

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 22, 2006

RELEASED: 10:00 A.M.

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|------|--|--|---------|
| 252. | MARK ROSS AND<br>CHRISTINE ROSS V.<br>RALPH D. POWELL AND<br>DEBORAH POWELL<br><b>OPINION OF THE COURT BY<br/>JUSTICE WINTERSHEIMER –<br/><u>AFFIRMING</u></b>   | <a href="#">2004-SC-000008-DG</a><br><b>TO BE PUBLISHED</b>                                      | FAYETTE |
| 253. | WILLIAM WELLS V.<br>COMMONWEALTH OF KENTUCKY<br><b>OPINION OF THE COURT BY<br/>JUSTICE GRAVES – <u>AFFIRMING</u></b><br>MINTON, J., JOINS IN A CONCURRING<br>OPINION IN WHICH LAMBERT, C.J.,<br>MCANULTY, AND ROACH, J.J., JOIN.   | <a href="#">2004-SC-000593-DG</a><br><b>TO BE PUBLISHED</b>                                      | CASEY   |
| 254. | ROSALEE BREWER V.<br>COMMONWEALTH OF KENTUCKY<br><b>OPINION OF THE COURT BY<br/>JUSTICE SCOTT – <u>AFFIRMING</u></b>   | <a href="#">2004-SC-000741-MR</a><br><a href="#">2004-SC-001106-TG</a><br><b>TO BE PUBLISHED</b> | OWEN    |
| 255. | ERNEST ABNEY V.<br>NATIONWIDE MUTUAL<br>INSURANCE COMPANY, ET AL.<br><b>OPINION OF THE COURT BY<br/>JUSTICE MCANULTY – <u>AFFIRMING</u></b><br>SCOTT, J., CONCURS BY SEPARATE<br>OPINION IN WHICH LAMBERT, C.J.<br>JOINS. GRAVES, J., DISSENTS BY<br>SEPARATE OPINION IN WHICH<br>WINTERSHEIMER J., JOINS. | <a href="#">2004-SC-000937-DG</a><br><b>TO BE PUBLISHED</b>                                      | BOURBON |
| 256. | COMMONWEALTH OF KENTUCKY V.<br>CHARLES JONES<br><b>OPINION OF THE COURT BY<br/>JUSTICE MINTON – <u>AFFIRMING</u></b><br>SCOTT, J., DISSENTS BY SEPARATE<br>OPINION IN WHICH GRAVES AND<br>WINTERSHEIMER, J.J., JOIN.   | <a href="#">2004-SC-001017-DG</a><br><b>TO BE PUBLISHED</b>                                      | HARLAN  |

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 22, 2006

RELEASED: 10:00 A.M.

257. LOUISVILLE GAS AND ELECTRIC COMPANY V. JONATHON MARK ROBERTSON (INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF SHYTONE M. ROBERSON) **OPINION OF THE COURT BY CHIEF JUSTICE LAMBERT – AFFIRMING** WINTERSHEIMER, J., CONCURS BY SEPARATE OPINION IN WHICH MCANULTY, J., JOINS. ROACH, J., DISSENTS BY SEPARATE OPINION IN WHICH MINTON, J., JOINS. [2005-SC-000188-DG](#) **TO BE PUBLISHED** JEFFERSON
258. FIRST FEDERAL SAVINGS BANK V. TOMMY LEE MCCUBBINS **OPINION OF THE COURT BY JUSTICE WINTERSHEIMER – AFFIRMING** MCANULTY, J., DISSENTS BY SEPARATE OPINION IN WHICH ROACH J., JOINS. ROACH, J., DISSENTS BY SEPARATE OPINION IN WHICH MCANULTY J., JOINS. MINTON, J., NOT SITTING. [2005-SC-000372-DG](#) **TO BE PUBLISHED** BULLITT
259. RALPH BAZE AND THOMAS BOWLING V. JONATHAN D. REES, COMMISSIONER, KENTUCKY DEPARTMENT OF CORRECTIONS, ET AL. **OPINION OF THE COURT BY JUSTICE WINTERSHEIMER – AFFIRMING** MCANULTY AND ROACH, J.J, NOT SITTING. [2005-SC-000543-MR](#) **TO BE PUBLISHED** FRANKLIN

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 22, 2006

RELEASED: 10:00 A.M.

