

SUPREME COURT OF KENTUCKY

DECEMBER 16, 2010 MINUTES

RELEASED: 10:00 A.M.

265. COMMONWEALTH OF KENTUCKY V. [2010-SC-000128-CL](#) JEFFERSON
BERTRAND HOWLETT
TO BE PUBLISHED
**OPINION OF THE COURT BY
BY JUSTICE CUNNINGHAM –
CERTIFYING THE LAW**
SCOTT, J., DISSENTS BY
SEPARATE OPINION.

Questions Presented:
Reaffirmation of the court's longstanding position that, under KRE 201, a trial judge is prohibited from relying on personal experience to support the taking of judicial notice.

266. MICHAEL SHAWN PAYTON V. [2008-SC-000965-DG](#) GRAYSON
COMMONWEALTH OF KENTUCKY
TO BE PUBLISHED
**OPINION OF THE COURT
BY CHIEF JUSTICE MINTON –
AFFIRMING**
SCHRODER, J., CONCURS,
IN PART, AND DISSENTS,
IN PART, BY SEPARATE OPINION

Questions Presented:
Criminal Law. Search and Seizure. Co-tenant Consent. At issue is warrantless police search of home during Cabinet for Families and Children's investigation based upon co-tenant's alleged consent.

267. DEBBIE CHILDERS V. [2009-SC-000297-MR](#) LAWRENCE
COMMONWEALTH OF KENTUCKY
TO BE PUBLISHED
**OPINION OF THE COURT BY
JUSTICE ABRAMSON – AFFIRMING**
VENTERS, J., DISSENTS BY
SEPARATE OPINION IN WHICH
SCHRODER AND SCOTT, JJ., JOIN.

Questions Presented:
First-degree complicity to trafficking in a controlled substance and second-degree persistent felony offender-20 years. Impeachment by criminal conviction is governed solely by KRE 609. KRE 608(b) permits impeachment only by specific instances of conduct that have not resulted in a conviction. No palpable error in witness' impermissible interpretation of what was on a drug buy tape.

268. ROY RANKIN V. [2009-SC-000385-MR](#) FAYETTE
COMMONWEALTH OF KENTUCKY
TO BE PUBLISHED
**OPINION OF THE COURT BY
JUSTICE ABRAMSON – AFFIRMING**
SCHRODER, J, CONCURS IN
RESULT ONLY BY SEPARATE
OPINION.

Questions Presented:
Wanton murder and first-degree criminal abuse-20 years. Trial court did not err in refusing to strike a potential juror who had been subjected to sexual abuse as a child nor in admitting evidence of a social worker's video-recorded out-of-court experiment involving the victim's brother. Evidence of defendant's mild retardation did not preclude the jury's finding that he acted wantonly.

SUPREME COURT OF KENTUCKY

DECEMBER 16, 2010 MINUTES

RELEASED: 10:00 A.M.

269. LASHAWN JOHNSON V. [2009-SC-000401-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY CHIEF
JUSTICE MINTON – AFFIRMING**
TO BE PUBLISHED

Questions Presented:
First-degree robbery, first-degree burglary, first-degree PFO-25 years. Trial court properly refused to give instructions on second-degree robbery and second-degree burglary. A second evidentiary hearing was not required on defendant's motion to suppress DNA evidence where he belatedly alleged that his DNA profile was illegally entered into CODIS.

270. KENTUCKY ASSOCIATED GENERAL CONTRACTORS SELF-INSURANCE FUND V. [2010-SC-000114-DG](#) FRANKLIN
SHEILA LOWTHER, ADMINISTRATIVE LAW JUDGE; ET AL.
**OPINION OF THE COURT –
AFFIRMING**
TO BE PUBLISHED

Questions Presented:
Workers' Compensation. Sanctions for Failure to Pay Award. Issues include which party bears the burden of moving to reopen a workers' compensation award when preauthorization for medical treatment is denied upon utilization review.

271. SUSAN GARNO V. [2010-SC-000154-WC](#) FROM COURT
SOLELECTRON USA; ET AL. OF APPEALS
**OPINION OF THE COURT –
AFFIRMING**
TO BE PUBLISHED

Questions Presented:
Workers' Compensation. 803 KAR 25:096, § 11. Issues include whether regulation required worker to request reimbursement of out-of-pocket medical expenses within 60 days after interlocutory order and award finding injuries to be work-related and ordering payment of TTD and medical benefits.

