

**SUPREME COURT OF KENTUCKY**

**DECEMBER 19, 2013 MINUTES**

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

179. LEONARD LAWSON V. [2012-SC-000201-DG](#) FRANKLIN  
OFFICE OF THE ATTORNEY GENERAL AND JACK CONWAY, AS ATTORNEY GENERAL OF KENTUCKY, ET AL. **TO BE PUBLISHED**

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

MINTON, C.J.; CUNNINGHAM, AND VENTERS JJ., CONCUR. SCOTT, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION IN WHICH KELLER, J., JOINS. NOBLE, J., NOT SITTING.

**Questions Presented:**

Open Records Act. Issues include whether or not a statement given in the course of a criminal investigation is exempt from disclosure under the provisions of KRS 61.878.

180. BAPTIST PHYSICIANS LEXINGTON, INC., ET AL. V. [2012-SC-000242-DG](#) FAYETTE  
THE NEW LEXINGTON CLINIC, P.S.C. **TO BE PUBLISHED**

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

ALL SITTING. ALL CONCUR.

**Questions Presented:**

Corporate Law. Duty of Loyalty. KRS 271B.8-300. Issues include whether KRS 271B.8-300 abrogates the common law in cases where a corporate director sets up a competing enterprise.

181. KENNETH BROWN V. [2012-SC-000264-MR](#) JEFFERSON  
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**

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

MINTON, C.J.; ABRAMSON, KELLER, SCOTT, AND VENTERS JJ., CONCUR. NOBLE, J., DISAGREES WITH THE CONCLUSION THAT PLAYING THE SHORT TELEVISION CLIP WAS NOT ERROR BECAUSE THE DEFENSE "OPENED THE DOOR," BUT CONCURS IN THE COURT'S JUDGMENT BECAUSE THE ERROR WAS HARMLESS.

**Questions Presented:**

Murder, two counts of first degree wanton endangerment, tampering with physical evidence, and trafficking in marijuana, five pounds or more, while in possession of a firearm-20 years. Right to counsel-seizure of privileged materials from defendant's jail cell. Motion to suppress. RCr 7.24-expert witness testimony. Use of a television clip of the defendant as impeachment testimony.

**SUPREME COURT OF KENTUCKY**

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182. KENTUCKY NEW ERA. INC. V. CITY OF HOPKINSVILLE, KENTUCKY  
**OPINION OF THE COURT BY JUSTICE ABRAMSON - AFFIRMING**  
ALL SITTING. ALL CONCUR.
- [2012-SC-000290-DG](#) CHRISTIAN  
**TO BE PUBLISHED**

**Questions Presented:**  
Open Records. KRS 61.878(1) Exemptions. Issues involve the scope of multiple open records exemptions as applied to a media request for city police department arrest citations and reports over an eight-month period for stalking, terroristic threatening, harassment and harassing communications.

183. COMMONWEALTH OF KENTUCKY V. LEE ANDREW WRIGHT  
**OPINION OF THE COURT BY JUSTICE VENTERS - AFFIRMING**  
MINTON, C.J.; CUNNINGHAM, KELLER, NOBLE AND SCOTT, JJ., CONCUR.  
ABRAMSON, J., CONCURS IN RESULT ONLY.
- [2012-SC-000368-DG](#) JEFFERSON  
**TO BE PUBLISHED**

**Questions Presented:**  
Criminal Law. Restitution. Issues involve jurisdiction to revoke probation for failure to pay ordered restitution within the five-year probation period.

184. SOTOY A. MINTER V. COMMONWEALTH OF KENTUCKY  
**OPINION OF THE COURT BY JUSTICE VENTERS - AFFIRMING**  
ALL SITTING. ALL CONCUR.
- [2012-SC-000371-MR](#) MADISON  
**TO BE PUBLISHED**

**Questions Presented:**  
First-degree Sodomy, first-degree Burglary, and PFO-35 years. Trial court properly denied motion for directed verdict on the burglary charge where there was presented evidence of criminal intent. Trial court properly excluded evidence of victim's sexual history under the Rape Shield Rule, KRE 412. Trial court did not err in allowing the PFO charge to proceed.

