

SUPREME COURT OF KENTUCKY

DECEMBER 15, 2016 MINUTES

RELEASED: 10:00 A.M.

166. COMMONWEALTH OF KENTUCKY V. [2015-SC-000018-CL](#) JEFFERSON  
JAMES DOSS  
**TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE VENTERS –**  
**CERTIFYING THE LAW**  
ALL SITTING. ALL CONCUR.

**Questions Presented:**  
Certification of the Law. Jury selection. Fair cross-section requirement.

167. KATHY MCABEE V. [2014-SC-000555-DG](#) HOPKINS  
DARREN C. CHAPMAN, M.D.  
**TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE HUGHES –**  
**AFFIRMING**  
ALL SITTING. ALL CONCUR.

**Questions Presented:**  
Evidence. KRE 615(3). Separation of Witnesses. Experts. Trial court properly exempted the defendant’s expert from the separation of witnesses rule based on counsel’s statement that the expert’s presence was essential to management of the case.

168. FURLONG DEVELOPMENT CO., LLC, [2014-SC-000594-DG](#) SCOTT  
ET AL. V.  
**TO BE PUBLISHED**  
GEORGETOWN-SCOTT COUNTY  
PLANNING AND ZONING  
COMMISSION, ET AL.  
**OPINION OF THE COURT BY**  
**JUSTICE CUNNINGHAM –**  
**AFFIRMING**  
ALL SITTING. MINTON, C.J.;  
HUGHES, KELLER, NOBLE, AND  
VENTERS, JJ., CONCUR.  
WRIGHT, J., DISSENTS BY  
SEPARATE OPINION.

**Questions Presented:**  
Mutual Release. Performance Bond. Whether a planning commission may call for payment on a performance bond where a developer, on whose behalf the bond was issued in favor of the planning and zoning commission, defaults on its loan obligation to the bank and executes a deed in lieu of foreclosure to the bank and its property management company. And if so, what is the effect of the language of the mutual release which absolves the developer’s surety of any further liability upon execution of the deed in lieu of foreclosure, and what is its effect on the bond obligations and the developer’s duty to indemnify the surety?

SUPREME COURT OF KENTUCKY

DECEMBER 15, 2016 MINUTES

RELEASED: 10:00 A.M.

169. THOMAS K. STONE V. [2015-SC-000040-DG](#) JEFFERSON  
PENNIE DUBARRY (NOW **TO BE PUBLISHED**

DETORRES), ET AL.  
**OPINION OF THE COURT BY  
JUSTICE NOBLE –  
AFFIRMING**  
ALL SITTING. MINTON, C.J.;  
HUGHES AND CUNNINGHAM, JJ.,  
CONCUR. VENTERS, J., CONCURS  
BY SEPARATE OPINION IN WHICH  
WRIGHT, J., JOINS. KELLER, J.,  
CONCURS IN RESULT ONLY BY  
SEPARATE OPINION.

**Questions Presented:**  
Attorney Fees. Does KRS 376.460 permit filing and enforcing an attorney's lien to recover unpaid fees pursuant to the contract for representation in a marital dissolution proceeding involving division of marital assets?

170. KENTUCKY RIVER FOOTHILLS [2015-SC-000244-DG](#) MADISON  
DEVELOPMENT COUNCIL, INC. V. **TO BE PUBLISHED**

CATHY PHIRMAN, ETC., ET AL.  
**OPINION OF THE COURT BY  
JUSTICE KELLER –  
AFFIRMING**  
ALL SITTING. MINTON, C.J.;  
CUNNINGHAM, KELLER, NOBLE AND  
WRIGHT, JJ., CONCUR. VENTERS, J.,  
CONCURS IN RESULT ONLY BY  
SEPARATE OPINION IN WHICH  
HUGHES, J., JOINS.

**Questions Presented:**  
Governmental Immunity. Negligence. Comair Analysis. Whether Kentucky River, the Community Action Agency for four counties, is entitled to governmental immunity from a wrongful death claim.

171. EDDIE'S SERVICE CENTER V. [2015-SC-000676-WC](#) FROM COURT  
DONNA THOMAS, ADMINISTRATRIX OF THE ESTATE OF EDDIE RAY **TO BE PUBLISHED** OF APPEALS  
THOMAS, JR., DECEASED, ET AL.

**OPINION OF THE COURT BY  
JUSTICE KELLER –  
AFFIRMING**  
ALL SITTING. CUNNINGHAM,  
HUGHES, KELLER, NOBLE,  
VENTERS AND WRIGHT, JJ.,  
CONCUR. MINTON, C.J., DISSENTS  
BY SEPARATE OPINION.

**Questions Presented:**  
Whether the employer presented evidence of substance sufficient to overcome presumption of work-relatedness in a death case.