SUPREME COURT OF KENTUCKY

DECEMBER 16, 2010 MINUTES

RELEASED: 10:00 A.M.

- | | | | |
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| 272. | EMIL PETER, III V.
HON. SUSAN SCHULTZ GIBSON,
JUDGE, JEFFERSON CIRCUIT
COURT AND EMIL PETER IV,
REAL PARTY IN INTEREST
OPINION OF THE COURT BY
JUSTICE VENTERS – AFFIRMING
NOBLE, J., DISSENTS BY SEPARATE
OPINION, IN WHICH SCHRODER, J.,
JOINS. | 2010-SC-000155-MR
TO BE PUBLISHED | JEFFERSON |
| | | <p style="text-align: center;">Questions Presented:</p> <p>Uniform Transfers to Minors Act. While district court has original jurisdiction over UTMA disputes, only circuit court has jurisdiction to consider an adult beneficiary's action to compel an accounting after an expired custodianship.</p> | |
| 273. | SHANE GRANGER V.
LOUIS TRAUTH DAIRY; ET AL.
OPINION OF THE COURT –
AFFIRMING
VENTERS, J., CONCURS IN RESULT
ONLY BY SEPARATE OPINION.
SCOTT, J., DISSENTS BY SEPARATE
OPINION IN WHICH CUNNINGHAM
AND NOBLE, JJ., JOIN. | 2010-SC-000253-WC
TO BE PUBLISHED | FROM COURT
OF APPEALS |
| | | <p style="text-align: center;">Questions Presented:</p> <p>Workers' Compensation. Notice. Whether evidence compelled a finding that reasonable cause excused worker's failure to give notice of accident and what appeared at first to be an insignificant injury until weeks after it worsened and medical treatment was initiated.</p> | |
| 274. | ZELNAR TRAVIS V.
COMMONWEALTH OF KENTUCKY
AND
WILLIAM DAWSON V.
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
JUSTICE NOBLE –
AFFIRMING IN PART, REVERSING
IN PART AND REMANDING
MINTON, C.J., CONCURS IN RESULT
ONLY BY SEPARATE OPINION.
ABRAMSON, J., CONCURS IN RESULT
ONLY BY SEPARATE OPINION.
SCHRODER, J., CONCURS IN RESULT
ONLY. | 2008-SC-000811-MR
TO BE PUBLISHED | JEFFERSON |
| | | 2008-SC-000831-MR
TO BE PUBLISHED | JEFFERSON |
| | | <p style="text-align: center;">Questions Presented:</p> <p>First-degree robbery, possession of a handgun by a felon, possession of a defaced firearm, and first-degree PFO. Trial court erred in imposing court costs and fines on indigents. Combination instructions used herein did not deprive defendants of unanimous verdicts on robbery and PFO charges.</p> | |

SUPREME COURT OF KENTUCKY

DECEMBER 16, 2010 MINUTES

RELEASED: 10:00 A.M.

275. BLACKSTONE MINING COMPANY V. TRAVELERS INSURANCE COMPANY
OPINION OF THE COURT BY JUSTICE VENTERS – REVERSING
SCOTT, J., DISSENTS BY SEPARATE OPINION.
- [2009-SC-000015-DG](#) PIKE
TO BE PUBLISHED
- Questions Presented:**
Workers Compensation. Rejection Notices. Summary Judgment. Burden of Proof. In controversy between employer and workers' compensation insurer concerning payment of premiums, issues include whether employee's filed notice of rejection is presumed to be voluntary, placing on the insurer the burden to present evidence that it is not, or whether the employer must prove that the notice is voluntary even in the absence of contrary evidence.
276. STEPHANIE LAWSON V. TOYOTA MOTOR MANUFACTURING, KENTUCKY, INC.; ET AL.
OPINION OF THE COURT – REVERSING
- [2009-SC-000767-WC](#) FROM COURT OF APPEALS
TO BE PUBLISHED
- Questions Presented:**
Workers' Compensation. Prospective Motion to Reopen Seeking TTD. Issues include whether employer, having failed to file a timely medical dispute to contest liability for surgery following a utilization review recommendation to grant preauthorization, may engraft question as to reasonableness and necessity onto worker's motion to reopen to obtain TTD during recovery.
277. JOSHUA MACHNIAK V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE VENTERS – REVERSING AND REMANDING
NOBLE, J., CONCURS IN RESULT ONLY BY SEPARATE OPINION.
SCOTT, J., DISSENTS BY SEPARATE OPINION.
- [2008-SC-000352-DG](#) LETCHER
[2009-SC-000317-TG](#)
[2009-SC-000342-TG](#)
TO BE PUBLISHED
- Questions Presented:**
Criminal Law. Sentencing. Finality of Sentences. Double Jeopardy. At issue is plea agreement in which defendant agreed to increasing sentence if probation terms were violated.

