

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

87. LARRY LAMONT WHITE V. COMMONWEALTH OF KENTUCKY  
**OPINION OF THE COURT BY JUSTICE CUNNINGHAM – AFFIRMING**  
ALL SITTING. ALL CONCUR. [2014-SC-000725-MR](#) JEFFERSON  
**TO BE PUBLISHED**
- Questions Presented:**  
Murder and rape. Death Penalty.
88. INDIANA INSURANCE COMPANY V. JAMES DEMETRE  
**OPINION OF THE COURT BY JUSTICE HUGHES – AFFIRMING**  
ALL SITTING. MINTON, C.J.; CUNNINGHAM, KELLER, VENTERS, AND WRIGHT, JJ., CONCUR. VANMETER, J., DISSENTS BY SEPARATE OPINION. [2015-SC-000107-DG](#) CAMPBELL  
**TO BE PUBLISHED**
- Questions Presented:**  
Insurance. Bad Faith. Damages. Emotional Distress. Expert testimony was not necessary to substantiate damages for emotional distress in a bad faith case.
89. FAMILY DOLLAR V. MAMIE BAYTOS, WIDOW OF STEPHEN BAYTOS, DECEASED, ET AL.  
**AND**  
MAMIE BAYTOS, WIDOW OF STEPHEN BAYTOS, DECEASED V. FAMILY DOLLAR, ET AL.  
**OPINION OF THE COURT BY CHIEF JUSTICE MINTON – AFFIRMING**  
MINTON, C.J.; CUNNINGHAM, HUGHES, KELLER, VENTERS, AND WRIGHT, JJ., SITTING. ALL CONCUR. VANMETER, J., NOT SITTING. [2015-SC-000194-WC](#) FROM COURT OF APPEALS  
**TO BE PUBLISHED**
- [2015-SC-000208-WC](#) FROM COURT OF APPEALS  
**TO BE PUBLISHED**
- Questions Presented:**  
Workers' Compensation. Widow's right to benefits under KRS 342.750, following a full and final settlement by the injured worker prior to his death.
90. KYLE SHEA HOLBROOK V. COMMONWEALTH OF KENTUCKY  
**OPINION OF THE COURT BY JUSTICE HUGHES – AFFIRMING**  
ALL SITTING. ALL CONCUR. [2015-SC-000337-MR](#) MORGAN  
**TO BE PUBLISHED**
- Questions Presented:**  
Murder and tampering with physical evidence-20 years. Trial court did not err by permitting expert testimony about historical data analysis of cell phone and cell tower records.

**SUPREME COURT OF KENTUCKY**

**AUGUST 24, 2017 MINUTES**

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

91. CHERYL BLAINE V. DOWNTOWN REDEVELOPMENT, AUTHORITY, INC., ET AL. [2016-SC-000081-WC](#) FROM COURT OF APPEALS  
**TO BE PUBLISHED**
- OPINION OF THE COURT BY JUSTICE HUGHES – AFFIRMING**  
ALL SITTING. ALL CONCUR.
- Questions Presented:**  
Workers' Compensation. Proper disposition of claim for benefits following first injury. Case remanded to ALJ to first determine entitlement to permanent total disability benefits and, if no entitlement, to then determine permanent partial disability benefits using a *Fawbush* analysis.
92. ANNE M. TALLEY V. DANIEL J. PAISLEY [2016-SC-000092-DG](#) FAYETTE  
**TO BE PUBLISHED**
- OPINION OF THE COURT BY JUSTICE VANMETER – AFFIRMING**  
ALL SITTING. MINTON, C.J.; CUNNINGHAM, VANMETER, VENTERS, AND WRIGHT, JJ., CONCUR. KELLER, J., DISSENTS BY SEPARATE OPINION, IN WHICH HUGHES, J., JOINS.
- Questions Presented:**  
Real Estate. Partition. Joint Tenancy with Right of Survivorship. Division of proceeds of sale of realty owned by unmarried cohabiting couple in joint tenancy with right of survivorship.
93. LARRY KIDD V. CROSSROCK DRILLING, LLC, ET AL. [2016-SC-000406-WC](#) FROM COURT OF APPEALS  
**TO BE PUBLISHED**
- OPINION OF THE COURT BY JUSTICE VANMETER – AFFIRMING**  
ALL SITTING. MINTON, C.J.; HUGHES, KELLER, VANMETER, AND VENTERS, JJ., CONCUR. WRIGHT, J., DISSENTS BY SEPARATE OPINION, WHICH CUNNINGHAM, J., JOINS.
- Questions Presented:**  
Workers' Compensation. When an employer and employee reach a settlement agreement with respect to a worker's compensation case, proof of settlement must be filed, either by memorandum or by satisfactory proof of settlement.