260. SUE E. COLWELL V. [2006-SC-000048-WC](#) FROM COURT  
DRESSER INSTRUMENT TO BE PUBLISHED OF APPEALS  
DIVISION, ET AL.  
**OPINION OF THE COURT –**  
**AFFIRMING IN PART, REVERSING**  
**IN PART, AND REMANDING**  
MCANULTY, J., NOT SITTING.
261. CLARENCE ROBINSON V. [2005-SC-000750-MR](#) LINCOLN  
COMMONWEALTH OF KENTUCKY TO BE PUBLISHED  
**OPINION OF THE COURT BY**  
**JUSTICE MCANULTY – AFFIRMING**  
**IN PART, REVERSING AND**  
**REMANDING IN PART**  
WINTERSHEIMER, J., DISSENTS  
BY SEPARATE OPINION IN WHICH  
LAMBERT, C.J.; AND SCOTT, J., JOIN.
262. LEE ROY BREWER V. [2004-SC-000742-MR](#) OWEN  
COMMONWEALTH OF KENTUCKY [2004-SC-001105-TG](#)  
**MEMORANDUM OPINION OF THE TO BE PUBLISHED**  
**COURT– AFFIRMING IN PART AND**  
**REVERSING IN PART**  
WINTERSHEIMER, J., CONCURS  
AS TO THE CONVICTION AND  
SENTENCE BUT DISSENTS AS  
TO THE FORFEITURE.
263. FORTUNE J. WILLIAMS, M.D. V. [2003-SC-000319-MR](#) LEWIS  
COMMONWEALTH OF KENTUCKY TO BE PUBLISHED  
**OPINION OF THE COURT BY**  
**JUSTICE GRAVES – REVERSING**  
**AND REMANDING**  
MINTON AND WINTERSHEIMER, J.J.,  
CONCUR IN RESULT ONLY.

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 22, 2006

RELEASED: 10:00 A.M.

264. CITY OF LOUISVILLE, [2004-SC-000443-DG](#) JEFFERSON  
DIVISION OF FIRE V. **TO BE PUBLISHED**  
FIRE SERVICE MANAGERS  
ASSOCIATION BY AND THROUGH  
ITS PRESIDENT, MATTHEW L. KAEIN,  
AND MATTHEW L. KAEIN, INDIVIDUALLY  
**OPINION OF THE COURT BY**  
**JUSTICE GRAVES – REVERSING**  
WINTERSHEIMER, J.J, DISSENTS  
IN A SEPARATE OPINION IN WHICH  
MCANULTY AND SCOTT, J.J., JOIN.
265. COMMONWEALTH OF KENTUCKY V. [2004-SC-000738-DG](#) WHITLEY  
MICHAEL EDWARD SEARS **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE WINTERSHEIMER –**  
**REVERSING**  
LAMBERT, C.J., DISSENTS BY  
SEPARATE OPINION IN WHICH  
GRAVES AND MCANULTY J.J, JOIN.
266. COMMONWEALTH OF KENTUCKY V. [2004-SC-000983-DG](#) MCCRACKEN  
EDWARD GREEN JAMESON **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE SCOTT – REVERSING**
267. JOHN HARRALSON V. [2004-SC-001090-DG](#) JEFFERSON  
ANGELA MONGER AND **TO BE PUBLISHED**  
FRED JACOBS  
**OPINION OF THE COURT BY**  
**JUSTICE WINTERSHEIMER –**  
**REVERSING**  
MINTON, J., DISSENTS BY  
SEPARATE OPINION AND IS  
JOINED BY ROACH, J.
268. COMMONWEALTH OF KENTUCKY V. [2005-SC-000556-DG](#) FAYETTE  
GERALD YOUNG **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE MINTON – REVERSING**

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 22, 2006

RELEASED: 10:00 A.M.

