

SUPREME COURT OF KENTUCKY

MINUTES
JANUARY 21, 2010

RELEASED: 10:00 A.M.

1. DARRYL GORDON GRIGSBY V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE NOBLE - AFFIRMING
ALL SITTING. ALL CONCUR.

[2009-SC-000171-MR](#)
TO BE PUBLISHED

JEFFERSON

Questions Presented:
Guilty Plea. Waiver of the Right to Appeal. Boykin challenge-knowing and voluntary nature of the plea.

2. RALPH BAZE V. LADONNA THOMPSON, COMMISSIONER, DEPARTMENT OF CORRECTIONS
OPINION OF THE COURT BY JUSTICE CUNNINGHAM – AFFIRMING
ALL SITTING. ALL CONCUR.

[2009-SC-000188-MR](#)
TO BE PUBLISHED

FRANKLIN

Questions Presented:
Death penalty. Preparation of petition for clemency.

3. STEVE BESHEAR (IN HIS OFFICIAL CAPACITY AS THE GOVERNOR OF THE COMMONWEALTH OF KENTUCKY), ET AL. V. HAYDON BRIDGE COMPANY, INC., ET AL.
OPINION OF THE COURT BY JUSTICE SCOTT – AFFIRMING IN PART AND REVERSING IN PART
MINTON, C.J., AND ABRAMSON, J., CONCUR IN RESULT ONLY.

[2007-SC-000058-TG](#)
TO BE PUBLISHED

FRANKLIN

Questions Presented:
Budget Bill. Suspension or modification of statutes. Retroactive ratification of prior invalid budgetary acts of a Governor.

SUPREME COURT OF KENTUCKY

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4. ASSOCIATED INSURANCE SERVICE, INC. ET AL. V. DANIEL GARCIA, M.D., ET AL. [2008-SC-000037-DG](#) JEFFERSON
[2008-SC-000044-DG](#) JEFFERSON
TO BE PUBLISHED

OPINION OF THE COURT BY JUSTICE CUNNINGHAM – AFFIRMING IN PART AND REVERSING IN PART
NOBLE, J., CONCURS BY SEPARATE OPINION. SCHRODER, J., CONCURS IN PART AND DISSENTS IN PART AND WOULD AFFIRM THE COURT OF APPEALS. ABRAMSON, J., NOT SITTING.

Questions Presented:
Professional negligence claims against insurance agents or brokers are assignable; and such assignment, when coupled with a settlement agreement as to damages and a covenant not to execute, is not against public policy where reasonable.

5. VERONICA JEWELL V. KENTUCKY SCHOOL BOARD ASSOCIATION [2008-SC-000244-DG](#) WHITLEY
TO BE PUBLISHED

OPINION OF THE COURT BY JUSTICE VENTERS – AFFIRMING IN PART AND REVERSING IN PART
SCOTT, J., CONCURS IN RESULT ONLY BY SEPARATE OPINION.

Questions Presented:
Insurance. UIM Coverage. Basic Reparation Benefits. Subrogation. Double Recovery . Workers Compensation. Issues include the proper prioritization of claims against workers' compensation carrier, no-fault carrier, and UIM carrier.

6. ARMINTA JANE MULLINS V. PHYLLIS DIANNE PICKLESIMER [2008-SC-000484-DGE](#) GARRARD
TO BE PUBLISHED

OPINION OF THE COURT BY JUSTICE SCHRODER – AFFIRMING IN PART AND REVERSING IN PART
CUNNINGHAM, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION, IN WHICH MINTON, C.J., AND SCOTT, J., JOIN. SCOTT, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION.

Questions Presented:
Child Custody. Issues include whether the biological mother waived her superior right of custody, thus permitting a joint custody award by having acknowledged her same sex partner as a parent of the child, co-parenting the child prior to separation of the couple and later allowing extensive timesharing and visitation with the child.