SUPREME COURT OF KENTUCKY

DECEMBER 16, 2010 MINUTES

RELEASED: 10:00 A.M.

278. MICHAEL SCHNUERLE, ET AL. V. INSIGHT COMMUNICATIONS COMPANY, L.P. ET AL. [2008-SC-000789-DG](#) JEFFERSON
[2009-SC-000390-DG](#)
TO BE PUBLISHED
- OPINION OF THE COURT BY JUSTICE VENTERS – REVERSING AND REMANDING**
SCHRODER, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION.
- Questions Presented:**
Contracts. Arbitration. Issues include the validity of mandatory dispute resolution contract clauses barring consumer class actions.
279. CERTAINTEED CORPORATION V. AVA NELL DEXTER, INDIVIDUALLY; ET AL. [2008-SC-000886-DG](#) MARSHALL
TO BE PUBLISHED
- OPINION OF THE COURT BY JUSTICE NOBLE – REVERSING AND REMANDING**
MINTON, C.J., CONCURS IN RESULT ONLY. ABRAMSON, J., NOT SITTING.
- Questions Presented:**
Asbestos. Motion for New Trial. Damages Apportionment. Issues include: 1. whether the jury's failure to apportion damages among empty chair defendants justifies the trial court granting the defendant's Motion for New Trial, and 2. how much proof the defendants must present against empty chair defendants to justify apportionment of damages?
280. RICHARD WINSTEAD V. COMMONWEALTH OF KENTUCKY [2009-SC-000019-DG](#) DAVIESS
TO BE PUBLISHED
- OPINION OF THE COURT BY CHIEF JUSTICE MINTON – REVERSING AND REMANDING**
CUNNINGHAM, J., DISSENTS BY SEPARATE OPINION IN WHICH SCOTT, J., JOINS.
- Questions Presented:**
Criminal Law. Sentencing. At issue is whether sentencing error may be corrected, implicating whether nature of error was judicial or clerical, and whether the error involved an illegal sentence.

SUPREME COURT OF KENTUCKY

DECEMBER 16, 2010 MINUTES

RELEASED: 10:00 A.M.

281. 3M COMPANY V. [2010-SC-000125-MR](#) PERRY
HON. WILLIAM ENGLE III, ET AL. **TO BE PUBLISHED**
AND KENTUCKY MINE SUPPLY, ET AL.

AND

AMERICAN OPTICAL CORPORATION [2010-SC-000163-MR](#) PERRY
AND 3M COMPANY V. **TO BE PUBLISHED**

DELBERT MILLER, ET AL.

**OPINION OF THE COURT BY
JUSTICE SCHRODER –
REVERSING AND VACATING**

Questions Presented:

Attorney-Client Privilege. Issuance of a writ is not appropriate to prevent defendants' deposition of plaintiffs' attorney where the plaintiffs have waived their attorney-client privilege.

282. ANTONIO L. BRADLEY V. [2009-SC-000561-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**

**OPINION OF THE COURT BY CHIEF
JUSTICE MINTON –
VACATING AND REMANDING**

Questions Presented:

Trial court erred in denying defendant's motion to suppress his confession, where the facts showed that defendant had unequivocally invoked his right to counsel and the police had improperly continued questioning.