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| 269. | MARCUS JABAR PENMAN V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>VACATING AND<br/>REMANDING</u></b><br>WINTERSHEIMER, J., CONCURS<br>IN RESULT ONLY.  | <a href="#">2005-SC-000533-MR</a><br><a href="#">2005-SC-000534-MR</a><br><b>NOT TO BE PUBLISHED</b>                                   | CHRISTIAN            |
| 270. | COMMONWEALTH OF KENTUCKY V.<br>HUGH MARLOWE<br><b>AND</b><br>HUGH MARLOWE V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING</u></b><br>LAMBERT, C.J., GRAVES, MINTON,<br>AND ROACH, J.J., CONCUR AS TO<br>SECTION I. WINTERSHEIMER, J.,<br>DISSENTS AS TO SECTION I WITH<br>A SEPARATE OPINION IN WHICH<br>MCANULTY AND SCOTT, J.J., JOIN.<br>ALL CONCUR AS TO SECTION II. | <a href="#">2004-SC-000459-MR</a><br><b>NOT TO BE PUBLISHED</b><br><br><a href="#">2005-SC-000984-MR</a><br><b>NOT TO BE PUBLISHED</b> | HARLAN<br><br>HARLAN |
| 271. | MARCUS PHILLIPS V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING</u></b>  | <a href="#">2004-SC-000936-MR</a><br><b>NOT TO BE PUBLISHED</b>  | FLOYD                |
| 272. | ROBERT KEITH WELCH V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT– <u>AFFIRMING</u></b><br>MINTON, J., DISSENTS BY<br>SEPARATE OPINION AND IS<br>JOINED BY LAMBERT, C.J.,<br>AND MCANULTY, J.  | <a href="#">2005-SC-000279-MR</a><br><a href="#">2005-SC-000806-TG</a><br><b>NOT TO BE PUBLISHED</b>                                   | FAYETTE              |

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 22, 2006

RELEASED: 10:00 A.M.

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| 273. | WILLIAM NIEHAUS V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING</u></b>  | <a href="#">2005-SC-000363-MR</a><br><b>NOT TO BE PUBLISHED</b> | MCCRACKEN  |
| 274. | VINCENT C. STOPHER V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING</u></b>   | <a href="#">2005-SC-000371-MR</a><br><b>NOT TO BE PUBLISHED</b> | JEFFERSON  |
| 275. | HENRY BASS V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING</u></b>   | <a href="#">2005-SC-000448-MR</a><br><b>NOT TO BE PUBLISHED</b> | SIMPSON    |
| 276. | LORENZO CORNELL LEE V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING</u></b>  | <a href="#">2005-SC-000500-MR</a><br><b>NOT TO BE PUBLISHED</b> | CHRISTIAN  |
| 277. | DEMONTRELL TEVONE SCOTT V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING</u></b><br>SCOTT, J., DISSENTS WITHOUT<br>OPINION. | <a href="#">2005-SC-000649-MR</a><br><b>NOT TO BE PUBLISHED</b> | FAYETTE    |
| 278. | WILLIAM CARR V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING</u></b><br>ROACH, J., CONCURS IN RESULT<br>ONLY.              | <a href="#">2005-SC-000680-MR</a><br><b>NOT TO BE PUBLISHED</b> | JEFFERSON  |
| 279. | MELDRUM GREG HARVEY V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING</u></b>  | <a href="#">2005-SC-000700-MR</a><br><b>NOT TO BE PUBLISHED</b> | MUHLENBERG |

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 22, 2006

RELEASED: 10:00 A.M.

280. WILLIAM SHAKESPEARE WATSON V. [2005-SC-000727-MR](#) CHRISTIAN  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF THE**  
**COURT – AFFIRMING**
281. ARTHUR CLEVELAND WILLIS V. [2005-SC-000849-MR](#) JEFFERSON  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF THE**  
**COURT – AFFIRMING**  
ROACH, J., DISSENTS BY  
SEPARATE OPINION IN WHICH  
MCANULTY AND MINTON, J.J.,  
JOIN.
282. RONNIE GAY CORNETT V. [2006-SC-000032-MR](#) BOYLE  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF THE**  
**COURT – AFFIRMING**  
MCANULTY, J., DISSENTS BY  
SEPARATE OPINION WITH  
LAMBERT, C.J., JOINING THAT  
DISSENT.
283. MARY LOU KING V. [2006-SC-000049-WC](#) FROM COURT  
SMITH DEVELOPMENT, INC., ET AL. **NOT TO BE PUBLISHED** OF APPEALS  
**MEMORANDUM OPINION OF THE**  
**COURT – AFFIRMING**  
GRAVES, J., DISSENTS BY  
SEPARATE OPINION.  
MINTON, J., NOT SITTING.
284. JAMES E. TUSSEY, DECEASED, [2006-SC-000132-WC](#) FROM COURT  
BILLY TUSSEY, ADMINISTRATOR V. **NOT TO BE PUBLISHED** OF APPEALS  
COOK FAMILY FOODS, LTD., ET AL.  
**MEMORANDUM OPINION OF THE**  
**COURT – AFFIRMING**  
GRAVES, J., DISSENTS BY  
SEPARATE OPINION IN WHICH  
SCOTT, J., JOINS.