SUPREME COURT OF KENTUCKY

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7. ROBERT M. BLANKENSHIP, M.D. V. [2007-SC-000916-DG](#) JEFFERSON
HORACE COLLIER **TO BE PUBLISHED**

AND

CARITAS HEALTH SERVICES, INC., [2007-SC-000921-DG](#) JEFFERSON
D/B/A CARITAS MEDICAL CENTER V. **TO BE PUBLISHED**
HORACE COLLIER

**OPINION OF THE COURT BY
JUSTICE ABRAMSON –
REVERSING**

MINTON, C.J., DISSENTS BY
SEPARATE OPINION. SCOTT, J.,
DISSENTS BY SEPARATE OPINION
IN WHICH VENTERS, J., JOINS.
VENTERS, J., DISSENTS BY
SEPARATE OPINION.

Questions Presented:
Medical malpractice. Trial court's grant of summary judgment against a plaintiff who fails to identify and expert witness.

8. ADOLPH PETZOLD, ET AL. V. [2008-SC-000106-DG](#) FAYETTE
KESSLER HOMES, INC. **TO BE PUBLISHED**

**OPINION OF THE COURT BY
JUSTICE VENTERS –
REVERSING AND REMANDING
ALL SITTING. ALL CONCUR.**

Questions Presented:
Retroactive disqualification of trial judge not required in this case. Remanded for consideration of other issues presented to but not addressed by the Court of Appeals.

9. CHARLES BRENT BEARD V. [2008-SC-000079-DG](#) CRITTENDEN
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**

**OPINION OF THE COURT BY
JUSTICE NOBLE – REVERSING
ALL SITTING. ALL CONCUR.**

Questions Presented:
Standard applicable to claims of conflict of interests between a criminal defendant and defense counsel. Appointed counsel had a sufficient conflict of interests that the trial court's failure to appoint different counsel constituted reversible error.

SUPREME COURT OF KENTUCKY

MINUTES
JANUARY 21, 2010

RELEASED: 10:00 A.M.

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| 10. | HOLLIS DESHAUN KING V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE SCHRODER –
<u>REVERSING AND REMANDING</u>
CUNNINGHAM, J., CONCURS IN RESULT ONLY WITHOUT SEPARATE OPINION. | 2008-SC-000274-DG
TO BE PUBLISHED | FAYETTE | <p style="text-align: center;">Questions Presented:</p> <p>Criminal Law. Search and Seizure. Issues include the validity of a search conducted pursuant to a mistaken belief that a fleeing suspect had entered the apartment.</p> |
| 11. | COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. V. T.N.H., MOTHER, AND P.N.Y., FATHER
OPINION OF THE COURT BY JUSTICE SCHRODER –
<u>REVERSING</u>
ALL SITTING. ALL CONCUR. | 2008-SC-000318-DGE
TO BE PUBLISHED | JEFFERSON | <p style="text-align: center;">Questions Presented:</p> <p>Termination of Parental Rights. Issues involve attempted termination of parental rights of a minor mother also in CHFS custody .</p> |
| 12. | GREGORY WOODLEE V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE NOBLE – <u>REVERSING</u>
ABRAMSON, J., CONCURS IN RESULT ONLY. CUNNINGHAM, J., DISSENTS BY SEPARATE OPINION IN WHICH SCOTT, J., JOINS. | 2008-SC-000351-MR
TO BE PUBLISHED | LAUREL | <p style="text-align: center;">Questions Presented:</p> <p>Criminal Law. Two counts of first-degree sexual abuse, second-degree persistent felony offender. Erroneous admission of evidence of prior conviction of sexual abuse, in violation of KRE 404(b)</p> |
| 13. | COMMONWEALTH OF KENTUCKY V. LESLIE PRIDE
OPINION OF THE COURT BY JUSTICE VENTERS –
<u>REVERSING AND REMANDING</u>
ALL SITTING. ALL CONCUR. | 2008-SC-000730-DG
TO BE PUBLISHED | UNION | <p style="text-align: center;">Questions Presented:</p> <p>Criminal Law. Search and Seizure. Issues include the consideration of allegedly comparable electrical usage records as part of the totality of the circumstances in a decision that probable cause was established for issuance of a search warrant.</p> |