283. ARTEZ GARRETT V. [2008-SC-000471-MR](#) KENTON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**

**MEMORANDUM OPINION OF THE
COURT – AFFIRMING**

ABRAMSON AND VENTERS, JJ.,
CONCUR IN RESULT ONLY;
NOBLE, J., DISSENTS BY SEPARATE
OPINION, IN WHICH MINTON, C.J.,
JOINS.

284. DERRICK HELM V. [2010-SC-000082-MR](#) LINCOLN
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**

**MEMORANDUM OPINION OF THE
COURT – AFFIRMING**

SUPREME COURT OF KENTUCKY

DECEMBER 16, 2010 MINUTES

RELEASED: 10:00 A.M.

285. R. DEAN LINDEN, PH.D V. [2010-SC-000152-MR](#) JEFFERSON
HON. CHARLES L. CUNNINGHAM, **NOT TO BE PUBLISHED**
JR. (JUDGE, JEFFERSON CIRCUIT
COURT)
AND WILLIAM TID GRIFFIN, ET AL.
**MEMORANDUM OPINION OF THE
COURT – AFFIRMING**
NOBLE, J., CONCURS IN RESULT ONLY.
SCOTT, J., DISSENTS BY SEPARATE
OPINION IN WHICH CUNNINGHAM
AND VENTERS, JJ., JOIN.
286. RUSSELL WINSTEAD V. [2007-SC-000829-MR](#) HOPKINS
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
AND
RUSSELL WINSTEAD V. [2008-SC-000446-TG](#) HOPKINS
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF THE
COURT –**
VACATING AND REMANDING

OPINIONS AND ORDERS – DECEMBER 16, 2010

- STEVEN WAYNE SEBASTIAN V. [2010-SC-000671-KB](#) IN SUPREME
KENTUCKY BAR ASSOCIATION **TO BE PUBLISHED** COURT
**ORDER RESTORED MOVANT TO THE
PRACTICE OF LAW.**
ALL SITTING. ALL CONCUR.
- SUSAN O. PHILLIPS V. [2010-SC-000672-KB](#) IN SUPREME
KENTUCKY BAR ASSOCIATION **TO BE PUBLISHED** COURT
**ORDER RESTORED MOVANT TO THE
PRACTICE OF LAW.**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

DECEMBER 16, 2010 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
DECEMBER 8, 2010**

RAZA HASHMI, M.D. V. LINDA KELLY, ADMINISTRATRIX OF THE ESTATE OF ROSALIE STAMPER	2009-SC-000843-DG	MADISON
JOSHUA PRIDDY V. COMMONWEALTH OF KENTUCKY	2010-SC-000041-DG	MCCRACKEN
JOSEPH A. SINGLETON V. COMMONWEALTH OF KENTUCKY	2010-SC-000078-DG	CASEY
COMMONWEALTH OF KENTUCKY V. RANDY LEINENBACH	2010-SC-000091-DG	HANCOCK
KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION V. DAVID G. HAMILTON	2010-SC-000252-DG	FAYETTE
INTERLOCK INDUSTRIES, INC., ET AL. V. CHARLES RAWLINGS, ET AL. AND ROSENMAN'S INC. V. CHARLES RAWLINGS, ET AL. AND KENTUCKY FLATBED COMPANY, LLC V. CHARLES RAWLINGS, ET AL.	2010-SC-000264-DG	SHELBY
	2010-SC-000352-DG	SHELBY
	2010-SC-000368-DG	SHELBY
COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. V. RENEE IVY, NOW KNIGHTEN	2010-SC-000527-DGE	MCCRACKEN

SUPREME COURT OF KENTUCKY

DECEMBER 16, 2010 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
DECEMBER 9, 2010**