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 22, 2006

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| 285. | SANDRA HARTLAGE V.<br>KROGER #394, ET AL.<br><b>MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING</u></b><br>MCANULTY, J., NOT SITTING.  | <a href="#">2006-SC-000139-WC</a><br><b>NOT TO BE PUBLISHED</b>  | FROM COURT<br>OF APPEALS |
| 286. | CHARLEY'S HEADQUARTERS V.<br>AGNES WILLIAMS, ET AL.<br><b>MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING</u></b>  | <a href="#">2006-SC-000199-WC</a><br><b>NOT TO BE PUBLISHED</b>  | FROM COURT<br>OF APPEALS |
| 287. | KENNETH R. CRABTREE V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING</u></b><br>LAMBERT, C.J., AND MCANULTY, J.,<br>DISSENT WITHOUT OPINION.                   | <a href="#">2006-SC-0000235-MR</a><br><b>NOT TO BE PUBLISHED</b> | HANCOCK                  |
| 288. | COMMONWEALTH OF KENTUCKY,<br>REAL PARTY IN INTEREST; AND<br>R. JEFFERY HINES, JUDGE,<br>MCCRACKEN CIRCUIT COURT V.<br>LANGE THI PHAN<br><b>MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING</u></b> | <a href="#">2006-SC-0000428-MR</a><br><b>NOT TO BE PUBLISHED</b> | MCCRACKEN                |
| 289. | VIRGIL LEE KELLY V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING IN PART, REVERSING IN PART, AND REMANDING</u></b>  | <a href="#">2004-SC-0000786-MR</a><br><b>NOT TO BE PUBLISHED</b> | CLARK                    |
| 290. | LAMAR LEE BOYD V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING IN PART AND REVERSING IN PART</u></b>  | <a href="#">2005-SC-0000512-MR</a><br><b>NOT TO BE PUBLISHED</b> | FAYETTE                  |

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 22, 2006

RELEASED: 10:00 A.M.

291. HENRY WAYNE DOUGHERTY V. [2005-SC-0000358-MR](#) CARROLL  
COMMONWEALTH OF KENTUCKY  
**MEMORANDUM OPINION OF THE**  
**COURT – REVERSING**  
WINTERSHEIMER, J., DISSENTS  
IN A SEPARATE OPINION IN WHICH  
SCOTT, J., JOINS.  
**NOT TO BE PUBLISHED**

**OPINIONS AND ORDERS – NOVEMBER 22, 2006**

KENTUCKY BAR ASSOCIATION V. [2004-SC-001029-KB](#) IN SUPREME  
JOHN D. HAYS **TO BE PUBLISHED** COURT  
**ORDER RESTORED RESPONDENT'S**  
**BAR MEMBERSHIP.**

KENTUCKY BAR ASSOCIATION V. [2006-SC-000353-KB](#) IN SUPREME  
SHERIDAN MARTIN **TO BE PUBLISHED** COURT  
**ORDER SUSPENDED RESPONDENT**  
**FROM THE PRACTICE OF LAW**  
**FOR TWO (2) YEARS.**

KENTUCKY BAR ASSOCIATION V. [2006-SC-000520-KB](#) IN SUPREME  
AN UNNAMED ATTORNEY **TO BE PUBLISHED** COURT  
**ORDER PRIVATELY REPRIMANDED**  
**RESPONDENT.**

KENTUCKY BAR ASSOCIATION V. [2006-SC-000571-KB](#) IN SUPREME  
DAVID S. O'BRIEN **TO BE PUBLISHED** COURT  
**ORDER SUSPENDED RESPONDENT**  
**FROM THE PRACTICE OF LAW**  
**FOR NINETY (90) DAYS.**

KENTUCKY BAR ASSOCIATION V. [2006-SC-000661-KB](#) IN SUPREME  
RODNEY MCDANIEL **TO BE PUBLISHED** COURT  
**ORDER PERMANENTLY DISBARRED**  
**RESPONDENT FROM THE PRACTICE**  
**OF LAW.**

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**NOVEMBER 22, 2006**

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

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –  
NOVEMBER 15, 2006**

ELMER C. MAGGARD, PH.D. V. COMMONWEALTH OF KENTUCKY, BOARD OF EXAMINERS OF PSYCHOLOGY	2006-SC-000355-D	FRANKLIN
JERRY RANDALL WATSON V. BEST FINANCIAL SERVICES, INC.	2006-SC-000393-D	TAYLOR
MID-STATES PLASTICS, INC. V. ESTATE OF WILLIAM CLINTON BRYANT, BY AND THROUGH HIS EXECUTIRX, TINA S. BRYANT, ET AL.	2006-SC-000425-D	MONTGOMERY
COMMONWEALTH OF KENTUCKY V. S.K.; M.M.F.; AND B.D.T.	2006-SC-000449-DG	DAVIESS
JOANN THOMAS V. BILL RAYMOND THOMAS	2006-SC-000526-D	CALLOWAY
THOMAS EVERETTE ALLEN V. CONSOLIDATED INFRASTRUCTURE MANAGEMENT AUTHORITY, INC.	2006-SC-000712-D	LOGAN