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

94. COMMONWEALTH OF KENTUCKY V. [2016-SC-000693-TG](#) MEADE  
JEFFREY DEWAYNE CLARK, ET AL. **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE CUNNINGHAM –**  
**AFFIRMING**  
ALL SITTING. MINTON, C.J.; HUGHES,  
KELLER, VENTERS, WRIGHT, JJ.,  
CONCUR. VANMETER, J., DISSENTS  
BY SEPARATE OPINION.
- Questions Presented:**  
Motion for a new trial after remand. DNA testing.
95. STEEL CREATIONS BY AND [2016-SC-000217-WC](#) FROM COURT  
THROUGH KESA, ET AL. V. **TO BE PUBLISHED** OF APPEALS  
INJURED WORKERS’ PHARMACY,  
ET AL.  
**AND**  
INJURED WORKERS PHARMACY, [2016-SC-000222-WC](#) FROM COURT  
ET AL. V. **TO BE PUBLISHED** OF APPEA  
STEEL CREATIONS BY AND  
THROUGH KESA, ET AL.  
**OPINION OF THE COURT BY**  
**JUSTICE KELLER –**  
**AFFIRMING IN PART, VACATING IN**  
**PART, AND REMANDING**  
MINTON, C.J.; CUNNINGHAM,  
HUGHES, KELLER, VENTERS, JJ.,  
AND SPECIAL JUSTICES DAVID  
SAMFORD AND KIMBERLY MCCANN,  
SITTING. ALL CONCUR. VANMETER  
AND WRIGHT JJ., NOT SITTING.
- Questions Presented:**  
Workers’ Compensation. Maximum price for a prescription drug a pharmacy can require a workers’ compensation payer to pay.
96. STATE FARM MUTUAL AUTOMOBILE [2015-SC-000366-DG](#) JEFFERSON  
INSURANCE COMPANY V. **TO BE PUBLISHED**  
RONIESHA ADAMS F/K/A RONIESHA  
SANDERS, ET AL.  
**OPINION OF THE COURT BY**  
**JUSTICE KELLER –**  
**REVERSING**  
ALL SITTING. MINTON, C.J.;  
CUNNINGHAM, HUGHES, KELLER,  
AND VANMETER JJ., CONCUR.  
VENTERS, J., DISSENTS BY SEPARATE  
OPINION WHICH WRIGHT, J., JOINS.
- Questions Presented:**  
Auto Accidents. Insurance. MVRA. Examination Under Oath. Injured passenger is obligated to comply with a driver’s insurance policy provision requiring an examination under oath as a prerequisite to receipt of uninsured motorist or basic reparations benefits.

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

97. HUGHES AND COLEMAN, PLLC V. ANN CLARK CHAMBERS, ETC. [2015-SC-000435-DG](#) HARDIN  
**OPINION OF THE COURT BY JUSTICE WRIGHT – REVERSING**  
ALL SITTING. ALL CONCUR. **TO BE PUBLISHED**
- Questions Presented:**  
Attorney Fees. Discharged lawyer is entitled to receive, on a quantum meruit basis, a portion of a contingency fee on a former client’s recovery-so long as the termination was not “for cause.”
98. KENTUCKY STATE POLICE V. TERRY SCOTT, ET AL. [2016-SC-000303-DG](#) FRANKLIN  
**OPINION OF THE COURT BY JUSTICE VANMETER – REVERSING**  
ALL SITTING. ALL CONCUR. **TO BE PUBLISHED**
- Questions Presented:**  
Sovereign immunity. Facial vs. As-applied Constitutional Challenge to Exhaustion of Administrative Remedies Requirement. Application of Administrative Regulation. Failure of the Respondents to exhaust their administrative remedies barred their claims in circuit court against the KSP, where they challenged the constitutionality of the administrative regulation under which their claims were denied.
99. KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION V. NORMAN WILSON, ET AL. [2016-SC-000411-DG](#) JEFFERSON  
**OPINION OF THE COURT BY JUSTICE VENTERS – REVERSING**  
ALL SITTING. MINTON, C.J.; HUGHES, KELLER, AND VANMETER JJ., CONCUR. WRIGHT, J., DISSENTS BY SEPARATE OPINION IN WHICH CUNNINGHAM, J., JOINS. **TO BE PUBLISHED**
- Questions Presented:**  
Appeal of denial of benefits. Verification requirement. Substantial compliance. A verification statement signed by the person filing an appeal of a denial of benefits, but not notarized, is not “verified” within the meaning of KRS 341.450(1).