SUPREME COURT OF KENTUCKY

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185. EDNA BRATTON, ETC. V. CITIFINANCIAL, INC. [2012-SC-000630-DG](#) FAYETTE  
**TO BE PUBLISHED**
- OPINION OF THE COURT BY JUSTICE KELLER - AFFIRMING**  
ABRAMSON, CUNNINGHAM, KELLER, NOBLE, SCOTT AND VENTERS, JJ., SITTING. ALL CONCUR. MINTON, C.J., NOT SITTING.
- Questions Presented:**  
Statutory Construction. Statutory Notice Provision. KRS 382.365. Issues include whether actual notice was sufficient or whether statutory notice provisions must be strictly construed.
186. KATHLEEN WISE V. COMMONWEALTH OF KENTUCKY [2012-SC-000633-MR](#) TAYLOR  
**TO BE PUBLISHED**
- OPINION OF THE COURT BY JUSTICE NOBLE – AFFIRMING**  
MINTON, C.J.; ABRAMSON, CUNNINGHAM, AND SCOTT JJ., CONCUR. VENTERS, J., CONCURS IN RESULT ONLY BY SEPARATE OPINION IN WHICH KELLER, J., JOINS.
- Questions Presented:**  
Intentional Murder-Life sentence. Motion to suppress statements given to police after a polygraph examination. Alleged waiver of Miranda rights. Trial court’s failure to give an instruction on first-degree manslaughter was not properly preserved and is not subject to palpable error review.
187. SAINT JOSEPH HOSPITAL V. ANGELA FRYE, HONORABLE R. SCOTT BORDERS, ADMINISTRATIVE LAW JUDGE; AND WORKERS’ COMPENSATION BOARD [2012-SC-000691-WC](#) FROM COURT OF APPEALS  
**TO BE PUBLISHED**
- OPINION OF THE COURT BY JUSTICE KELLER - AFFIRMING**  
ALL SITTING. MINTON, C.J.; CUNNINGHAM, NOBLE, SCOTT AND VENTERS, JJ., CONCUR. ABRAMSON, J., CONCURS IN RESULT ONLY.
- Questions Presented:**  
Workers’ Compensation. Since workers’ compensation practice regulations do not provide a mechanism for reopening proof in a “claim” after a hearing has taken place, a claim is no longer pending, for KRS 342.270 (1) purposes, after the date of the final hearing before the ALJ.

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188. RIDGEWAY NURSING & REHABILITATION FACILITY, LLC, ETC., ET AL. **V.** HONORABLE WILLIAM E. LANE, JUDGE, BATH CIRCUIT COURT, DIVISION I, ET AL.  
**OPINION OF THE COURT BY CHIEF JUSTICE MINTON – AFFIRMING**  
MINTON, C.J.; ABRAMSON, CUNNINGHAM, NOBLE, SCOTT AND VENTERS, JJ., SITTING. ALL CONCUR. KELLER, J., NOT SITTING.

[2013-SC-000219-MR](#) BATH  
**TO BE PUBLISHED**

**Questions Presented:**  
Writ of Mandamus. Request for dismissal of claims or attorney disqualification for alleged violation of SCR 3.130-4.2. Adequate remedy exists by appeal.

189. ALVIN MCDANIEL **V.** COMMONWEALTH OF KENTUCKY  
**OPINION OF THE COURT BY JUSTICE SCOTT – AFFIRMING IN PART AND REVERSING AND REMANDING IN PART**  
MINTON, C.J.; CUNNINGHAM, AND VENTERS, JJ., CONCUR. KELLER, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION IN WHICH ABRAMSON AND NOBLE, JJ., JOIN.

[2012-SC-000564-MR](#) KENTON  
**TO BE PUBLISHED**

**Questions Presented:**  
Two counts of first-degree assault and PFO 2<sup>nd</sup>-25 years. One assault conviction reversed due to insufficient proof of a “serious physical injury.” No reversible error in failing to strike three jurors for cause, in failing to provide limiting instructions or in allowing a fact witness to present an expert opinion.

SUPREME COURT OF KENTUCKY

DECEMBER 19, 2013 MINUTES

RELEASED: 10:00 A.M.

190. SHELBY LITTLE, JR. V. COMMONWEALTH OF KENTUCKY  
**OPINION OF THE COURT BY JUSTICE ABRAMSON – AFFIRMING IN PART AND REVERSING IN PART**  
MINTON, C.J.; NOBLE, AND VENTERS, JJ., CONCUR. CUNNINGHAM, J., DISSENTS BY SEPARATE OPINION IN WHICH KELLER AND SCOTT, JJ., JOIN.