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
NOVEMBER 15, 2006**

LOU MAY RICHARDSON, ET AL. V. JULIANNE MAY YOUNG, ET AL.	2005-SC-000621-D	MARION
SCOTT A. SMITH V. COMMONWEALTH OF KENTUCKY	2006-SC-000207-D	BOONE

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**NOVEMBER 22, 2006**

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

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
NOVEMBER 15, 2006**

CITIZENS BANK OF NORTHERN KENTUCKY, INC., F/K/A CITIZENS BANK OF CAMPBELL COUNTY, INC. <b>V.</b> PBNK, INC., F/K/A PEOPLES BANK OF NORTHERN KENTUCKY, INC. <b>COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED</b>	2006-SC-000217-D	BOONE
RICKY ROBINSON AND HIS WIFE, TONIA ROBINSON, ET AL. <b>V.</b> ROY CAMPBELL	2006-SC-000236-D	PERRY
HARLAN SEALS, MAYOR, ET AL. <b>V.</b> FLEMING-NEON WATER UTILITIES COMMISSION	2006-SC-000297-D	LETCHER
HIGHLAND CLEANERS, INC. <b>V.</b> LORETTA WRIGHT	2006-SC-000309-D	JEFFERSON
KINDRED HOMES, INC. <b>V.</b> ROBERT COLVIN, ET AL.	2006-SC-000314-D	JESSAMINE
HON. DONALD E. ARMSTRONG, JR. AND BRIAN MICHAEL ROWLAND <b>V.</b> COMMONWEALTH OF KENTUCKY	2006-SC-000319-D	JEFFERSON
KENTUCKY LEGAL SYSTEMS CORPORATION <b>V.</b> COMMUNITY TRUST BANK, N.A.	2006-SC-000341-D	FAYETTE
EUGENE CLARK <b>V.</b> CINCINNATI INSURANCE COMPANY, ET AL.	2006-SC-000357-D	FAYETTE
APPALACHIAN REGIONAL HEALTHCARE, INC. <b>V.</b> AHMAD H. AHMAD	2006-SC-000363-D	HARLAN

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 22, 2006

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
NOVEMBER 15, 2006**

STANLEY M. CARDINE V. PATTI R. WEBB, WARDEN	2006-SC-000377-D	MUHLENBERG
DEL KERWYN MARTIN, ET AL. V. ROY CRAWFORD, III, INDIVIDUALLY AND AS STOCKHOLDER, DIRECTOR AND OFFICER OF ODESSA CORP., ET AL.	2006-SC-000387-D	LETCHER
GRW KENTUCKY, INC. V. DJSJ, INC., F/K/A WISE INDUSTRIES, INC., ET AL.	2006-SC-000390-D	FRANKLIN
RHONDA LYNN TAYLOR V. GLENN THOMAS TAYLOR	2006-SC-000401-D	JEFFERSON
CYNTHIA SCHNEIDER, M.D., ET AL. EARL WILLIAMSON	2006-SC-000402-D	ROWAN
QUINTON HAWKINS V. COMMONWEALTH OF KENTUCKY	2006-SC-000410-D	KENTON
JAMES FRANK PERDUE V. COMMONWEALTH OF KENTUCKY	2006-SC-000413-D	CLINTON
SHIRL PERRY V. GREGORY PARKS, ET AL.	2006-SC-000414-D	MORGAN
RAYMOND SCHLAGEL, ET AL. V. BERLING DEVELOPMENT ENTERPRISES/ BERLING CONSTRUCTION CO.	2006-SC-000417-D	BOONE
ROY WHISMAN V. COMMONWEALTH OF KENTUCKY <b>COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED</b>	2006-SC-000420-D	LEWIS