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

100. MARY E. MCCANN (INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED) V. THE SULLIVAN UNIVERSITY SYSTEM, INC., D/B/A SULLIVAN UNIVERSITY COLLEGE OF PHARMACY, ET AL. [2015-SC-000144-DG](#) JEFFERSON  
**TO BE PUBLISHED**
- Questions Presented:**  
Statutory interpretation. Class Action Certification. KRS 337.385 permits the bringing of claims by employees for wage and hour violations under Kentucky state law as a class action.
- OPINION OF THE COURT BY JUSTICE WRIGHT – REVERSING AND REMANDING**  
ALL SITTING. MINTON, C.J.; CUNNINGHAM, KELLER, AND VENTERS, JJ., CONCUR. HUGHES AND VANMETER, JJ., CONCUR IN RESULT ONLY.
101. PHILLIP EDMONDSON V. COMMONWEALTH OF KENTUCKY [2016-SC-000427-DG](#) UNION  
**TO BE PUBLISHED**
- Questions Presented:**  
First-Degree Sexual Abuse-6 years. Jury selection. Prosecutorial misconduct. Brother-in-law of the assistant Commonwealth Attorney should not have been permitted to sit on the jury.
- OPINION OF THE COURT BY JUSTICE CUNNINGHAM – REVERSING AND REMANDING**  
ALL SITTING. ALL CONCUR.
102. JEFFREY ROHRBACK V. COMMONWEALTH OF KENTUCKY [2015-SC-000696-MR](#) MASON  
**NOT TO BE PUBLISHED**
- MEMORANDUM OPINION OF THE COURT – AFFIRMING**  
ALL SITTING. ALL CONCUR.
103. SLATER FORE CONSULTING, INC. V. LESLIE B. RIFE, ET AL. [2016-SC-000131-WC](#) FROM COURT  
**NOT TO BE PUBLISHED** OF APPEALS
- MEMORANDUM OPINION OF THE COURT – AFFIRMING**  
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

- |      |  |   |                          |
|------|--|---|--------------------------|
| 104. | MICHAEL VAUGHAN V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>ALL SITTING. ALL CONCUR.  | <a href="#">2016-SC-000205-MR</a><br><b>NOT TO BE PUBLISHED</b> | KENTON                   |
| 105. | DENNIS SILLS V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>ALL SITTING. ALL CONCUR.   | <a href="#">2016-SC-000292-MR</a><br><b>NOT TO BE PUBLISHED</b> | CHRISTIAN                |
| 106. | AUSTIN POWDER COMPANY V.<br>BILLY KEITH STACY, ET AL.<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>ALL SITTING. ALL CONCUR.   | <a href="#">2016-SC-000347-WC</a><br><b>NOT TO BE PUBLISHED</b> | FROM COURT<br>OF APPEALS |
| 107. | BILL GRAY, JR. V.<br>JAMES RIVER COAL/BEECH<br>FORK MINE, ET AL.<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>ALL SITTING. ALL CONCUR.  | <a href="#">2016-SC-000349-WC</a><br><b>NOT TO BE PUBLISHED</b> | FROM COURT<br>OF APPEALS |
| 108. | BRIAN RAMSEY V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>ALL SITTING. ALL CONCUR.   | <a href="#">2016-SC-000413-MR</a><br><b>NOT TO BE PUBLISHED</b> | KENTON                   |
| 109. | TRIM MASTERS, INC. V.<br>EVA BETH ROBY, ET AL.<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>MINTON, C.J.; CUNNINGHAM, HUGHES,<br>KELLER, VENTERS AND WRIGHT, JJ.,<br>SITTING. ALL CONCUR. VANMETER, J.,<br>NOT SITTING. | <a href="#">2016-SC-000451-WC</a><br><b>NOT TO BE PUBLISHED</b> | FROM COURT<br>OF APPEALS |