[2011-SC-000628-MR](#)  
**TO BE PUBLISHED**

MEADE

**Questions Presented:**

Two counts of first-degree assault, first-degree wanton endangerment, operating a motor vehicle under the influence of alcohol, driving without an operator's license and PFO I-70 years. Trial court's refusal to strike two jurors for cause was not an abuse of discretion. Hospital laboratory report, certified as a business record under KRS 422.305 (2), was properly admitted without the testimony of the author. Wanton endangerment conviction violated the constitutional prohibition on double jeopardy and the right to a unanimous verdict.

191. COMMONWEALTH OF KENTUCKY V. ASIA BUCALO  
**OPINION OF THE COURT BY JUSTICE CUNNINGHAM - REVERSING**  
ABRAMSON, KELLER, SCOTT AND VENTERS, JJ., CONCUR. NOBLE, J., DISSENTS BY SEPARATE OPINION IN WHICH MINTON, C.J.; JOINS.

[2012-SC-000123-DG](#)  
**TO BE PUBLISHED**

HARDIN

**Questions Presented:**

Criminal Law. Search and Seizure. Issues include whether probable cause existed to delay a traffic stop for a drug sniffing canine unit to arrive.

192. KNOTT COUNTY BOARD OF EDUCATION, ET AL. V. GRACE PATTON  
**OPINION OF THE COURT BY JUSTICE VENTERS – REVERSING**  
ALL SITTING. ALL CONCUR.

[2012-SC-000139-DG](#)  
**TO BE PUBLISHED**

KNOTT

**Questions Presented:**

School Law. Wrongful Discharge. Individual Immunity. Issues, including the scope of individual immunity for site-based decision-making council and school board members, involve the propriety of the "suspension" of the employment of a high school French teacher after allegedly improper curriculum modification.

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| 193.                                                                                                                                                                                                                                                                                                                                  | SHANE THOMAS MASTERS. V.<br>DENA SUE GREER MASTERS<br><b>OPINION OF THE COURT BY<br/>JUSTICE VENTERS -<br/><u>REVERSING</u></b><br>ALL SITTING. ALL CONCUR.                                                                                                               | <a href="#">2012-SC-000420-DGE</a><br><b>TO BE PUBLISHED</b>    | MADISON      |
| <p><b>Questions Presented:</b><br/>Domestic Relations. Child Custody<br/>Modification. KRS 403.340 and .350. Issues<br/>involve whether the statutory “two affidavit”<br/>requirement, if applicable in this case,<br/>prevents a trial court from acquiring subject<br/>matter jurisdiction over a motion to modify<br/>custody.</p> |                                                                                                                                                                                                                                                                           |                                                                 |              |
| 194.                                                                                                                                                                                                                                                                                                                                  | VAN MOONEY, JR. V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>ALL SITTING. ALL CONCUR.                                                                                                                               | <a href="#">2011-SC-000117-MR</a><br><b>NOT TO BE PUBLISHED</b> | HOPKINS      |
| 195.                                                                                                                                                                                                                                                                                                                                  | JOHNATHAN D. PARKS V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>ALL SITTING. MINTON, C.J.;<br>ABRAMSON, CUNNINGHAM, KELLER,<br>NOBLE AND VENTERS, JJ., CONCUR.<br>SCOTT, J., CONCURS IN RESULT<br>ONLY.             | <a href="#">2011-SC-000625-MR</a><br><b>NOT TO BE PUBLISHED</b> | GRAYSON      |
| 196.                                                                                                                                                                                                                                                                                                                                  | MICHAEL HANDLE V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>MINTON, C.J.; ABRAMSON,<br>CUNNINGHAM, KELLER, SCOTT AND<br>VENTERS, JJ., CONCUR. NOBLE<br>CONCURS IN PART AND DISSENTS<br>IN PART BY SEPARATE OPINION. | <a href="#">2012-SC-000374-MR</a><br><b>NOT TO BE PUBLISHED</b> | BRECKINRIDGE |