SUPREME COURT OF KENTUCKY

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| 14. | COMMONWEALTH OF KENTUCKY,
DEPARTMENT OF CORRECTIONS V.
HON. WILLIAM ENGLE, III (JUDGE,
PERRY CIRCUIT COURT), ET AL.
OPINION OF THE COURT BY
JUSTICE VENTERS – <u>VACATING</u>
ALL SITTING. ALL CONCUR. | 2009-SC-000509-MR
TO BE PUBLISHED | PERRY |
| | | <p style="text-align: center;">Questions Presented:
Transport of inmates. KRS 441.510(2)
requires the sheriff of the requesting county
to transport inmates held in detention
facilities in another county to court
proceedings in the requesting county.</p> | |
| 15. | SHAWNTELE CORTEZ JACKSON V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2007-SC-000392-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 16. | DELORES MARIE KNIGHT V.
LINDA YOUNG
OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
<u>AFFIRMING</u>
ALL CONCUR. CUNNINGHAM,
J., NOT SITTING. | 2008-SC-000404-DG
NOT TO BE PUBLISHED | LYON |
| 17. | STANLEY STANDER V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2008-SC-000598-MR
NOT TO BE PUBLISHED | SCOTT |
| 18. | JONATHAN D. STARK V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2008-SC-000660-MR
NOT TO BE PUBLISHED | HOPKINS |

SUPREME COURT OF KENTUCKY

MINUTES
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| 19. | DANNY RAY JANES V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2008-SC-000878-MR
NOT TO BE PUBLISHED | METCALFE |
| 20. | COMMONWEALTH OF KENTUCKY,
EX REL. JACK CONWAY, ATTORNEY
GENERAL V.
HONORABLE THOMAS D. WINGATE,
JUDGE, FRANKLIN CIRCUIT COURT,
ET AL.
MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2009-SC-000324-MR
NOT TO BE PUBLISHED | FRANKLIN |
| 21. | BUBALO, HIESTAND & ROTMAN,
PLC, ET AL. V.
HONORABLE JUDITH
MCDONALD-BURKMAN (JUDGE,
JEFFERSON CIRCUIT COURT,
DIVISION NINE) ET AL.
MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING</u>
ALL CONCUR. ABRAMSON, J., NOT
SITTING. | 2009-SC-000382-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 22. | MICHAEL BRATCHER V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT –
<u>AFFIRMING IN PART AND REVERSING</u>
<u>AND REMANDING IN PART</u>
CUNNINGHAM, J., CONCURS IN PART
AND DISSENTS IN PART BY SEPARATE
OPINION IN WHICH SCOTT, J., JOINS.
SCOTT, J., CONCURS IN PART AND
DISSENTS IN PART BY SEPARATE
OPINION. | 2008-SC-000151-MR
NOT TO BE PUBLISHED | WARREN |

SUPREME COURT OF KENTUCKY

MINUTES
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23. DOCK B. HILLMAN V. [2009-SC-000276-MR](#) JEFFERSON
HON. MITCH PERRY (JUDGE **NOT TO BE PUBLISHED**
JEFFERSON CIRCUIT COURT), ET AL.
MEMORANDUM OPINION OF THE
COURT –
AFFIRMING IN PART AND VACATING
IN PART
ALL SITTING. ALL CONCUR.
24. TIMOTHY DIETZ V. [2008-SC-000441-MR](#) KENTON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF THE
COURT –
REVERSING AND REMANDING
CUNNINGHAM, J., CONCURS
IN PART AND DISSENTS IN PART
BY SEPARATE OPINION IN WHICH
SCOTT, J., JOINS.