SUPREME COURT OF KENTUCKY

DECEMBER 15, 2016 MINUTES

RELEASED: 10:00 A.M.

172. ELMER RIEHLE V. [2015-SC-000679-DGE](#) BOONE  
CAROLYN RIEHLE  
**TO BE PUBLISHED**  
**OPINION OF THE COURT BY JUSTICE CUNNINGHAM – AFFIRMING**  
ALL SITTING. MINTON, C.J.; KELLER, AND VENTERS, JJ., CONCUR. WRIGHT, J., CONCURS BY SEPARATE OPINION IN WHICH HUGHES AND NOBLE, JJ., JOIN.
- Questions Presented:**  
Marital Dissolution. Whether a party adjudicated incompetent may petition for dissolution of a marriage to a spouse also serving as the petitioner’s guardian and conservator.
173. APPALACHIAN RACING, LLC, AND [2016-SC-000206-MR](#) FROM COURT  
FLOYD COUNTY, KENTUCKY, REAL **TO BE PUBLISHED** OF APPEALS  
PARTIES IN INTEREST V. COMMONWEALTH OF KENTUCKY, KENTUCKY HORSE RACING COMMISSION, AND HON. JOHNNY RAY HARRIS, JUDGE, FLOYD CIRCUIT COURT  
**OPINION OF THE COURT BY CHIEF JUSTICE MINTON – AFFIRMING**  
ALL SITTING. MINTON, C.J., CUNNINGHAM, HUGHES, KELLER, NOBLE, AND VENTERS, JJ., CONCUR. WRIGHT, J., DISSENTS BY SEPARATE OPINION.
- Questions Presented:**  
Appeal of a Writ of Prohibition. Separation of Powers. Justiciable Claim. Trial court may not enjoin the Kentucky Horse Racing Commission from considering a license application.
174. KENNETH GOBEN V. [2014-SC-000712-MR](#) JEFFERSON  
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**  
**OPINION OF THE COURT BY JUSTICE HUGHES - AFFIRMING AND REMANDING**  
ALL SITTING. ALL CONCUR.
- Questions Presented:**  
Manufacturing methamphetamine, first-degree trafficking in a controlled substance, and PFO 1-Life sentence. Hearsay, firearm, and prior-conviction evidence was, or at least may have been, improperly admitted, but did not bear significantly on the outcome of the trial or on its fundamental fairness. Despite concerns that it took five years to bring the case to trial and that police officers initially entered defendant’s apartment without a warrant, the delay and warrantless entry were justified and did not violate defendant’s rights.

SUPREME COURT OF KENTUCKY

DECEMBER 15, 2016 MINUTES

RELEASED: 10:00 A.M.

175. JOSHUA HAMMOND V.  
COMMONWEALTH OF KENTUCKY  
**OPINION OF THE COURT BY  
JUSTICE VENTERS -  
AFFIRMING IN PART, REVERSING  
IN PART, AND REMANDING**  
ALL SITTING. ALL CONCUR.

[2014-SC-000379-MR](#)  
**TO BE PUBLISHED**

FRANKLIN

**Questions Presented:**

First-degree robbery, first-degree assault, reckless homicide, and tampering with physical evidence-25 years. Trial court did not err in denying defendant's motion for a mistrial because courtroom spectators were wearing t-shirts supporting the victim. First degree assault conviction reversed because, under the evidence presented, the assault charge either merged into the homicide charge or there was no proof that the defendant caused a separate serious physical injury to the victim. Trial court did not err by denying a motion to dismiss jurors for cause, by denying a request for a voluntary intoxication instruction, or by denying a request for a duress instruction.

176. ALBERT W. BARBER, III V.  
ELIZABETH D. BRADLEY  
**OPINION OF THE COURT BY  
JUSTICE HUGHES –  
AFFIRMING IN PART, REVERSING  
IN PART, AND REMANDING**  
MINTON, C.J.; CUNNINGHAM AND  
KELLER, JJ., CONCUR. NOBLE, J.,  
CONCURRING IN PART AND  
DISSENTING IN PART BY SEPARATE  
OPINION IN WHICH VENTERS, J.,  
JOINS. WRIGHT, J., CONCURRING IN  
PART AND DISSENTING IN PART BY  
SEPARATE OPINION.

[2014-SC-000424-DG](#)  
**TO BE PUBLISHED**

DAVIESS

**Questions Presented:**

Family Law. Dissolution. Division of Property. KRS 403.190. Issues include whether the trial court correctly concluded that: (1) the husband gifted one-half of the equity in the marital residence to the wife; (2) the husband presented insufficient proof that certain items of personal property were his non-marital property; and (3) the parties' marital personal property could be equitably divided by random drawing.