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| 197. | CONNOR JORDON GALENSKI V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>ALL SITTING. ALL CONCUR.                                                                                                                                                                                                                     | <a href="#">2012-SC-000407-MR</a><br><b>NOT TO BE PUBLISHED</b> | HARDIN                   |
| 198. | COURTNEY BALTIMORE V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>ALL SITTING. ALL CONCUR.                                                                                                                                                                                                                         | <a href="#">2012-SC-000522-MR</a><br><b>NOT TO BE PUBLISHED</b> | JEFFERSON                |
| 199. | MIKEL CRUMES V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>ALL SITTING. ALL CONCUR.                                                                                                                                                                                                                               | <a href="#">2012-SC-000774-MR</a><br><b>NOT TO BE PUBLISHED</b> | KENTON                   |
| 200. | JARED GODIN V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>ALL SITTING. ALL CONCUR.                                                                                                                                                                                                                                | <a href="#">2012-SC-000808-MR</a><br><b>NOT TO BE PUBLISHED</b> | PULASKI                  |
| 201. | NEIGHBORHOOD RESTAURANTS,<br>INC./EMPLOYEE RESOURCE<br>GROUP V.<br>RICKY SLONE, HONORABLE<br>EDWARD D. HAYS, ADMINISTRATIVE<br>LAW JUDGE; WORKERS'<br>COMPENSATION BOARD<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>MINTON, C.J.; ABRAMSON,<br>CUNNINGHAM, NOBLE, SCOTT AND<br>VENTERS, JJ., SITTING. ALL<br>CONCUR. KELLER, J., NOT SITTING. | <a href="#">2012-SC-000815-WC</a><br><b>NOT TO BE PUBLISHED</b> | FROM COURT<br>OF APPEALS |

**SUPREME COURT OF KENTUCKY**

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

202. LAKE CUMBERLAND RESORT, [2013-SC-000415-MR](#) FROM COURT  
INC. V. **NOT TO BE PUBLISHED** OF APPEALS  
HONORABLE JEFFREY THOMAS  
BURDETTE (JUDGE, PULASKI  
CIRCUIT COURT, DIVISION II), ET AL.  
**MEMORANDUM OPINION OF  
THE COURT – AFFIRMING**  
ALL SITTING. ALL CONCUR.
203. EDWARD LEE CREWS V. [2012-SC-000596-MR](#) FAYETTE  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF  
THE COURT – AFFIRMING IN PART,  
REVERSING IN PART AND  
REMANDING**  
CUNNINGHAM, NOBLE, SCOTT AND  
VENTERS, JJ., CONCUR. MINTON, C.J.;  
ABRAMSON AND KELLER, JJ., CONCUR  
IN RESULT ONLY.
204. COMMONWEALTH OF KENTUCKY V. [2011-SC-000555-DG](#) JEFFERSON  
BRYCE R. BONNER **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF  
THE COURT – REVERSING**  
ALL SITTING. ALL CONCUR.

**OPINIONS AND ORDERS – DECEMBER 11, 2013**

COMMONWEALTH OF KENTUCKY V. 2011-SC-000023-DG FRANKLIN  
MICHAEL CUMMINS  
**ORDER GRANTED DISCRETIONARY REVIEW,  
VACATED THE COURT OF APPEALS' OPINION  
AND REMANDED BACK TO THE COURT OF  
APPEALS.**  
ALL SITTING. ALL CONCUR.



**SUPREME COURT OF KENTUCKY**

**DECEMBER 19, 2013 MINUTES**

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

**OPINIONS AND ORDERS – DECEMBER 19, 2013**

<b>KENTUCKY BAR ASSOCIATION V. UNNAMED ATTORNEY ORDER PRIVATELY REPRIMANDED RESPONDENT.</b> ALL SITTING. MINTON, C.J.; KELLER, NOBLE AND VENTERS, JJ., CONCUR. ABRAMSON, J., CONCURS BY SEPARATE OPINION. SCOTT, J., CONCURS IN PART, AND DISSENTS, IN PART, BY SEPARATE OPINION IN WHICH CUNNINGHAM, J., JOINS.	<a href="#">2012-SC-000388-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT
<b>IN RE: GUY PADRAIC HAMILTON-SMITH ORDER DENIED APPLICATION TO SIT FOR BAR EXAM.</b> MINTON, C.J.; ABRAMSON, CUNNINGHAM, KELLER, NOBLE AND VENTERS, JJ., CONCUR. SCOTT, J., CONCURS IN RESULT ONLY.	2013-SC-000082-CF	IN SUPREME COURT
<b>KENTUCKY BAR ASSOCIATION V. GEORGE W. WOODCOCK, JR. ORDER RETROACTIVELY SUSPENDED RESPONDENT FROM THE PRACTICE OF LAW FOR 6 MONTHS.</b> ALL SITTING. ALL CONCUR.	<a href="#">2013-SC-000436-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT
<b>KENTUCKY BAR ASSOCIATION V. D. ANTHONY BRINKER ORDER PUBLICLY REPRIMANDED RESPONDENT.</b> MINTON, C.J.; ABRAMSON, CUNNINGHAM, NOBLE, SCOTT, AND VENTERS, JJ., CONCUR. KELLER, J., NOT SITTING.	<a href="#">2013-SC-000591-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT
<b>F.J. ANDERSON V. KENTUCKY BAR ASSOCIATION ORDER SUSPENDED MOVANT FROM THE PRACTICE OF LAW FOR 30 DAYS WITH CONDITIONS.</b> ALL SITTING. ALL CONCUR.	<a href="#">2013-SC-000722-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