OPINIONS AND ORDERS – JANUARY 21, 2010

- JED RICHARD HAYDEN V. 2009-SC-000452-KB IN SUPREME
KENTUCKY BAR ASSOCIATION **NOT TO BE PUBLISHED** COURT
ORDER RESTORED MOVANT TO
MEMBERSHIP.
ALL SITTING. ALL CONCUR.
- PAUL HENRY RILEY, JR. V. [2008-SC-000554-KB](#) IN SUPREME
KENTUCKY BAR ASSOCIATION **TO BE PUBLISHED** COURT
ORDER SUSPENDED MOVANT
FROM THE PRACTICE OF LAW
FOR (30) DAYS.
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

MINUTES
JANUARY 21, 2010

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OPINIONS AND ORDERS – JANUARY 21, 2010

KENTUCKY BAR ASSOCIATION V. ERIC LAMAR EMERSON RESPONDENT IS SUSPENDED INDEFINITELY FROM THE PRACTICE OF LAW. ALL SITTING. ALL CONCUR.	2009-SC-000508-KB TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. KENNETH J. WHITEHEAD RESPONDENT IS SUSPENDED FROM THE PRACTICE OF LAW FOR 4 YEARS. ALL SITTING. ALL CONCUR.	2009-SC-000541-KB TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. RODNEY S. JUSTICE RESPONDENT IS SUSPENDED FROM THE PRACTICE OF LAW FOR (30) DAYS. ALL SITTING. ALL CONCUR.	2009-SC-000689-KB TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. DARREN BURTON ELLIS RESPONDENT IS SUSPENDED FROM THE PRACTICE OF LAW FOR (90) DAYS. ALL SITTING. ALL CONCUR.	2009-SC-000708-KB TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. CHARLES LEADINGHAM RESPONDENT IS SUSPENDED FROM THE PRACTICE OF LAW FOR (120) DAYS. ALL SITTING. ALL CONCUR.	2009-SC-000765-KB TO BE PUBLISHED	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

**MINUTES
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OPINIONS AND ORDERS – JANUARY 21, 2010

OLIVER H. BARBER V.
KENTUCKY BAR ASSOCIATION
**MOVANT IS PUBLICLY REPRIMANDED
AND SUSPENDED FROM THE PRACTICE
OF LAW FOR (30) DAYS.**
ALL SITTING. ALL CONCUR.

[2009-SC-000805-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
JANUARY 13, 2010**

WELLS FARGO BANK,
MINNESOTA N.A. V.
COMMONWEALTH OF KENTUCKY,
ET AL.

2008-SC-000419-DG

BULLITT

CENTRAL BANK OF
BULLITT COUNTY, INC.,
F/K/A FIRST BANK, INC. V.
COMMONWEALTH OF KENTUCKY,
ET AL.

2008-SC-000427-DG

JEFFERSON

KENTUCKY PUBLIC SERVICE
COMMISSION V.
L. GLENN SHADOAN, ET AL.

2009-SC-000053-DG

FRANKLIN

STEVEN BRADLEY GILES V.
COMMONWEALTH OF KENTUCKY

2009-SC-000137-DG

MCCRACKEN

PAUL NASH, ET AL. V.
CAMPBELL COUNTY FISCAL COURT,
ET AL.

2009-SC-000152-DG

CAMPBELL

HOSPITAL OF LOUISA, D/B/A
THREE RIVERS MEDICAL CENTER V.
JOHNSON COUNTY FISCAL COURT

2009-SC-000280-DG

JOHNSON

SUPREME COURT OF KENTUCKY

**MINUTES
JANUARY 21, 2010**

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**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
JANUARY 13, 2010**

STACIE L. COOK V. LISHA POPPLEWELL, IN HER CAPACITY AS COUNTY CLERK OF RUSSELL COUNTY, ET AL.	2009-SC-000341-DG	RUSSELL
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY V. CARLENE SLUSHER, ADMINISTRATRIX OF THE ESTATE OF DONALD SLUSHER, DECEASED	2009-SC-000513-DG	KNOX
CAESARS RIVERBOAT CASINO, LLC V. CARLA BEACH	2009-SC-000634-DG	SHELBY
BRADLEY ALLEN DAY V. COMMONWEALTH OF KENTUCKY	2009-SC-000641-DG	BRACKEN
COMMONWEALTH OF KENTUCKY V. RAYCINE LOVE	2009-SC-000671-DG	MCCRACKEN