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

110. KEITH JEROME STOVALL V. [2016-SC-000488-MR](#) JEFFERSON  
COMMONWEALTH OF KENTUCKY  
**MEMORANDUM OPINION OF  
THE COURT – AFFIRMING**  
ALL SITTING. ALL CONCUR.  
**NOT TO BE PUBLISHED**
111. KENNETH D. PARRISH, D.M.D, PH.D., [2016-SC-000582-MR](#) FROM COURT  
P.S.C., ET AL. V. **NOT TO BE PUBLISHED** OF APPEALS  
HON. ANN BAILEY SMITH, JUDGE,  
JEFFERSON CIRCUIT COURT,  
DIVISION 13, ET AL.  
**MEMORANDUM OPINION OF  
THE COURT – AFFIRMING**  
ALL SITTING. ALL CONCUR.
112. EMSL ANALYTICAL, INC. V. [2017-SC-000167-MR](#) FROM COURT  
HON. CRAIG Z. CLYMER, JUDGE, **NOT TO BE PUBLISHED** OF APPEALS  
MCCRACKEN CIRCUIT COURT,  
ET AL.  
**MEMORANDUM OPINION OF  
THE COURT – AFFIRMING**  
ALL SITTING. ALL CONCUR.
113. JAMAL NANCE V. [2016-SC-000027-MR](#) MCCRACKEN  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF  
THE COURT – AFFIRMING IN PART,  
REVERSING IN PART AND  
REMANDING**  
ALL SITTING. ALL CONCUR.
114. JOHNNY MARSHALL V. [2016-SC-000302-MR](#) OWSLEY  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF  
THE COURT – AFFIRMING IN PART  
AND REVERSING IN PART AND  
REMANDING**  
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

115. UNIVERSITY OF KENTUCKY,  
ET AL. V.  
BOBBYE CARPENTER, ET AL.  
**MEMORANDUM OPINION OF  
THE COURT – REVERSING**  
ALL SITTING. ALL CONCUR.

[2015-SC-000384-DG](#)  
**NOT TO BE PUBLISHED**

FAYETTE

**OPINION AND ORDERS – AUGUST 24, 2017**

BRYAN EDWARD BENNETT V.  
KENTUCKY BAR ASSOCIATION  
**ORDER OF PUBLIC REPRIMAND.**  
ALL SITTING. ALL CONCUR.

[2017-SC-000241-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

KENTUCKY BAR ASSOCIATION V.  
CARL WAYNE GIBSON  
**ORDER OF SUSPENSION FROM THE  
PRACTICE OF LAW FOR 30 DAYS.**  
ALL SITTING. ALL CONCUR.

[2017-SC-000247-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –  
AUGUST 16, 2017**

BIG SANDY COMPANY, LP V.  
EQT GATHERING, LLC, ET AL.  
**WRIGHT, J., NOT SITTING.**

2016-SC-000561-DG

PIKE

VANHOOK ENTERPRISES, INC. V.  
KAY & KAY CONTRACTING, LLC.  
**VENTERS, J., NOT SITTING.**

2016-SC-000666-DG

PULASKI

C. W. HOSKINS HEIRS, ETC. V.  
RUTH FARMER WELLS, ET AL.

2017-SC-000004-DG

LESLIE

DEPARTMENT OF REVENUE, ETC. V.  
MARK F. SOMMER, ET AL.  
**VANMETER, J., NOT SITTING.**

2017-SC-000071-DG

FRANKLIN

STEVEN M. JACOBI V.  
F. LARRY HOLBERT

2017-SC-000092-DG

HARDIN

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –  
AUGUST 16, 2017**

COMMONWEALTH OF KENTUCKY V. 2017-SC-000155-DG JEFFERSON  
B. H.

EQT PRODUCTION COMPANY V. 2017-SC-000161-DG PIKE  
DANNY POTTER, ET AL.

**AND**  
BLUE FLAME ENERGY CORPORATION V. 2017-SC-000164-DG PIKE  
DANNY POTTER, ET AL.  
**WRIGHT, J., NOT SITTING.**

DON HENSLEY V. 2017-SC-000189-DG GARRARD  
KEITH A. GADD, ET AL.

COREY M. JETER V. 2017-SC-000232-DG JEFFERSON  
COMMONWEALTH OF KENTUCKY

ROBERT SHELBY CAUDILL V. 2017-SC-000288-DG LETCHER  
COMMONWEALTH OF KENTUCKY  
**WRIGHT, J., NOT SITTING.**

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
AUGUST 16, 2017**

ROY EDWARD JACKSON, III V. 2016-SC-000452-D JEFFERSON  
COMMONWEALTH OF KENTUCKY

DONALD E. FLANIGAN V. 2016-SC-000475-D MCCRACKEN  
COMMONWEALTH OF KENTUCKY

GARY LEW MARTIN V. 2016-SC-000536-D HARDIN  
COMMONWEALTH OF KENTUCKY

JAMES D. HAMBLIN, ET AL. V. 2016-SC-000555-D CALLOWAY  
ANDY DAVENPORT, ET AL.

