007**

2007-SC-000668-KB

**IN SUPREME
COURT**

**ROBERT AUSTIN HAMM V.
KENTUCKY BAR ASSOCIATION
ENTERED: SEPTEMBER 19, 2007**

2007-SC-000669-KB

**IN SUPREME
COURT**

**NANCY KWAN MCCOY V.
KENTUCKY BAR ASSOCIATION
ENTERED: SEPTEMBER 24, 2007**

2007-SC-000679-KB

**IN SUPREME
COURT**

**KATHRYN DENNIS V.
KENTUCKY BAR ASSOCIATION
ENTERED: SEPTEMBER 24, 2007**

2007-SC-000680-KB

**IN SUPREME
COURT**

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 1, 2007

RELEASED: 10:00 A.M.

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

EUGENE MASON SLUSHER V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 24, 2007	2007-SC-000681-KB	IN SUPREME COURT
SUZANNE MCGINNIS OXLEY V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 24, 2007	2007-SC-000682-KB	IN SUPREME COURT
ERIC KENNETH BACHMAN V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 24, 2007	2007-SC-000683-KB	IN SUPREME COURT
DAVID DOUGLAS BEALS V. KENTUCKY BAR ASSOCIATION ENTERED: OCTOBER 1, 2007	2007-SC-000690-KB	IN SUPREME COURT
AMY LAURA BONDURANT V. KENTUCKY BAR ASSOCIATION ENTERED: OCTOBER 1, 2007	2007-SC-000691-KB	IN SUPREME COURT
BRUCE S. MARKEL, III V. KENTUCKY BAR ASSOCIATION ENTERED: OCTOBER 1, 2007	2007-SC-000692-KB	IN SUPREME COURT
JENNIFER J. FOWLER V. KENTUCKY BAR ASSOCIATION ENTERED: OCTOBER 1, 2007	2007-SC-000693-KB	IN SUPREME COURT
EVY M. JARRETT V. KENTUCKY BAR ASSOCIATION ENTERED: OCTOBER 1, 2007	2007-SC-000694-KB	IN SUPREME COURT
DAVID JOHN SACHAR V. KENTUCKY BAR ASSOCIATION ENTERED: OCTOBER 1, 2007	2007-SC-000695-KB	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 1, 2007

RELEASED: 10:00 A.M.

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

ERIC JON SCHAEFFER V. KENTUCKY BAR ASSOCIATION ENTERED: OCTOBER 1, 2007	2007-SC-000696-KB	IN SUPREME COURT
KEVIN BRENT WARREN V. KENTUCKY BAR ASSOCIATION ENTERED: OCTOBER 10, 2007	2007-SC-000716-KB	IN SUPREME COURT
EDWIN SCOTT FRUEHWALD V. KENTUCKY BAR ASSOCIATION ENTERED: OCTOBER 10, 2007	2007-SC-000717-KB	IN SUPREME COURT
RONALD WAYNE EADES V. KENTUCKY BAR ASSOCIATION ENTERED: OCTOBER 10, 2007	2007-SC-000718-KB	IN SUPREME COURT
ROBERT BUCKLEY TANNER V. KENTUCKY BAR ASSOCIATION ENTERED: OCTOBER 17, 2007	2007-SC-000743-KB	IN SUPREME COURT
SARA ROSE CHISNELL-VOIGT V. KENTUCKY BAR ASSOCIATION ENTERED: OCTOBER 17, 2007	2007-SC-000744-KB	IN SUPREME COURT
WILLIAM HAYS NEELY V. KENTUCKY BAR ASSOCIATION ENTERED: OCTOBER 17, 2007	2007-SC-000745-KB	IN SUPREME COURT
DAVID ALAN RANZ V. KENTUCKY BAR ASSOCIATION ENTERED: OCTOBER 23, 2007	2007-SC-000767-KB	IN SUPREME COURT