SUPREME COURT OF KENTUCKY

DECEMBER 15, 2016 MINUTES

RELEASED: 10:00 A.M.

177. DEVLIN BURKE V.  
COMMONWEALTH OF KENTUCKY  
**OPINION OF THE COURT BY  
JUSTICE KELLER –  
AFFIRMING IN PART, REVERSING  
IN PART, AND REMANDING**  
ALL SITTING. ALL CONCUR.

[2014-SC-000472-DG](#)  
**TO BE PUBLISHED**

KENTON

**Questions Presented:**  
Criminal Law. Hate Crimes. In this prosecution for four assaults, issues include the constitutionality and applicability of “hate crime” statute KRS 532.031.

178. KENTUCKY OCCUPATIONAL SAFETY  
AND HEALTH REVIEW  
COMMISSION V.  
ESTILL COUNTY FISCAL COURT AND  
SECRETARY OF LABOR, ETC.  
**OPINION OF THE COURT BY  
JUSTICE KELLER –  
REVERSING**  
ALL SITTING. ALL CONCUR.

[2015-SC-000256-DG](#)  
**TO BE PUBLISHED**

FRANKLIN

**Questions Presented:**  
Administrative Law. Occupational Safety and Health. Whether KRS 338.121 provides protection against discrimination regarding employee complaints to employers absent a specific state regulation characterizing such complaints as protected activity.

179. KENNETH KIRILENKO V.  
CHERRYL KIRILENKO  
**OPINION OF THE COURT BY  
JUSTICE CUNNINGHAM –  
REVERSING AND REMANDING**  
ALL SITTING. HUGHES, KELLER,  
AND WRIGHT, JJ., CONCUR.  
VENTERS, J., CONCURS IN RESULT  
ONLY BY SEPARATE OPINION IN  
WHICH MINTON, C.J., AND NOBLE,  
J., JOIN.

[2015-SC-000661-DG](#)  
**TO BE PUBLISHED**

BOYLE

**Questions Presented:**  
Domestic relations. Conflict of Laws. Application of § 188 of Restatement (Second) of Conflict of Laws to domestic cases. The issue in this case is whether the Court of Appeals erred in its reversal of the trial court’s application of Kentucky law rather than Connecticut law in the classification and distribution of disability benefits from a fund maintained in Connecticut.

SUPREME COURT OF KENTUCKY

DECEMBER 15, 2016 MINUTES

RELEASED: 10:00 A.M.

- |      |  |   |            |
|------|--|---|------------|
| 180. | GARRY W. NEWKIRK V.<br>COMMONWEALTH OF KENTUCKY<br><b>OPINION OF THE COURT BY<br/>JUSTICE VENTERS –<br/>VACATING</b><br>ALL SITTING. MINTON, C.J.; HUGHES,<br>NOBLE, AND WRIGHT, JJ., CONCUR.<br>CUNNINGHAM, J., CONCURS BY<br>SEPARATE OPINION IN WHICH<br>KELLER, J., JOINS. | <a href="#">2014-SC-000749-DG</a><br><b>TO BE PUBLISHED</b>   | JEFFERSON  |
|      |  | <b>Questions Presented:</b><br>Criminal Law. Admissibility of testimony about<br>an absent videotape. |            |
| 181. | PARICO DOMINIC COFFEY V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – AFFIRMING</b><br>ALL SITTING. ALL CONCUR.   | <a href="#">2015-SC-000414-MR</a><br><b>NOT TO BE PUBLISHED</b>                                       | FAYETTE    |
| 182. | DIONTRAY JACKSON V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – AFFIRMING</b><br>ALL SITTING. ALL CONCUR.  | <a href="#">2015-SC-000445-MR</a><br><b>NOT TO BE PUBLISHED</b>                                       | JEFFERSON  |
| 183. | RANDALL PRICE V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – AFFIRMING</b><br>ALL SITTING. ALL CONCUR.   | <a href="#">2015-SC-000469-MR</a><br><b>NOT TO BE PUBLISHED</b>                                       | KENTON     |
| 184. | BRENDA HARDIN V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – AFFIRMING</b><br>ALL SITTING. ALL CONCUR.   | <a href="#">2015-SC-000614-MR</a><br><b>NOT TO BE PUBLISHED</b>                                       | MUHLENBERG |

SUPREME COURT OF KENTUCKY

DECEMBER 15, 2016 MINUTES

RELEASED: 10:00 A.M.