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JANUARY 13, 2010**

JIMMY GEORGE, ET AL. V. SARA EVANS, ET AL.	2008-SC-000387-D	HART
CINDY WEST V. KKI, LLC, D/B/A SIX FLAGS KENTUCKY KINGDOM	2008-SC-000822-D	JEFFERSON
GARY WAYNE DAVIS V. COMMONWEALTH OF KENTUCKY	2008-SC-000836-D	JEFFERSON
COMMONWEALTH OF KENTUCKY V. BRYAN A. DEVER	2009-SC-000071-D	JEFFERSON

SUPREME COURT OF KENTUCKY

MINUTES
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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JANUARY 13, 2010**

JACKIE LEE HILL V. CYNTHIA FAITH HILL	2009-SC-000118-D	MARSHALL
FINANCE AND ADMINISTRATION CABINET, ET AL. V. ROHM AND HAAS COMPANY, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2009-SC-000142-D	FRANKLIN
STUART MCWILLIAMS EASTERLY, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF CHARLES T. EASTERLY, DECEASED, ET AL. V. METROPOLITAN LIFE INSURANCE COMPANY	2009-SC-000153-D	FAYETTE
ZAYER A. ADAMS V. COMMONWEALTH OF KENTUCKY AND ZAYER ADAMS V. COMMONWEALTH OF KENTUCKY	2009-SC-000215-D 2009-SC-000692-D	CHRISTIAN CHRISTIAN
JOSHUA SPIVEY V. COMMONWEALTH OF KENTUCKY	2009-SC-000253-D	MADISON
EDWARD KRAMER V. COMMONWEALTH OF KENTUCKY	2009-SC-000295-D	CAMPBELL
JAMES D. LAWSON V. COMMONWEALTH OF KENTUCKY	2009-SC-000315-D	PIKE
DEIDRA REED V. BLUEGRASS REGIONAL PSYCHIATRIC SERVICES, INC., D/B/A EASTERN STATE HOSPITAL	2009-SC-000335-D	FAYETTE

SUPREME COURT OF KENTUCKY

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JANUARY 13, 2010**

ALLIANCE FOR KENTUCKY'S FUTURE, INC., ET AL. V. ENVIRONMENTAL AND PUBLIC PROTECTION CABINET, ET AL.	2009-SC-000340-D	FRANKLIN
CONCERNED CITIZENS FOR HENRY COUNTY GOVERNMENT, LLC; HUGH MCBURNEY; GEORGE WEBSTER; AND SANDY ALLISON V. HENRY COUNTY, KENTUCKY; FISCAL COURT OF HENRY COUNTY, KENTUCKY; AND RUMPKE OF KENTUCKY, INC.	2009-SC-000351-D	HENRY
JOHNNY LEE CISSEL V. COMMONWEALTH OF KENTUCKY	2009-SC-000356-D	JEFFERSON
HARRY WATERBURY V. COMMONWEALTH OF KENTUCKY	2009-SC-000357-D	JEFFERSON
TRISTAN THOMAS V. COMMONWEALTH OF KENTUCKY	2009-SC-000359-D	JEFFERSON
TERRY CAMPANELL V. PATRICIA L. FIGERT; AND SURGICAL CARE ASSOCIATES, P.S.C.	2009-SC-000360-D	JEFFERSON
KROGER LIMITED PARTNERSHIP I, D/B/A KROGER R-783 V. CABINET FOR HEALTH AND FAMILY SERVICES, ET AL.	2009-SC-000366-D	FRANKLIN
MARK WILLIAM ADKINS V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2009-SC-000376-D	JEFFERSON