STEPHEN DRIVER V. COMMONWEALTH OF KENTUCKY	2009-SC-000639-DG	MARSHALL
FUEL TRANSPORT, INC. V. GARNETT GIBSON, EXECUTOR AND PERSONAL REPRESENTATIVE OF THE ESTATE OF TOPSIE GIBSON.	2010-SC-000682-DG	KNOTT
TANYA A. CHILDERS, ET AL. V. SANDRA F. GEILE, M.D., ET AL.	2009-SC-000790-DG	MONTGOMERY
INTER-TEL TECHNOLOGIES, INC., ET AL. V. LINN STATION PROPERTIES, LLC, ET AL.	2009-SC-000819-DG	JEFFERSON
THOMAS J. SCHULTZ V. GENERAL ELECTRIC HEALTHCARE FINANCIAL SERVICES, INC., ET AL.	2010-SC-000183-DG	JEFFERSON
ROBERT HAMILIN, ET AL. V. DANVILLE-BOYLE COUNTY BOARD OF ADJUSTMENT, ET AL.	2010-SC-000272-DG	BOYLE

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
DECEMBER 8, 2010**

JOHN HENRY ADAMS, ET AL. V. LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2009-SC-000395-D	FAYETTE
MCCLELLAN GAINES V. COMMONWEALTH OF KENTUCKY	2009-SC-000573-D	FAYETTE

SUPREME COURT OF KENTUCKY

DECEMBER 16, 2010 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
DECEMBER 8, 2010**

THOMAS SCHRAGE V. TRINA ELLIS SCHRAGE	2010-SC-000043-D	KENTON
BILLY BLACKFORD V. COMMONWEALTH OF KENTUCKY	2010-SC-000054-D	ELLIOTT
FLOYDS FORK ENVIRONMENTAL ASSOCIATION, ET AL. V. KENTUCKY WATERWAYS ALLIANCE (A KENTUCKY NON-PROFIT CORPORATION), ET AL.	2010-SC-000062-D	JEFFERSON
DAVID NEWMAN V. THE ESTATE OF JOSEPH K. HOBIC	2010-SC-000134-D	JEFFERSON
PATSY J. CRANE, ADMINISTRATRIX OF THE ESTATE OF BOBBY CRANE, DECEASED V. ILLINOIS CENTRAL RAILROAD CO.	2010-SC-000135-D	MCCRACKEN
JOHN WESLEY BRETT V. MEDIA GENERAL OPERATIONS, INC. AND WILLIAM STANLEY	2010-SC-000145-D	FAYETTE
MARY SCOBEE, ET AL. V. SERVICE CORPORATION INTERNATIONAL (SCI)	2010-SC-000174-D	JESSAMINE
KELVIN MCCRAY V. COMMONWEALTH OF KENTUCKY	2010-SC-000209-D	JEFFERSON
SHARON MACY V. KENTUCKY EDUCATION PROFESSIONAL STANDARDS BOARD	2010-SC-000232-D	FRANKLIN
TRAVIS RAY V. COMMONWEALTH OF KENTUCKY	2010-SC-000243-D	JEFFERSON

SUPREME COURT OF KENTUCKY

DECEMBER 16, 2010 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
DECEMBER 8, 2010**

TONY NEAL V. COMMONWEALTH OF KENTUCKY	2010-SC-000246-D	POWELL
RALPH GENTRY V. COMMONWEALTH OF KENTUCKY	2010-SC-000250-D	JEFFERSON
JAMES EVERETT GOWANS V. COMMONWEALTH OF KENTUCKY	2010-SC-000270-D	FAYETTE
ELIZABETH S. JAMES, ET AL. V. ASHLAND HOSPITAL CORPORATION, D/B/A KING'S DAUGHTERS MEDICAL CENTER, ET AL.	2010-SC-000284-D	BOYD
CHARLES STANFILL V. COMMONWEALTH OF KENTUCKY	2010-SC-000293-D	CALLOWAY
WILLIAM L. HUFFMAN V. EXECUTIVE BRANCH ETHICS COMMISSION	2010-SC-000321-D	FRANKLIN
DAVID GAINES, D/B/A DAVID GAINES ROOFING AND SUPPLIES V. DEPARTMENT OF LABOR, NOW KENTUCKY LABOR CABINET, ET AL.	2010-SC-000325-D	FRANKLIN
FRANK HARSCHER, III V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED TO BE PUBLISHED.	2010-SC-000407-D	FAYETTE
JERRY ENDSLEY V. COMMONWEALTH OF KENTUCKY	2010-SC-000446-D	CAMPBELL
GREG SHAW V. TONY SALYERS, ET AL.	2010-SC-000467-D	RUSSELL