185. JAMIE DARRELL KEENE V. [2015-SC-000622-MR](#) PIKE  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF**  
**THE COURT – AFFIRMING**  
ALL SITTING. MINTON, C.J.; HUGHES,  
KELLER, NOBLE, AND WRIGHT, JJ.,  
CONCUR. CUNNINGHAM AND  
VENTERS, JJ., CONCUR IN RESULT  
ONLY.
186. JAMES HARRIS V. [2015-SC-000688-MR](#) LAUREL  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF**  
**THE COURT – AFFIRMING**  
ALL SITTING. ALL CONCUR.
187. STEVEN DOUGLAS ROARK V. [2015-SC-000691-MR](#) BELL  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF**  
**THE COURT – AFFIRMING**  
ALL SITTING. MINTON, C.J.;  
CUNNINGHAM, HUGHES, NOBLE,  
VENTERS AND WRIGHT, JJ.,  
CONCUR. KELLER, J., CONCURS IN  
RESULT ONLY.
188. KERRY A. NIELSEN EHR V. [2016-SC-000110-MR](#) FROM COURT  
HONORABLE DEE MCDONALD, **NOT TO BE PUBLISHED** OF APPEALS  
JUDGE, JEFFERSON CIRCUIT  
COURT, ETC., ET AL.  
**MEMORANDUM OPINION OF**  
**THE COURT – AFFIRMING**  
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

DECEMBER 15, 2016 MINUTES

RELEASED: 10:00 A.M.

189. BOBBY REYNOLDS AND PHAEDRA SPRADLIN, UNITED STATES BANKRUPTCY TRUSTEE FOR BOBBY REYNOLDS V. HONORABLE ALISON C. WELLS, JUDGE, PERRY CIRCUIT COURT, ET AL.  
**MEMORANDUM OPINION OF THE COURT – AFFIRMING**  
ALL SITTING. ALL CONCUR.
- [2016-SC-000134-MR](#)  
**NOT TO BE PUBLISHED**
- FROM COURT OF APPEALS
190. DAVID PHILPOT V. COMMONWEALTH OF KENTUCKY  
**MEMORANDUM OPINION OF THE COURT – AFFIRMING IN PART, REVERSING IN PART, AND REMANDING**  
ALL SITTING. ALL CONCUR
- [2015-SC-000138-MR](#)  
**NOT TO BE PUBLISHED**
- LAUREL
191. JASON PALMER, INDIVIDUALLY, AND IN HIS OFFICIAL CAPACITY AS A KENTUCKY STATE POLICE OFFICER V. HONORABLE PAMELA GOODWINE, JUDGE, FAYETTE CIRCUIT COURT AND PAUL CARTER, SR.  
**MEMORANDUM OPINION OF THE COURT – AFFIRMING AND DENYING WRIT OF PROHIBITION**  
ALL SITTING. ALL CONCUR.
- [2016-SC-000288-MR](#)  
**NOT TO BE PUBLISHED**
- FROM COURT OF APPEALS
192. SCOTT YOUNG V. COMMONWEALTH OF KENTUCKY  
**MEMORANDUM OPINION OF THE COURT – REVERSING AND REMANDING**  
ALL SITTING. MINTON, C.J., CUNNINGHAM, NOBLE, AND VENTERS, JJ., CONCUR. KELLER, J., DISSENTS BY SEPARATE OPINION IN WHICH HUGHES AND WRIGHT, JJ., JOIN.
- [2014-SC-000541-MR](#)  
**NOT TO BE PUBLISHED**
- JEFFERSON



**SUPREME COURT OF KENTUCKY**

**DECEMBER 15, 2016 MINUTES**

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

193. CHARLES OWENS V. [2015-SC-000292-MR](#) BELL  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF**  
**THE COURT – REVERSING AND**  
**REMANDING**  
ALL SITTING. ALL CONCUR.

**OPINION AND ORDERS – DECEMBER 15, 2016**

IN RE: MADISON SEWELL [2016-SC-000355-CF](#) IN SUPREME  
**ORDER DENIED MOTION FOR** **TO BE PUBLISHED** COURT  
**RECONSIDERATION.**  
ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V. [2016-SC-000388-KB](#) IN SUPREME  
CHRISTINA ROSE EDMONDSON **TO BE PUBLISHED** COURT  
**ORDER OF SUSPENSION FROM THE**  
**PRACTICE OF LAW FOR 181 DAYS.**  
ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V. [2015-SC-000425-KB](#) IN SUPREME  
DAVID THOMAS SPARKS **TO BE PUBLISHED** COURT  
**ORDER OF SUSPENSION FROM THE**  
**PRACTICE OF LAW FOR THE REMAINING**  
**120 DAYS PREVIOUSLY PROBATED.**  
ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V. [2016-SC-000476-KB](#) IN SUPREME  
PARKER LEE CLIFTON **TO BE PUBLISHED** COURT  
**ORDER OF PUBLIC REPRIMAND.**  
ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V. [2016-SC-000477-KB](#) IN SUPREME  
ROBERT HANSFORD HOSKINS **TO BE PUBLISHED** COURT  
**ORDER OF INDEFINITE SUSPENSION.**  
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

DECEMBER 15, 2016 MINUTES

RELEASED: 10:00 A.M.