SUPREME COURT OF KENTUCKY

**MINUTES
JANUARY 21, 2010**

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JANUARY 13, 2010**

MARTIN GREGORY PRICE V. ANGELA M. PRICE	2009-SC-000377-D	MADISON
MIKEL MONTGOMERY V. COMMONWEALTH OF KENTUCKY	2009-SC-000388-D	MCCRACKEN
MICHAEL DARRELL JEFFERSON, II V. COMMONWEALTH OF KENTUCKY	2009-SC-000409-D	JEFFERSON
CHAD SHORT V. LORIA ANN SHORT	2009-SC-000422-D	CASEY
SHERWIN DUNN, ET AL. V. KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY	2009-SC-000456-D	WOLFE
SHARON MACY V. JAMES L. STEVENS, ET AL.	2009-SC-000461-D	HOPKINS
CURTIS LEE MAYES V. COMMONWEALTH OF KENTUCKY	2009-SC-000475-D	FRANKLIN
RAYMOND L. SMITH V. COMMONWEALTH OF KENTUCKY	2009-SC-000477-D	MEADE
DONALD WAYNE MARTIN, JR., V. COMMONWEALTH OF KENTUCKY	2009-SC-000481-D	FAYETTE
CDB BELL, LLC, D/B/A PIZZA MAGIA OF OKOLONA V. EIGENE DANIELS; AND NEAL MOSER	2009-SC-000506-D	JEFFERSON
NEWPORT INDEPENDENT SCHOOL DISTRICT/ NEWPORT BOARD OF EDUCATION, ET AL. V. COMMONWEALTH OF KENTUCKY	2009-SC-000518-D	CAMPBELL

SUPREME COURT OF KENTUCKY

**MINUTES
JANUARY 21, 2010**

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JANUARY 13, 2010**

SUSIE SMITH V. COMMONWEALTH OF KENTUCKY	2009-SC-000538-D	BALLARD
THE ESTATE OF LUCY MARSHALL ELLIOTT PRICHARD V. THE CITY OF VERSAILLES	2009-SC-000544-D	WOODFORD
BRIAN K. STAMPER V. COMMONWEALTH OF KENTUCKY	2009-SC-000568-D	PERRY
JUSTICE AND PUBLIC SAFETY CABINET, DEPARTMENT OF JUVENILE JUSTICE V. ANITA JOHNSON-STOTTS AND KENTUCKY PERSONNEL BOARD	2009-SC-000570-D	FRANKLIN
ROCKY D. GRAY V. COMMONWEALTH OF KENTUCKY	2009-SC-000586-D	WEBSTER
COMMONWEALTH OF KENTUCKY V. RICHARD FUSTON THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2009-SC-000590-D	WHITLEY
SAMUEL RAY PRATHER V. COMMONWEALTH OF KENTUCKY	2009-SC-000592-D	MASON
ANDREA HOGAN KAELIN V. TERRY A. MEINERS	2009-SC-000618-D	JEFFERSON
HENRY K. JARRETT, III V. WILLIAM DENNIS SIMS	2009-SC-000626-D	JEFFERSON
BARRY BUFORD V. COMMONWEALTH OF KENTUCKY	2009-SC-000629-D	WARREN

SUPREME COURT OF KENTUCKY

**MINUTES
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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JANUARY 13, 2010**

GARLOCK SEALING TECHNOLOGIES, LLC V. AVA NELL DEXTER; ET AL.	2009-SC-000714-D	MARSHALL
C.F., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY	2009-SC-000745-D	KENTON
MICHAEL ELLINGTON V. CAROL ELLINGTON	2009-SC-000777-D	HARLAN

COURT ORDERS GRANTING MOTION TO TRANSFER

JYMIE SALAHUDDIN V. COMMONWEALTH OF KENTUCKY ENTERED: JANUARY 11, 2010	2010-SC-000019-TG	FAYETTE
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COURT ORDERS DENYING MOTION TO TRANSFER – JANUARY 21, 2010

ANTONIO L. BRADLEY V. COMMONWEALTH OF KENTUCKY	2009-SC-000576-T	JEFFERSON
KINDRED HEALTHCARE, INC., ET AL. V. JEFFREY KINNISON (INDIVIDUALLY), ET AL. AND KINDRED NURSING CENTERS LIMITED PARTNERSHIP (D/B/A HARRODSBURG HEALTH CARE CENTER), ET AL. V. JOHN DAVID LANE (ADMINISTRATOR OF THE ESTATE OF WANDA LANE, DECEASED)	2009-SC-000705-T 2009-SC-000706-T	JEFFERSON MERCER

SUPREME COURT OF KENTUCKY

**MINUTES
JANUARY 21, 2010**

RELEASED: 10:00 A.M.