CHERYL ROBINSON, ET AL. V. 2016-SC-000563-D JEFFERSON  
BLUE VELVET EXCHANGE, LLC.

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
AUGUST 16, 2017**

BERLING CONTRUCTION COMPANY, ETC. V. RAYMOND SCHLAGEL, ET AL.	2016-SC-000566-D	BOONE
AARON ALLEN V. COMMONWEALTH OF KENTUCKY	2016-SC-000596-D	KENTON
AMANDA FOLEY V. COMMONWEALTH OF KENTUCKY <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2016-SC-000599-D	FAYETTE
DONNIE R. STEPHENS V. COMMONWEALTH OF KENTUCKY	2016-SC-000618-D	RUSSELL
LA-Z-BOY LOGISTICS, INC., ET AL. V. COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b> WRIGHT, J., NOT SITTING.	2016-SC-000648-D	MCCREARY
MELISSA GOINS V. KRISTINE LAFOE, ETC., ET AL. <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2016-SC-000653-D	FAYETTE
BOBBY MOORE, ETC., ET AL. V. CITY OF PADUCAH, KY <b>VANMETER, J., NOT SITTING.</b>	2016-SC-000659-D	MCCRACKEN
J.C., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY <b>VANMETER, J., NOT SITTING.</b>	2016-SC-000688-D	KENTON
LOUIS THOMAS V. KIMBERLY THOMAS <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b> VANMETER, J., NOT SITTING.	2016-SC-000690-D	HARDIN

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
AUGUST 16, 2017**

DAVID DEARBORN, ET AL. V. CITY OF FRANKFORT <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2017-SC-000016-D	FRANKLIN
BECKY RICHARDSON V. TONYA QUEEN, ET AL. <b>CUNNINGHAM AND KELLER, JJ., WOULD GRANT. VANMETER, J., NOT SITTING.</b>	2017-SC-000094-D	JESSAMINE
ANDIS WITHERSPOON V. STEVE HANEY, WARDEN, ET AL.	2017-SC-000120-D	FAYETTE
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT V. TOMMY PUCKETT, ET AL.	2017-SC-000121-D	FAYETTE
PAUL V. BROOKS, ET AL. V. J.P. MORGAN CHASE BANK, N.A. <b>VANMETER, J., NOT SITTING.</b>	2017-SC-000125-D	FAYETTE
TYRONE MARSHALL V. COMMONWEALTH OF KENTUCKY	2017-SC-000130-D	OLDHAM
CARLOS FAULKNER V. COMMONWEALTH OF KENTUCKY	2017-SC-000131-D	KENTON
QUAYNELL KING V. COMMONWEALTH OF KENTUCKY	2017-SC-000134-D	FAYETTE
SHIRLEY PUCKETT V. FRED PUCKETT	2017-SC-000143-D	JEFFERSON
VICTORY COMMUNITY BANK V. LIONEL SOCOL <b>VANMETER, J., NOT SITTING.</b>	2017-SC-000159-D	KENTON
GREGORY COBHAM V. PAMELA COBHAM	2017-SC-000163-D	SCOTT

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
AUGUST 16, 2017**

STANLEY M. CHESLEY V. MILDRED ABBOTT, ET AL.	2017-SC-000165-D	BOONE
EDWARD H. FLINT V. GANNETT CO., INC. <b>CUNNINGHAM, KELLER, VANMETER, VENTERS AND WRIGHT, JJ., AND NORMAN E. HARNED AND JOHN S. REED, SPECIAL JUSTICES, SITTING.</b>	2017-SC-000168-D	JEFFERSON
FREELAND RILEY V. COMMONWEALTH OF KENTUCKY	2017-SC-000172-D	MCCRACKEN
DAVID MIKE V. KENTUCKY DEPARTMENT OF EDUCATION, ET AL.	2017-SC-000173-D	JEFFERSON
JEREMY CAVINS V. COMMONWEALTH OF KENTUCKY	2017-SC-000175-D	JACKSON
GLORIA M. LEWIS V. TIMOTHY BIGGS	2017-SC-000176-D	CLAY
ALBERT W. STALKER, ET AL. V. STEVEN MEANS, ET AL. <b>VANMETER, J., NOT SITTING.</b>	2017-SC-000178-D	CHRISTIAN
SHARON A. FIREBAUGH, ET AL. V. ELORIE RISNER	2017-SC-000185-D	MAGOFFIN
OVWD, INC., ETC. V. DEPARTMENT OF REVENUE, ETC.	2017-SC-000194-D	BOYD
PATRICIA RAGLAND MCGHEE, ET AL. V. COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, ETC. <b>WRIGHT, J., NOT SITTING.</b>	2017-SC-000195-D	HARDIN
DEER RUN ESTATES, LLC V. MICHAEL INMAN, ET AL.	2017-SC-000198-D	MERCER