**OPINION AND ORDERS – DECEMBER 15, 2016**

KENTUCKY BAR ASSOCIATION V. DELBERT KEITH PRUITT <b>ORDER OF SUSPENSION FROM THE PRACTICE OF LAW FOR 61 DAYS, WITH CONDITIONS.</b> MINTON, C.J., HUGHES, KELLER, NOBLE, VENTERS, AND WRIGHT, JJ., SITTING. ALL CONCUR. CUNNINGHAM, J., NOT SITTING.	<a href="#">2016-SC-000487-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. JOHN ELIAS DUTRA <b>ORDER OF PERMANENT DISBARMENT.</b> ALL SITTING. ALL CONCUR.	<a href="#">2016-SC-000490-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. GENON GINN HENSLEY <b>ORDER OF SUSPENSION FROM THE PRACTICE OF LAW FOR 181 DAYS.</b> ALL SITTING. ALL CONCUR.	<a href="#">2016-SC-000491-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT
KATHERINE EMILY WILLIAMS V. MICHAEL GENE WILLIAMS <b>ORDER GRANTED DISCRETIONARY REVIEW, VACATED THE COURT OF APPEALS DECISION AND REMANDED TO THE COURT OF APPEALS FOR FURTHER CONSIDERATION OF THE PARTIES' RESPECTIVE ARGUMENTS ON THE MERITS OF THE APPEAL.</b> ALL SITTING. ALL CONCUR.	2016-SC-000521-DGE	HENDERSON
KENTUCKY BAR ASSOCIATION V. JAMES NEAL TILSON <b>ORDER OF PERMANENT DISBARMENT.</b> ALL SITTING. ALL CONCUR.	<a href="#">2016-SC-000532-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT
BRIAN THOMAS CANUPP V. KENTUCKY BAR ASSOCIATION <b>ORDER OF PUBLIC REPRIMAND.</b> ALL SITTING. ALL CONCUR.	<a href="#">2016-SC-000623-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT

**SUPREME COURT OF KENTUCKY**

**DECEMBER 15, 2016 MINUTES**

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

**OPINION AND ORDERS – DECEMBER 15, 2016**

**JEREMY JOSEPH GUBIN V.  
KENTUCKY BAR ASSOCIATION  
ORDER OF SUSPENSION FROM THE  
PRACTICE OF LAW FOR 3 YEARS WITH  
CONDITIONS.**

[2016-SC-000624-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

ALL SITTING. ALL CONCUR.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –  
DECEMBER 8, 2016**

AUSLANDER PROPERTIES, LLC V.  
JOSEPH HERMAN NALLEY, ET AL.

2016-SC-000099-DG

NELSON

ANGELA FORD, ET AL. V.  
FAISAL SHAH, ET AL.

2016-SC-000136-DG

FAYETTE

MARTIN/ELIAS PROPERTIES, LLC V.  
ACUITY, A MUTUAL INSURANCE COMPANY

2016-SC-000195-DG

KENTON

BOARD OF COMMISSIONERS OF THE CITY  
OF DANVILLE, KENTUCKY V.  
ADVOCATE COMMUNICATIONS, INC., ETC.

2016-SC-000280-DG

BOYLE

COMMONWEALTH OF KENTUCKY V.  
KYLE D. THOMPSON

2016-SC-000365-DG

HARDIN

KENTUCKY UNEMPLOYMENT INSURANCE  
COMMISSION V.  
NORMAN WILSON, ET AL.

2016-SC-000411-DG

JEFFERSON

PHILLIP EDMONDSON V.  
COMMONWEALTH OF KENTUCKY

2016-SC-000427-DG

UNION

BAUMANN PAPER CO., INC. V.  
KENNETH HOLLAND

2016-SC-000511-DG

FAYETTE

SUPREME COURT OF KENTUCKY

DECEMBER 15, 2016 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
DECEMBER 8, 2016**