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**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –  
DECEMBER 11, 2013**

LORETTA SARGENT V. WILLIAM SHAFFER, M.D.	2013-SC-000111-DG	FAYETTE
KEITH RANDALL SPARKMAN, D/B/A IN-DEPTH SANITARY SERVICE GROUP, ET AL. V. CONSOL ENERGY, INC., ET AL. <b>SCOTT, J., NOT SITTING.</b>	2013-SC-000119-DG	KNOTT
COMMONWEALTH OF KENTUCKY V. CHRISTOPHER J. MCGORMAN, JR. <b>KELLER, J., NOT SITTING.</b>	2013-SC-000149-DG	MADISON
COMMONWEALTH OF KENTUCKY V. FLOYD WRIGHT	2013-SC-000226-DG	PENDLETON
ALFRED LAUD LANGLEY, III V. MARY EDELEN LANGLEY, ET AL.	2013-SC-000405-DG	JEFFERSON
MIKAIL SAJJAAD MUHAMMAD V. KENTUCKY PAROLE BOARD	2013-SC-000420-DG	OLDHAM

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
DECEMBER 11, 2013**

JAMES SAVAGE V. COMMONWEALTH OF KENTUCKY	2013-SC-000050-D	MUHLENBERG
JEFFERY B. FORTWENGLER V. SHANNON DOYLE FORTWENGLER <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2013-SC-000056-D	JEFFERSON
SCOTTFORD LEE BRYANT V. COMMONWEALTH OF KENTUCKY	2013-SC-000060-D	BARREN

SUPREME COURT OF KENTUCKY

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
DECEMBER 11, 2013**

WILLIAM HARRY MEECE V. COMMONWEALTH OF KENTUCKY, DEPARTMENT OF CORRECTIONS, ET AL. <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2013-SC-000091-D	FRANKLIN
CLINTON BREWER V. GARY BECKSTROM, WARDEN	2013-SC-000094-D	MORGAN
MARTY PERRY, NATIONAL REGISTER COORDINATOR, ETC., ET AL. V. VANESSA ZEOLI, ET AL. <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2013-SC-000096-D	FAYETTE
VANESSA ZEOLI, ET AL. V. THOMAS NORTON, ET AL. <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2013-SC-000097-D	FAYETTE
R.H., A CHILD V. MICHELLE GRADY, IN HER OFFICIAL CAPACITY AS SUPERINTENDENT OF LINCOLN VILLAGE DETENTION CENTER, ET AL.	2013-SC-000109-D	BULLITT
MICHAEL ANTHONY ANDERSON V. COMMONWEALTH OF KENTUCKY <b>KELLER, J., NOT SITTING.</b>	2013-SC-000116-D	ESTILL
JESSE ROGERS V. COMMONWEALTH OF KENTUCKY	2013-SC-000125-D	CLAY
POP'S CLASSIC CARS, LLC, ET AL. V. ENGINE PARTS WAREHOUSE, INC.	2013-SC-000132-D	HARDIN

SUPREME COURT OF KENTUCKY

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
DECEMBER 11, 2013**

THOMAS R. YOCUM V. THE LEGISLATIVE BODY OF THE CITY OF FORT THOMAS, ETC., ET AL. <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2013-SC-000136-D	CAMPBELL
DERRICK L. BRUCE V. COMMONWEALTH OF KENTUCKY	2013-SC-000142-D	BRECKINRIDGE
SABRINA MULLINS-SMITH V. APPALACHIAN REGIONAL HEALTHCARE, INC. <b>VENTERS, J., WOULD GRANT.</b>	2013-SC-000143-D	PERRY
BONNIE PRYOR V. COLONY INSURANCE	2013-SC-000144-D	PENDLETON
MASONIC HOMES OF KENTUCKY, INC. V. LOUISVILLE METRO PLANNING COMMISSION, ET AL. <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2013-SC-000160-D	JEFFERSON
DENNIS W. BOUNDS V. COMMONWEALTH OF KENTUCKY <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2013-SC-000161-D	GRAYSON
ELWANDA FAYE FUTRELL ADAMS V. RONNIE GALE ADAMS	2013-SC-000171-D	CHRISTIAN
COMMONWEALTH OF KENTUCKY V. KENNETH THROGMORTON <b>CUNNINGHAM, J., WOULD GRANT.</b>	2013-SC-000174-D	BALLARD