**SUPREME COURT OF KENTUCKY**

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NOVEMBER 15, 2006**

ROSA GARCIA, ET AL. V. RACHAEL PRICE, INDIVIDUALLY AND AS PARENT AND NEXT FRIEND OF DAEZA PRICE; AND WAEDELL HARRIS	2006-SC-000439-D	JEFFERSON
JAMES LANG V. JAMES W. HOLSINGER, JR., SECRETARY, CABINET FOR HEALTH AND FAMILY SERVICES	2006-SC-000447-D	BELL
WILLIAM WOOLUM V. COMMONWEALTH OF KENTUCKY	2006-SC-000463-D	LYON
MT. WASHINGTON FIRE PROTECTION DISTRICT, ET AL. V. CITY OF SHEPHERDSVILLE, ET AL.	2006-SC-000470-D	BULLITT
LARRY ELLISON, BY AND THROUGH HIS GUARDIAN, JOYCE ELLISON; AND JOYCE ELLISON, INDIVIDUALLY V. THE ENSIGN-BICKFORD COMPANY	2006-SC-000473-D	PERRY
ANNA HURT V. ANNA DIXON, ADMINISTRATRIX OF THE ESTATES OF DELZA YOUNG (DECEASED) AND EULANDA YOUNG (DECEASED)	2006-SC-000474-D	KNOTT
MICHAEL S. NICHOLS V. NEIL HUFFMAN NISSAN, INC.	2006-SC-000485-D	JEFFERSON
HEIDI LYNNE YOST V. MARK RANDALL CORNER	2006-SC-000487-D	JEFFERSON
THOMAS HENRY WHALEN V. COMMONWEALTH OF KENTUCKY	2006-SC-000489-D	CLARK

**SUPREME COURT OF KENTUCKY**

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
NOVEMBER 15, 2006**

COMMONWEALTH OF KENTUCKY V. MARK STEVEN BYRD	2006-SC-000510-D	FAYETTE
MARK ALESHIRE V. JACOB BERENBROICK	2006-SC-000513-D	HARDIN
LUCAS PERKINS, JR. V. JAMES DAVID SAMS, ET AL.	2006-SC-000516-D	FAYETTE
JEFFREY TAYLOR V. COMMONWEALTH OF KENTUCKY	2006-SC-000527-D	MCLEAN
WILLIAM CASHWELL V. COMMONWEALTH OF KENTUCKY	2006-SC-000542-D	KENTON
M.K.C. V. J.C., III, ET AL.	2006-SC-000553-DE	HARDIN
JONATHON ALAN SIMS V. COMMONWEALTH OF KENTUCKY	2006-SC-000559-D	DAVISS
NANCY M. BLEVINS V. GENE R. BLEVINS	2006-SC-000562-D	BOYD
DONALD RAY VIOLETT V. COMMONWEALTH OF KENTUCKY	2006-SC-000564-D	WARREN
ANTONIO LAMONT PARKER COMMONWEALTH OF KENTUCKY	2006-SC-000579-D	FAYETTE
TAMMY RELEFORD V. T. CLAY STUART, P.S.C.; AND T. CLAY STUART	2006-SC-000582-D	BOYLE
REBECCA ANN BROCKMAN, (FORMERLY CRAIG) V. CLARENCE KEVIN CRAIG	2006-SC-000587-D	CARROLL

**SUPREME COURT OF KENTUCKY**

**MINUTES**

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
NOVEMBER 15, 2006**

MYRON ADDISON SPEARS, JR. V. DORIS ANNEMARIE SPEARS, (NOW GOODIN)	2006-SC-000616-D	HARDIN
DAVID P. SANGSTER, M.D. V. LLOYD VEST, ESQ., ET AL.	2006-SC-000652-D	FRANKLIN

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

LARRY WATKINS-EL V. COMMONWEALTH OF KENTUCKY ENTERED: OCTOBER 16, 2006	2006-SC-000589-D	FRANKLIN
ANTOINETTE SURDO PALLADINO V. BARRELL A. PALLADINO ENTERED: OCTOBER 16, 2006	2006-SC-000605-DE	FAYETTE
BILLY JOHNS MAY V. HARKINS MINERAL ASSOCIATES ENTERED: NOVEMBER 21, 2006	2006-SC-000657-D	FLOYD
JOEY LEE POE V. COMMONWEALTH OF KENTUCKY ENTERED: NOVEMBER 21, 2006	2006-SC-000724-D	BRACKEN
BLANCHE ELLEN BOOKER V. KENTUCKY CENTER FOR THE ARTS CORPORATION ENTERED: NOVEMBER 21, 2006	2006-SC-000766-D	JEFFERSON