BEN ARNOLD, ET AL. V. ADAIR COUNTY BOARD OF ELECTIONS, ET AL.	2015-SC-000710-D	ADAIR
EDWARD H. FLINT V. COACH HOUSE, INC. <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b> CUNNINGHAM, KELLER, NOBLE, VENTERS, AND WRIGHT, JJ., AND NORMAN E. HARNED AND JOHN S. REED, SPECIAL JUSTICES, SITTING.	2015-SC-000724-D	JEFFERSON
EDWARD H. FLINT V. COACH HOUSE, INC. <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b> CUNNINGHAM, KELLER, NOBLE, VENTERS, AND WRIGHT, JJ., AND NORMAN E. HARNED AND JOHN S. REED, SPECIAL JUSTICES, SITTING.	2015-SC-000725-D	JEFFERSON
NORTON HEALTHCARE, INC. V. DELORES THOMPSON	2016-SC-000139-D	JEFFERSON
KENNETH THOMPSON V. CITY OF GREENSBURG, ET AL.	2016-SC-000141-D	GREEN
JAMES SIZEMORE, ET AL. V. CRYSTAL MAGGARD, ET AL. <b>CUNNINGHAM AND WRIGHT, JJ., WOULD GRANT.</b>	2016-SC-000144-D	LESLIE
WALTER BAKER V. LOUISVILLE METRO POLICE DEPARTMENT, ET AL.	2016-SC-000158-D	JEFFERSON

SUPREME COURT OF KENTUCKY

DECEMBER 15, 2016 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
DECEMBER 8, 2016**

DEBORAH CREECH V. KELLY SHOUSE, ET AL. <b>VENTERS, J., WOULD GRANT.</b>	2016-SC-000163-D	OWSLEY
ROBERT E. JACKSON V. COMMONWEALTH OF KENTUCKY <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2016-SC-000170-D	CHRISTIAN
RANDALL S. WALDMAN V. CACH, LLC	2016-SC-000175-D	JEFFERSON
CECIL GREEN V. COMMONWEALTH OF KENTUCKY <b>VENTERS, J., WOULD GRANT.</b>	2016-SC-000177-D	FAYETTE
TERRANCE DAVIS V. COMMONWEALTH OF KENTUCKY	2016-SC-000188-D	CAMPBELL
DEBRA A.CONATSER, ADMINISTRATRIX, ETC., ET AL. V. AMANDA BARNETT, ET AL.	2016-SC-000194-D	MCCREARY
WINFRED SHEPHERD, ET AL. V. JO ANN SHEPHERD <b>WRIGHT, J., NOT SITTING.</b>	2016-SC-000199-D	LETCHER
WILLIAM J. DAY V. COMMONWEALTH OF KENTUCKY	2016-SC-000207-D	SCOTT
EDWARD H. FLINT V. GANNETT CO., INC. <b>CUNNINGHAM, KELLER, NOBLE, VENTERS, AND WRIGHT, JJ., AND NORMAN E. HARNED AND JOHN S. REED, SPECIAL JUSTICES, SITTING.</b>	2016-SC-000214-D	JEFFERSON

SUPREME COURT OF KENTUCKY

DECEMBER 15, 2016 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
DECEMBER 8, 2016**

PRENTICE WALKER V. COMMONWEALTH OF KENTUCKY, D/B/A KENTUCKY EDUCATIONAL TELEVISION	2016-SC-000241-D	FAYETTE
RYAN KRISTOFF V. COMMONWEALTH OF KENTUCKY	2016-SC-000289-D	CHRISTIAN
J. FOX DEMOISEY, ET AL. V. PETER L. OSTERMILLER <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2016-SC-000295-D	JEFFERSON
MARCUS JACKSON V. COMMONWEALTH OF KENTUCKY	2016-SC-000298-D	MCCRACKEN
SOUTHERN HEALTH PARTNERS, INC., ET AL. V. MELISSA CZAJA, ET AL. <b>AND</b> DANNY FACKLER, ET AL. V. MELISSA CZAJA, ET AL.	2016-SC-000309-D	BULLITT
DKM COAL CORPORATION, INC., ET AL. V. ROY CRAWFORD, III, ET AL. <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b> WRIGHT, J., NOT SITTING.	2016-SC-000311-D	BULLITT
DKM COAL CORPORATION, INC., ET AL. V. ROY CRAWFORD, III, ET AL. <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b> WRIGHT, J., NOT SITTING.	2016-SC-000313-D	LETCHER
MELISSA JONES V. FLORA TEMPLETON STUART	2016-SC-000318-D	WARREN
STEPHON QUILTON CARTER V. UNIVERSITY OF KENTUCKY	2016-SC-000319-D	FAYETTE
BOBBY JUSTICE, ET AL. V. CAROL STEVENS, ET AL.	2016-SC-000325-D	PIKE
TERRY D. MILLS V. COMMONWEALTH OF KENTUCKY	2016-SC-000341-D	MCCRACKEN

SUPREME COURT OF KENTUCKY

DECEMBER 15, 2016 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
DECEMBER 8, 2016**