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
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COMMONWEALTH OF KENTUCKY V. HON. DONALD ARMSTRONG, ET AL. <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b> CUNNINGHAM AND VENTERS, JJ., WOULD GRANT. KELLER, J., NOT SITTING.	2013-SC-000180-D	JEFFERSON
KENTON KAVANAUGH V. COMMONWEALTH OF KENTUCKY	2013-SC-000189-D	FAYETTE
BARRY G. BROWN V. COMMONWEALTH OF KENTUCKY	2013-SC-000193-D	MUHLENBERG
TIMOTHY COLLIER V. COMMONWEALTH OF KENTUCKY	2013-SC-000207-D	HENDERSON
VICKI SPEARS V. COMMONWEALTH OF KENTUCKY <b>KELLER, J., NOT SITTING.</b>	2013-SC-000223-D	BOYLE
COMMONWEALTH OF KENTUCKY, UNINSURED EMPLOYERS' FUND V. COUNTY OF HARDIN, PLANNING AND DEVELOPMENT COMMISSION, ET AL.	2013-SC-000253-D	HARDIN
RUSSELL J. WHITE V. COMMONWEALTH OF KENTUCKY	2013-SC-000378-D	SHELBY
JOHN W. COLLINS V. COMMONWEALTH OF KENTUCKY	2013-SC-000408-D	WARREN
ROBERT BRUNER V. KENTUCKY STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, ET AL. <b>KELLER, J., NOT SITTING.</b>	2013-SC-000434-D	FRANKLIN

SUPREME COURT OF KENTUCKY

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
DECEMBER 11, 2013**

DR. PETER P. CIAMPA V. 2013-SC-000656-DE MCCRACKEN  
CYNTHIA L. CIAMPA  
**SCOTT, J., WOULD GRANT.**

B.S.G. V. 2013-SC-000692-DE MERCER  
J.E.F.

**COURT ORDERS GRANTING PETITION FOR REHEARING – DECEMBER 19, 2013**

KENTUCKY UNINSURED EMPLOYERS' 2012-SC-000008-WC FROM COURT  
FUND V. OF APPEALS  
JULIAN HOSKINS, ET AL.  
**MINTON, C.J., ABRAMSON, CUNNINGHAM,  
NOBLE, SCOTT, AND VENTERS, JJ., CONCUR.  
KELLER, J., WOULD DENY AND DEPUBLISH.**

**COURT ORDERS DENYING PETITION FOR REHEARING – DECEMBER 19, 2013**

DERRICK K. MCATEE V. 2011-SC-000259-MR JEFFERSON  
COMMONWEALTH OF KENTUCKY  
**MINTON, C.J., ABRAMSON, CUNNINGHAM,  
NOBLE, SCOTT, AND VENTERS, JJ., CONCUR.  
KELLER, J., WOULD GRANT.**

STATE FARM MUTUAL AUTOMOBILE 2011-SC-000266-DG ROCKCASTLE  
INSURANCE COMPANY V.  
KAREN HODGKISS-WARRICK  
**MINTON, C.J., ABRAMSON, CUNNINGHAM,  
KELLER, AND NOBLE, JJ., CONCUR. SCOTT,  
J., WOULD GRANT REHEARING. VENTERS,  
J., NOT SITTING.**

MILDRED ABBOTT, ET AL. V. 2011-SC-000291-DG BOONE  
STANLEY M. CHESLEY, ET AL.  
**MINTON, C.J., ABRAMSON, KELLER, NOBLE,  
SCOTT, AND VENTERS, JJ., CONCUR.  
CUNNINGHAM, J., NOT SITTING.**