**COURT ORDERS GRANTING MOTION TO TRANSFER – NOVEMBER 22, 2006**

DAVID NICHOLS V. COMMONWEALTH OF KENTUCKY	2006-SC-000686-T	GRAYSON
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**SUPREME COURT OF KENTUCKY**

**MINUTES**

**NOVEMBER 22, 2006**

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

**COURT ORDERS DENYING PETITION FOR REHEARING – NOVEMBER 22, 2006**

RODNEY T. BIXLER V. COMMONWEALTH OF KENTUCKY	2004-SC-000215-MR	SHELBY
RICKY BARBOUR V. COMMONWEALTH OF KENTUCKY	2004-SC-000917-MR	HART
LISA BAKER, ET AL. V. ERNIE FLETCHER, IN HIS OFFICIAL CAPACITY AS THE GOVERNOR OF THE COMMONWEALTH OF KENTUCKY	2005-SC-000208-TG	FRANKLIN

**COURT ORDERS DENYING PETITION FOR REHEARING – NOVEMBER 22, 2006**

MANALAPAN MINING COMPANY, INC V. KYLE D. LUNSFORD, ET AL <b>AND</b> KYLE D. LUNSFORD V. MANALAPAN MINING COMPANY, INC, ET AL	2005-SC-000626-WC  2005-SC-000628-WC	FROM COURT OF APPEALS  FROM COURT OF APPEALS
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**COURT ORDERS**

WALTER DURRELL GRAY V. COMMONWEALTH OF KENTUCKY <b>ORDER CORRECTED OPINION OF THE COURT RENDERED OCTOBER 19, 2006, BY SUBSTITUTION OF PAGES 1 AND 14 AND THE CONCURRING IN PART AND DISSENTING IN PART OPINION BY JUSTICE MCCANULTY BY SUBSTITUTION OF PAGES 1 AND 3.</b> ENTERED: OCTOBER 20, 2006	<a href="#">2004-SC-000457-MR</a>	FAYETTE
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SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 22, 2006

RELEASED: 10:00 A.M.

COURT ORDERS

WALTER DURRELL GRAY V. [2004-SC-000457-MR](#) FAYETTE  
COMMONWEALTH OF KENTUCKY  
ENTERED: OCTOBER 20, 2006  
**ORDER CORRECTED OPINION OF THE  
COURT RENDERED OCTOBER 19, 2006  
AND CORRECTED ON OCTOBER 20, 2006,  
BY SUBSTITUTION OF PAGE 1 AND THE  
CONCURRING OPINION BY JUSTICE MINTON,  
BY SUBSTITUTION OF PAGE 1.**  
ENTERED: OCTOBER 31, 2006

SHANE RAGLAND V. 2004-SC-000560-DG FAYETTE  
MICHAEL L. DIGIURO  
(ADMINISTRATOR OF THE ESTATE  
OF TRENT DIGIURO)  
**ORDER DENIED MOTION FOR  
RECONSIDERATION.**  
ENTERED: NOVEMBER 22, 2006

TERESA M. SCHULTE V. 2004-SC-000656-DG KENTON  
JOHN M. SCHULTE  
**ORDER DENIED MOTION FOR  
RECONSIDERATION.**  
ENTERED: NOVEMBER 22, 2006

KARL KRAUS V. 2005-SC-000304-MR LIVINGSTON  
COMMONWEALTH OF KENTUCKY  
**ORDER DENIED MOTION FOR  
RECONSIDERATION.**  
ENTERED: NOVEMBER 22, 2006

KARL KRAUS V. 2005-SC-000354-DG LIVINGSTON  
COMMONWEALTH OF KENTUCKY  
**ORDER DENIED MOTION FOR  
RECONSIDERATION.**  
ENTERED: NOVEMBER 22, 2006

SUPREME COURT OF KENTUCKY

MINUTES

NOVEMBER 22, 2006

RELEASED: 10:00 A.M.