SUPREME COURT OF KENTUCKY

DECEMBER 16, 2010 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
DECEMBER 8, 2010**

ROBERT T. DAVIES V.
COMMONWEALTH OF KENTUCKY

2010-SC-000472-D

HARDIN

OWNERS INSURANCE COMPANY V.
TIMOTHY KEITH UTLEY, ET AL.
**THE OPINION OF THE COURT OF
APPEALS IS ORDERED NOT TO BE
PUBLISHED**

2010-SC-000474-D

CHRISTIAN

RONNIE DALE NEELEY V.
ED NEWTON, ET AL.

2010-SC-000587-DE

JACKSON

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
DECEMBER 9, 2010**

EMORY JOHNNY CAVENDER V.
CAROLINE MUDD, CHAIRPERSON
KENTUCKY STATE PAROLE BOARD;
ET AL.

2009-SC-000584-D

FRANKLIN

T.W., A CHILD UNDER EIGHTEEN V.
COMMONWEALTH OF KENTUCKY

2010-SC-000014-D

HARLAN

JAMES M. THORNSBERRY V.
KENTUCKY POWER COMPANY D/B/A
ET AL.

2010-SC-0000079-D

FLOYD

**THE OPINION OF THE COURT OF
APPEALS IS ORDERED NOT TO BE
PUBLISHED.**

JEROME HIGGINBOTHAM,
ADMINISTRATOR OF THE ESTATE OF
JESSE HIGGINBOTHAM, DECEASED; V.
KEENELAND ASSOCIATION AND
COLLEEN MOUREAUX

2010-SC-000132-D

FAYETTE

**THE OPINION OF THE COURT OF
APPEALS IS ORDERED NOT TO BE
PUBLISHED.**

SUPREME COURT OF KENTUCKY

DECEMBER 16, 2010 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
DECEMBER 9, 2010**

JASON L. GRAY, A/K/A MARCELO GIOVANNI V.
COMMONWEALTH OF KENTUCKY 2010-SC-000235-D JEFFERSON

BLAINE COMPANY, INC. V.
LOOKOUT CORPORATE CENTER,
LOOKOUT HOUSE, LLC AND
CORPOREX REALTY & INVESTMENT,
LLC 2010-SC-000310-D KENTON

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
DECEMBER 10, 2010**

TRUMAN EVANS V.
COMMONWEALTH OF KENTUCKY 2010-SC-000089-D LAWRENCE

LOUISVILLE/JEFFERSON COUNTY
METRO GOVERNMENT, ET AL. V.
ROBERT ACKRIDGE, ET AL. 2010-SC-000133-D JEFFERSON

DANIELLE JOHNSON, ET AL. V.
UNITED PARCEL SERVICES, INC.
**THE OPINION OF THE COURT OF
APPEALS IS ORDERED TO BE
PUBLISHED** 2010-SC-000192-D JEFFERSON

STEVE PINSON, ET AL. V.
BOBBY THACKER, ET AL. 2010-SC-000210-D PIKE

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE
MOTION FOR DISCRETIONARY REVIEW – DECEMBER 9, 2010**

LARRY E. WATKINS-EL V.
MICKEY KING, ET AL. 2010-SC-000561-D JEFFERSON

SUPREME COURT OF KENTUCKY

DECEMBER 16, 2010 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING MOTION TO TRANSFER – DECEMBER 16, 2010

MCCLELLAN GAINES V.
GOVERNOR STEVEN BESHEAR, ET AL.

2010-SC-000489-T

FROM COURT
OF APPEALS

COURT ORDERS GRANTING PETITION FOR REHEARING – DECEMBER 16, 2010

MICHAEL J. O'CONNELL (IN HIS
OFFICIAL CAPACITY AS THE
JEFFERSON COUNTY ATTORNEY),
ET AL. V.

[2009-SC-000596-MR](#)

JEFFERSON

HONORABLE FREDERIC J. COWAN
(IN HIS OFFICIAL CAPACITY AS JUDGE
OF THE JEFFERSON CIRCUIT COURT,
DIVISION 13), ET AL.