**SUPREME COURT OF KENTUCKY**

**DECEMBER 19, 2013 MINUTES**

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**COURT ORDERS DENYING PETITION FOR REHEARING – DECEMBER 19, 2013**

KENTUCKY RETIREMENT SYSTEMS V. 2011-SC-000471-DG FRANKLIN  
ROGER WEST  
**ALL SITTING. ALL CONCUR.**

JEREMY BROWNING V. 2012-SC-000422-MR BULLITT  
COMMONWEALTH OF KENTUCKY  
**ALL SITTING. ALL CONCUR.**

**COURT ORDERS DISMISSING**

JAMES RATLIFF, ETC. V. 2012-SC-000162-DG PIKE  
MERCK & COMPANY, INC.  
**ALL SITTING. ALL CONCUR.**  
ENTERED: DECEMBER 19, 2013

VERNON LEE MCCOMBS, SR. V. 2013-SC-000600-MR HARDIN  
HON. KELLY MARK EASTON, JUDGE,  
HARDIN CIRCUIT COURT, ET AL.  
**ABRAMSON, CUNNINGHAM, KELLER, AND  
NOBLE, JJ., SITTING. ALL CONCUR.**  
ENTERED: DECEMBER 12, 2013

COLLIN ELAM V. 2013-SC-000672-D FAYETTE  
ALFRED SMITH, ET AL.  
**ABRAMSON, CUNNINGHAM, KELLER, AND  
NOBLE, JJ., SITTING. ALL CONCUR.**  
ENTERED: DECEMBER 12, 2013

**COURT ORDERS**

DICK'S SPORTING GOODS, INC. V. [2011-SC-000518-DG](#) FAYETTE  
BETTY C. WEBB **TO BE PUBLISHED**  
**ORDER CORRECTED PAGES 1 AND 7 OF  
THE OPINION OF THE COURT ENTERED  
NOVEMBER 21, 2013, BY SUBSTITUTION OF  
PAGES 1 AND 7 IN LIEU OF THE ORIGINAL  
PAGES.**  
ENTERED: NOVEMBER 25, 2013

SUPREME COURT OF KENTUCKY

DECEMBER 19, 2013 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS**

WILMA JEAN SHELTON V. [2011-SC-000554-DG](#) FAYETTE  
KENTUCKY EASTER SEALS SOCIETY, INC. **TO BE PUBLISHED**  
**ORDER CORRECTED PAGES 1, 15 AND 24 OF  
THE OPINION OF THE COURT ENTERED  
NOVEMBER 21, 2013, BY SUBSTITUTION OF  
PAGES 1, 15 AND 24 IN LIEU OF THE ORIGINAL  
PAGES.**  
ENTERED: NOVEMBER 25, 2013

KENTUCKY FARM BUREAU MUTUAL 2012-SC-000731-DG LINCOLN  
INSURANCE COMPANY V.  
TAMRA HOSKINS  
**THE VOTE OF THE SIX MEMBERS OF THIS  
COURT PARTICIPATING IN THE  
DETERMINATION OF THIS APPEAL BEING  
EQUALLY DIVIDED, PURSUANT TO SCR 1.020,  
THE OPINION OF THE COURT OF APPEALS  
HEREBY STANDS AFFIRMED AND IS ORDERED  
NOT TO BE PUBLISHED.**  
CUNNINGHAM, KELLER AND SCOTT, JJ.,  
WOULD AFFIRM THE OPINION OF THE COURT  
OF APPEALS. MINTON, C.J., ABRAMSON AND  
NOBLE, JJ., WOULD REVERSE THE OPINION  
OF THE COURT OF APPEALS. VENTERS, J.,  
NOT SITTING.  
**ENTERED: DECEMBER 19, 2013**

CHARLES L. HUFFMAN, III V. [2013-SC-000282-KB](#) IN SUPREME  
KENTUCKY BAR ASSOCIATION **TO BE PUBLISHED** COURT  
**ORDER CORRECTED PAGES 1 AND 2 OF  
THE OPINION AND ORDER ENTERED  
NOVEMBER 21, 2013, BY SUBSTITUTION  
OF PAGES 1 AND 2 IN LIEU OF THE  
ORIGINAL PAGES.**  
ENTERED: NOVEMBER 25, 2013



**SUPREME COURT OF KENTUCKY**

**DECEMBER 19, 2013 MINUTES**

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

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

**ROBERT E. KULP, JR. V.  
KENTUCKY BAR ASSOCIATION  
ENTERED: NOVEMBER 25, 2013**

**2013-SC-000763-KB**

**IN SUPREME  
COURT**