SCOTT MCCALLISTER V. JAMES D. RILEY, PERSONAL REPRESENTATIVE, ETC., ET AL. <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2016-SC-000356-D	CRITTENDEN
JON BOOKER V. COMMONWEALTH OF KENTUCKY	2016-SC-000359-D	JEFFERSON
JAMARKOS CAMPBELL V. COMMONWEALTH OF KENTUCKY	2016-SC-000375-D	LINCOLN
NORMAN TAYLOR CRAIN, ET AL. V. HARDIN COUNTY WATER DISTRICT NO. 2	2016-SC-000376-D	HARDIN
WILLIAM MICHAEL HASTE, ETC. V. HERBERT C. MOORE, III, ET AL.	2016-SC-000380-D	FAYETTE
J. STEVE WARD, F.D./EMB V. KENTUCKY BOARD OF EMBALMERS AND FUNERAL DIRECTORS, ET AL.	2016-SC-000381-D	FRANKLIN
SAMUEL N. PRATHER V. COMMONWEALTH OF KENTUCKY	2016-SC-000396-D	MASON
DARRELL L. MILES V. COMMONWEALTH OF KENTUCKY	2016-SC-000397-D	JEFFERSON
CECIL TICHENOR V. BLUEGRASS COMMUNITY AND TECHNICAL COLLEGE, ET AL.	2016-SC-000416-D	FAYETTE
LINDA MANNAHAN, ET AL. V. EATON COPORATION, ET AL. <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED</b>	2016-SC-000428-D	JEFFERSON

**SUPREME COURT OF KENTUCKY**

**DECEMBER 15, 2016 MINUTES**

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

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
DECEMBER 8, 2016**

EARL FLETCHER V. COMMONWEALTH OF KENTUCKY	2016-SC-000456-D	JEFFERSON
JANET KELSO, ET AL. V. MONICA HUDSON ALLEN, ET AL.	2016-SC-000459-D	LEE
KEVIN GRAHAM V. JONELL HOMER	2016-SC-000528-DE	HARDIN
KIBAMBE MWENDAPEKE V. COMMONWEALTH OF KENTUCKY	2016-SC-000537-D	JEFFERSON

**COURT ORDERS GRANTING MOTION TO TRANSFER – DECEMBER 15, 2016**

COMMONWEALTH OF KENTUCKY V. JOSHUA DEANTE JACKSON <b>ALL SITTING. ALL CONCUR.</b>	2016-SC-000530-TG	WARREN
COMMONWEALTH OF KENTUCKY V. TELLY SAVALAS DENSON <b>ALL SITTING. ALL CONCUR.</b>	2016-SC-000531-TG	WARREN

**COURT ORDERS DENYING MOTION TO TRANSFER – DECEMBER 15, 2016**

UNKNOWN HEIRS OF EDWIN P. SCOTT, M.D. V. RONALD C. BAKUS, AS ADMINISTRATOR FOR THE ESTATE OF EDWIN P. SCOTT, M.D., ET AL. <b>ALL SITTING. ALL CONCUR.</b>	2016-SC-000186-T	JEFFERSON
KEM ANDERSON, ET AL. V. FAYETTE COUNTY BOARD OF EDUCATION, ET AL. <b>ALL SITTING. ALL CONCUR.</b>	2016-SC-000420-T	FAYETTE



SUPREME COURT OF KENTUCKY

DECEMBER 15, 2016 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION TO TRANSFER – DECEMBER 15, 2016**

JARRELL MARCUM, ET AL. V. 2016-SC-000426-T LAWRENCE  
EQUITABLE RESOURCES EXPLORATION,  
INC., ET AL.  
**MINTON, C.J., CUNNINGHAM, HUGHES,  
KELLER, NOBLE AND VENTERS, JJ., SITTING.  
ALL CONCUR. WRIGHT, J., RECUSED.**

**COURT ORDERS DENYING PETITION FOR REHEARING – DECEMBER 15, 2016**

RICARDO D. TAYLOR V. 2015-SC-000197-MR JEFFERSON  
COMMONWEALTH OF KENTUCKY  
**NOT TO BE PUBLISHED**  
**ORDER MODIFIED THE MEMORANDUM  
OPINION OF THE COURT RENDERED JUNE  
16, 2016, BY SUBSTITUTION OF THIS  
OPINION IN LIEU OF THE ORIGINAL OPINION.  
ALL SITTING. ALL CONCUR**

ISAIAH TYLER V. 2015-SC-000064-MR HENDERSON  
COMMONWEALTH OF KENTUCKY  
**ALL SITTING. ALL CONCUR.**

BRYAN WILLIS V. 2014-SC-000757-MR GRAYSON  
COMMONWEALTH OF KENTUCKY  
**ALL SITTING. ALL CONCUR.**

**COURT ORDERS DISMISSING**

STEVEN PETTWAY V. 2015-SC-000723-MR JEFFERSON  
COMMONWEALTH OF KENTUCKY  
**VENTERS, WRIGHT, CUNNINGHAM, AND  
NOBLE, JJ., SITTING. ALL CONCUR.**  
ENTERED: DECEMBER 8, 2016