**ORDER GRANTED APPELLEE'S PETITION
FOR REHEARING AND MODIFIED THE
OPINION OF THE COURT BY JUSTICE
SCHRODER, RENDERED MAY 20, 2010
BY SUBSTITUTION OF MEMORANDUM
OPINION OF THE COURT.**

COURT ORDERS DENYING PETITION FOR REHEARING – DECEMBER 16, 2010

KIMBERLY G. HILL, ET AL. V.
KENTUCKY LOTTERY CORPORATION
**ORDER MODIFIED THE OPINION OF
THE COURT BY JUSTICE VENTERS,
RENDERED APRIL 22, 2010. THE
OPINION IS SUBSTITUTED IN LIEU
OF THE ORIGINAL.**

[2006-SC-000748-DG](#)
[2008-SC-000380-DG](#)

JEFFERSON

HAZARD COAL CORPORATION; ET AL V.
LARRY J. KNIGHT, ET AL.

2008-SC-000735-DG

PERRY

COMMONWEALTH OF KENTUCKY V.
E. JOHN REINHOLD, D/B/A AMERICAN
EVANGELISTIC ASSOCIATION; ET AL.

2008-SC-000839-DG

FRANKLIN

SUPREME COURT OF KENTUCKY

DECEMBER 16, 2010 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING- NOVEMBER 22, 2010

CHARLES BERRY V. 2009-SC-000793-MR CHRISTIAN
COMMONWEALTH OF KENTUCKY

COURT ORDERS DISMISSING- DECEMBER 1, 2010

TRAVIS A. FRITSCH V. 2010-SC-000618-D FAYETTE
GREGORY D. STUMBO

COURT ORDERS

KENTUCKY BAR ASSOCIATION V. 2010-SC-000139-KB IN SUPREME
SANDRA CAMILLE BROOKS COURT
**ORDER DENIED MOTION FOR
RECONSIDERATION.**
DECEMBER 16, 2010

MARK EDWARD NEWTON V. 2010-SC-000228-DG HARDIN
COMMONWEALTH OF KENTUCKY
**ORDER GRANTED DISCRETIONARY
REVIEW, VACATED THE COURT OF
APPEALS DECISION AND REMANDED
TO THE COURT OF APPEALS FOR
FURTHER CONSIDERATION OF THE
ISSUE OF INEFFECTIVE ASSISTANCE
OF COUNSEL.**
ENTERED: DECEMBER 8, 2010

STEVEN STEWART V. 2010-SC-000647-MR KENTON
COMMONWEALTH OF KENTUCKY
**ORDER DENIED MOTION TO PROCEED
IN FORMA PAUPERIS.**
ENTERED: NOVEMBER 15, 2010

SUPREME COURT OF KENTUCKY

DECEMBER 16, 2010 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS

ZACHARY M. KAFOGLIS V. KENTUCKY BAR ASSOCIATION ORDER DETERMINED THAT THE NEGOIATED SANCTION IS INSUFFICIENT. MOVANT SHALL BE PUBLICLY REPRIMANDED, AND SUSPENDED FROM THE PRACTICE OF LAW FOR 30 DAYS, PROBATED WITH CONDITIONS. IN THE EVENT EITHER PARTY IS UNWILLING TO ACCEPT THIS DISPOSITION, THE AGREEMENT SHALL BE VACATED AND THE CASE ALLOWED TO PROCEED AS IF NO AGREEMENT HAS BEEN MADE. ENTERED: DECEMBER 16, 2010	2010-SC-000699-KB	IN SUPREME COURT
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**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE
KENTUCKY BAR ASSOCIATION – 2010**

HELEN BRAGG CURTIN CLEARY V. KENTUCKY BAR ASSOCIATION ENTERED: NOVEMBER 24, 2010	2010-SC-000765-KB	IN SUPREME COURT
JAMES C. HICKEY V. KENTUCKY BAR ASSOCIATION ENTERED: DECEMBER 8, 2010	2010-SC-000797-KB	IN SUPREME COURT
TERESA A. TALBOTT V. KENTUCKY BAR ASSOCIATION ENTERED: DECEMBER 8, 2010	2010-SC-000798-KB	IN SUPREME COURT