COURT ORDERS

MANALAPAN MINING COMPANY, INC V. KYLE D. LUNSFORD, ET AL <b>AND</b> KYLE D. LUNSFORD V. MANALAPAN MINING COMPANY, INC, ET AL <b>ORDER CORRECTED OPINION OF THE COURT AND THE DISSENTING OPINION RENDERED AUGUST 24, 2006, BY SUBSTITUTION OF PAGE 1 OF THE ORIGINAL OPINION AND PAGE 1 OF THE ORIGINAL DISSENTING OPINION ENTERED: OCTOBER 18, 2006</b>	<a href="#">2005-SC-000626-WC</a>  <a href="#">2005-SC-000628-WC</a>	FROM COURT OF APPEALS  FROM COURT OF APPEALS
PATRICK HERMAN NOBLE V. KENTUCKY BAR ASSOCIATION <b>ORDER REINSTATED MOVANT TO THE PRACTICE OF LAW WITH CONDITIONS.</b> ENTERED: NOVEMBER 22, 2006	2005-SC-000685-KB <b>TO BE PUBLISHED</b>	IN SUPREME COURT
KEVIN JAMES STOCTON V. J.L. FRENCH, ET AL <b>ORDER CORRECTED MEMORANDUM OPINION OF THE COURT RENDERED OCTOBER 19, 2006, BY SUBSTITUTION OF PAGES 1 AND 7.</b> ENTERED: OCTOBER 24, 2006	<a href="#">2006-SC-000010-WC</a>	FROM COURT OF APPEALS
JASON TERRELL V. COMMONWEALTH OF KENTUCKY <b>ORDER DISMISSED APPEAL.</b> ENTERED: NOVEMBER 1, 2006	2006-SC-000202-MR	MCCRACKEN
ROSE ELAINE BAILEY V. COMMONWEALTH OF KENTUCKY <b>ORDER GRANTED MOVANT'S MOTION TO DISMISS.</b> ENTERED: NOVEMBER 15, 2006	2006-SC-000507-D	JEFFERSON

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**NOVEMBER 22, 2006**

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

**COURT ORDERS**

ABBOTT LABORATORIES V. 2006-SC-000626-WC FROM COURT  
RICK D. SMITH, (DECEASED), ET AL. OF APPEALS  
**ORDER GRANTED APPELLANT'S  
MOTION TO WITHDRAW APPEAL.**  
ENTERED: NOVEMBER 17, 2006

FARMERS DEPOSIT BANK V. 2006-SC-000772-WC FROM COURT  
REBECCA WESLEY, INDIVIUALLY, ET AL. OF APPEALS  
**ORDER DENIED MOTION FOR LEAVE  
TO FILE BELATED NOTICE OF APPEAL.**  
ENTERED: NOVEMBER 21, 2006

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

DANIELLE JOHNSON V. 2006-SC-000777 IN SUPREME  
KENTUCKY BAR ASSOCIATION COURT  
**ENTERED: OCTOBER 23, 2006**

JENNY LYN THOMAS V. 2006-SC-000778 IN SUPREME  
KENTUCKY BAR ASSOCIATION COURT  
**ENTERED: OCTOBER 23, 2006**

JACKIE ROSE KRUGER V. 2006-SC-000791 IN SUPREME  
KENTUCKY BAR ASSOCIATION COURT  
**ENTERED: OCTOBER 25, 2006**

WILLIAM BRUCE BARRICKMAN V. 2006-SC-000796 IN SUPREME  
KENTUCKY BAR ASSOCIATION COURT  
**ENTERED: OCTOBER 31, 2006**

SAMUEL RICHARD CONKRIGHT, JR. V. 2006-SC-000809 IN SUPREME  
KENTUCKY BAR ASSOCIATION COURT  
**ENTERED: NOVEMBER 3, 2006**

DAVID ALAN BRAGDON V. 2006-SC-000817 IN SUPREME  
KENTUCKY BAR ASSOCIATION COURT  
**ENTERED: NOVEMBER 9, 2006**

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**NOVEMBER 22, 2006**

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

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

<b>VERNON WINSTON BLAIR V. KENTUCKY BAR ASSOCIATION ENTERED: NOVEMBER 9, 2006</b>	<b>2006-SC-000826</b>	<b>IN SUPREME COURT</b>
<b>TERENCE L. MOORE V. KENTUCKY BAR ASSOCIATION ENTERED: NOVEMBER 9, 2006</b>	<b>2006-SC-000828</b>	<b>IN SUPREME COURT</b>
<b>TERESA PRILLHART JOHNSON V. KENTUCKY BAR ASSOCIATION ENTERED: NOVEMBER 14, 2006</b>	<b>2006-SC-000838</b>	<b>IN SUPREME COURT</b>
<b>WILLIAM MICHAEL MOORE V. KENTUCKY BAR ASSOCIATION ENTERED: NOVEMBER 14, 2006</b>	<b>2006-SC-000839</b>	<b>IN SUPREME COURT</b>
<b>KAREN CELESTINO HORSEMAN V. KENTUCKY BAR ASSOCIATION ENTERED: NOVEMBER 21, 2006</b>	<b>2006-SC-000844</b>	<b>IN SUPREME COURT</b>