COURT ORDERS GRANTING PETITION FOR REHEARING – JANUARY 21, 2010

DANNY LEE CARVER V. [2007-SC-000428-MR](#) ALLEN
COMMONWEALTH OF KENTUCKY
**THE MEMORANDUM OPINION OF
THE COURT RENDERED JANUARY
22, 2009, IS SUBSTITUTED FOR THE
ORIGINAL OPINION.**

WILLIAM SANDERS V. [2008-SC-000118-MR](#) JESSAMINE
COMMONWEALTH OF KENTUCKY
**THE OPINION OF THE COURT BY
JUSTICE VENTERS, RENDERED
JUNE 25, 2009, IS SUBSTITUTED
FOR THE ORIGINAL OPINION.**

COURT ORDERS DENYING PETITION FOR REHEARING – JANUARY 21, 2010

STEVE BURTON V. 2006-SC-000784-MR HICKMAN
COMMONWEALTH OF KENTUCKY

MITCHELL METZINGER V. 2007-SC-000363-DG FRANKLIN
KENTUCKY RETIREMENT SYSTEMS,
ET AL.

TIM EMBERTON V. 2007-SC-000443-DG WARREN
GMRI, INC., F/K/A GENERAL MILLS 2008-SC-000109-DG WARREN
RESTAURANTS, INC., D/B/A RED
LOBSTER RESTAURANT #349; ET AL.

MARK E. BAUDER V. 2008-SC-000056-DG BOYLE
COMMONWEALTH OF KENTUCKY

MELISSA HELTON V. [2008-SC-000141-MR](#) JESSAMINE
COMMONWEALTH OF KENTUCKY
**ORDER CORRECTING OPINION OF THE
COURT BY JUSTICE NOBLE,
RENDERED AUGUST 27, 2009, BY
SUBSTITUTION OF PAGES 1 AND 13.
ENTERED: JANUARY 21, 2010**

SUPREME COURT OF KENTUCKY

**MINUTES
JANUARY 21, 2010**

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COURT ORDERS DENYING PETITION FOR REHEARING – JANUARY 21, 2010

WILLIAM GOLDSTEIN, EXECUTOR
OF THE ESTATE OF ROBERT JAMES
LAYER, DECEASED V.
HONORABLE TIMOTHY J. FEELEY,
JUDGE OLDHAM CIRCUIT COURT
FAMILY COURT DIVISION
AND
RUBY JOANN YOUNG-LAYER
REAL PARTY IN INTEREST

2008-SC-000597-MR

OLDHAM

KENTUCKY ASSOCIATED GENERAL
CONTRACTORS SELF-INSURANCE
FUND (KAGC) V.
MUSIC CONSTRUCTION, INC.

2008-SC-000795-DG

MONTGOMERY

COURT ORDERS DISMISSING

STEPHON NEWCOMB V.
COMMONWEALTH OF KENTUCKY
JANUARY 19, 2010

2009-SC-000685-MR

SCOTT

COURT ORDERS

JAMES HUNT V.
COMMONWEALTH OF KENTUCKY
**ORDER CORRECTED OPINION OF
THE COURT BY JUSTICE VENTERS
RENDERED NOVEMBER 25, 2009,
BY SUBSTITUTION OF PAGE 60 IN
LIEU OF PAGE 60.**
ENTERED: JANUARY 6, 2010

[2006-SC-000634-MR](#)

FLOYD

SUPREME COURT OF KENTUCKY

MINUTES
JANUARY 21, 2010

RELEASED: 10:00 A.M.