SHAWN TIGUE V. 2016-SC-000453-MR FROM COURT  
HON. ROBERT V. COSTANZO, JUDGE, BELL OF APPEALS  
CIRCUIT COURT, ET AL.  
**VENTERS, WRIGHT, CUNNINGHAM, AND  
NOBLE, JJ., SITTING. ALL CONCUR.**  
ENTERED: DECEMBER 9, 2016

**SUPREME COURT OF KENTUCKY**

**DECEMBER 15, 2016 MINUTES**

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

**COURT ORDERS DISMISSING**

FRANK ROBERT SMITH V.  
COMMONWEALTH OF KENTUCKY  
**ENTERED: OCTOBER 19, 2016**

2016-SC-000460-D

GREEN

VICTOR JONES V.  
COMMONWEALTH OF KENTUCKY  
**ENTERED: NOVEMBER 17, 2016**

2016-SC-000524-D

HARRISON

JAMES K. CAMPBELL V.  
LADONNA THOMPSON  
**ENTERED: NOVEMBER 3, 2016**

2016-SC-000569-D

OLDHAM

TEDDY A. ALLMAN V.  
KENTUCKY DEPARTMENT OF CORRECTIONS  
**ENTERED: NOVEMBER 4, 2016**

2016-SC-000586-D

FRANKLIN

**COURT ORDERS**

MARTY LEE ROE V.  
COMMONWEALTH OF KENTUCKY  
**ORDER CORRECTED THE MEMORANDUM  
OPINION OF THE COURT RENDERED  
SEPTEMBER 24, 2015, AND MODIFIED MAY  
5, 2016 BY SUBSTITUTION OF THIS  
MEMORANDUM OPINION IN LIEU OF THE  
ORIGINAL MEMORANDUM OPINION.**  
ENTERED: NOVEMBER 14, 2016

[2013-SC-000793-MR](#)  
**NOT TO BE PUBLISHED**

FAYETTE

KENTUCKY BAR ASSOCIATION V.  
SETH JARED JOHNSTON  
**ORDER GRANTED DISCHARGE FROM DUTIES  
AS SPECIAL COMMISIONER.**  
ALL SITTING. ALL CONCUR.

2015-SC-000717-KB  
**NOT TO BE PUBLISHED**

IN SUPREME  
COURT

IN RE: COLBY J. LEONARD  
**ORDER DISMISSED APPEAL AND ANY  
APPLICATION FOR ADMISSION WITHOUT  
EXAMINATION FILED WITHIN 180 DAYS  
SHALL BE TREATED AS TIMELY.**  
ALL SITTING. ALL CONCUR.

2016-SC-000547-CF  
**NOT TO BE PUBLISHED**

IN SUPREME  
COURT

**SUPREME COURT OF KENTUCKY**

**DECEMBER 15, 2016 MINUTES**

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

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

MONICA ROSE BOHLEN V. KENTUCKY BAR ASSOCIATION <b>ENTERED: OCTOBER 20, 2016</b>	2016-SC-000574-KB	IN SUPREME COURT
DAVID MERION LAING V. KENTUCKY BAR ASSOCIATION <b>ENTERED: OCTOBER 20, 2016</b>	2016-SC-000575-KB	IN SUPREME COURT
MICHAEL MEREDITH HOOPER V. KENTUCKY BAR ASSOCIATION <b>ENTERED: OCTOBER 20, 2016</b>	2016-SC-000576-KB	IN SUPREME COURT
ROBERT LEWIS WALKER V. KENTUCKY BAR ASSOCIATION <b>ENTERED: OCTOBER 20, 2016</b>	2016-SC-000577-KB	IN SUPREME COURT
ROBERT JAMES BUSSE V. KENTUCKY BAR ASSOCIATION <b>ENTERED: OCTOBER 20, 2016</b>	2016-SC-000578-KB	IN SUPREME COURT
EDWARD LEE PAULEY V. KENTUCKY BAR ASSOCIATION <b>ENTERED: DECEMBER 1, 2016</b>	2016-SC-000656-KB	IN SUPREME COURT
MARSHA OWENS HOWSER V. KENTUCKY BAR ASSOCIATION <b>ENTERED: DECEMBER 1, 2016</b>	2016-SC-000657-KB	IN SUPREME COURT
BARBARA CATHERINE ARNZEN V. KENTUCKY BAR ASSOCIATION <b>ENTERED: DECEMBER 1, 2016</b>	2016-SC-000658-KB	IN SUPREME COURT