COURT ORDERS

STEPHEN B. EARLY, ET AL. V. 2007-SC-000008-DG OLDHAM
OLDHAM COUNTY BOARD OF
EDUCATION
**ORDER DENIED MOTION TO
RECONSIDER.**
ENTERED: JANUARY 21, 2010

THOMAS C. BOWLING, RALPH BAZE 2007-SC-000021-MR FRANKLIN
AND BRIAN KEITH MOORE V.
KENTUCKY DEPARTMENT OF
CORRECTIONS
**ORDER CORRECTED OPINION OF
THE COURT BY JUSTICE ABRAMSON
RENDERED NOVEMBER 25, 2009, BY
SUBSTITUTION OF PAGE 35.**
ENTERED: JANUARY 4, 2010

TOMMIE BROWN V. 2008-SC-000281-MR FULTON
COMMONWEALTH OF KENTUCKY
**ORDER MODIFIED OPINION OF THE
COURT BY JUSTICE NOBLE
RENDERED OCTOBER 29, 2009, BY
SUBSTITUTION OF NEW PAGES 1
AND 7.**
ENTERED: DECEMBER 15, 2009

KIMBERLY LIKINS V. 2008-SC-000907-DG OLDHAM
MARY ELLEN KINSER, ET AL.
**THE ORDER GRANTING DISCRETIONARY
REVIEW IN THIS MATTER IS HEREBY
VACATED HAVING DETERMINED
DISCRETIONARY REVIEW WAS
IMPROVIDENTLY GRANTED. THE COURT
OF APPEALS OPINION IS ORDERED NOT
TO BE PUBLISHED.**
ENTERED: JANUARY 21, 2010

SUPREME COURT OF KENTUCKY

MINUTES
JANUARY 21, 2010

RELEASED: 10:00 A.M.

COURT ORDERS

DAVID P. BRONK V. 2009-SC-000492-DG JEFFERSON
COMMONWEALTH OF KENTUCKY
**ORDER GRANTED DISCRETIONARY
REVIEW AND REMANDED TO THE
COURT OF APPEALS FOR
RECONSIDERATION.**
ENTERED: JANUARY 13, 2010

COMMONWEALTH OF KENTUCKY, [2009-SC-000107-TG](#) FRANKLIN
EX REL. ATTORNEY GENERAL JACK
CONWAY V.
LADONNA THOMPSON (IN HER OFFICIAL
CAPACITY AS COMMISSIONER OF
KENTUCKY DEPARTMENT OF CORRECTIONS
AND

LADONNA H. THOMPSON (IN HER OFFICIAL [2009-SC-000252-TG](#) PULASKI
CAPACITY AS COMMISSIONER OF KENTUCKY
DEPARTMENT OF CORRECTIONS) V.
HONORABLE DAVID A. TAPP (JUDGE, PULASKI
CIRCUIT COURT), ET AL.
**ORDER CORRECTED THE OPINION AND
ORDER OF THE COURT BY CHIEF JUSTICE
MINTON RENDERED NOVEMBER 25, 2009, BY
SUBSTITUTION OF PAGE 41 IN LIEU OF
ORIGINAL PAGE 41.**
ENTERED: JANUARY 4, 2010

STARLIGHT STABLES I, LLC 2009-SC-000752-I BOURBON
(REAL PARTY IN INTEREST), ET AL. V.
TRITON FARMS, LLC
**ORDER DENYING MOTION TO VACATE
OR MODIFY COURT OF APPEALS ORDER
PURSUANT TO CR 65.09.**
ENTERED: JANUARY 21, 2010

SUPREME COURT OF KENTUCKY

**MINUTES
JANUARY 21, 2010**

RELEASED: 10:00 A.M.

COURT ORDERS

KENTUCKY BAR ASSOCIATION,
CLE COMMISSION V.

2009-SC-000837-KB

IN SUPREME
COURT

JASON PATRICK FERRANTE
**RESPONDENT ORDERED TO
PAY \$200.00 TO THE KBA IN LIEU
OF SUSPENSION FOR NON COMPLIANCE
WITH CLE REQUIREMENTS**

ENTERED: JANUARY 12, 2010