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
AUGUST 16, 2017**

CHASSIDY G. LEACH V. COMMONWEALTH OF KENTUCKY	2017-SC-000207-D	CAMPBELL
BILL SAALWAECHTER V. THOMAS A. CARROLL, P.S.C., ET AL.	2017-SC-000211-D	DAVISS
RONNY D. WALKER V. COMMONWEALTH OF KENTUCKY	2017-SC-000219-D	JEFFERSON
A. M. S. V. CABINET FOR HEALTH AND FAMILY SERVICES, ETC.	2017-SC-000222-DE	TODD
K. C. V. CABINET FOR HEALTH AND FAMILY SERVICES, ET AL.	2017-SC-000224-DE	ROCKCASTLE
COMMONWEALTH OF KENTUCKY V. LAYW THOMAS <b>VENTERS, J., WOULD GRANT. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2017-SC-000231-D	CHRISTIAN
JAMES D. CLAXON V. COMMONWEALTH OF KENTUCKY	2017-SC-000236-D	CARTER
JOHN PRICE V. COMMONWEALTH OF KENTUCKY	2017-SC-000262-D	HOPKINS
DONALD REDD V. COMMONWEALTH OF KENTUCKY	2017-SC-000267-D	CAMPBELL

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
AUGUST 17, 2017**

SHERRY MCCOY V. FAMILY DOLLAR STORE OF KENTUCKY, LTD, ET AL.	2017-SC-000059-D	MARTIN
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**SUPREME COURT OF KENTUCKY**

**AUGUST 24, 2017 MINUTES**

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

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE  
MOTION FOR DISCRETIONARY REVIEW – AUGUST 18, 2017**

SHAWN STINSON V. 2017-SC-000280-D FAYETTE  
R.W. (RICK) ROWLETTE, WARDEN  
BLACKBURN CORRECTIONAL COMPLEX,  
ET AL.  
**VENTERS, WRIGHT, CUNNINGHAM, AND  
HUGHES, JJ., SITTING. ALL CONCUR.**

JOYCE LANE V. 2017-SC-000372-D JEFFERSON  
THOMAS G. GRADY, ET AL.  
**VENTERS, WRIGHT, CUNNINGHAM, AND  
HUGHES, JJ., SITTING. ALL CONCUR.**

**COURT ORDER DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE  
MOTION FOR DISCRETIONARY REVIEW – AUGUST 21, 2017**

ADKINS PLAINTIFFS V. 2017-SC-000320-D PIKE  
ROBERT GREGORY STAPLETON, ET AL.  
**MINTON, C.J.; AND VENTERS, CUNNINGHAM,  
AND HUGHES, JJ., SITTING. ALL CONCUR.  
WRIGHT, J., NOT SITTING.**

**COURT ORDERS GRANTING MOTION TO TRANSFER**

DARYL WAYNE LIGGETT V. 2017-SC-000300-TG KENTON  
COMMONWEALTH OF KENTUCKY  
**ENTERED: JULY 26, 2017**

ROBERT W. MCKINNEY V. 2017-SC-000359-TG JEFFERSON  
COMMONWEALTH OF KENTUCKY  
**ENTERED: JULY 28, 2017**

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING PETITION FOR REHEARING – AUGUST 24, 2017**

FLOYD LAWRENCE PATTON, ETC. V. [2013-SC-000560-DG](#) FLOYD  
DAVIDA BICKFORD, ET AL. **TO BE PUBLISHED**

**ORDER DENIED APPELLANT'S PETITION FOR REHEARING AND MODIFIED THE OPINION OF THIS COURT RENDERED MARCH 17, 2016, BY SUBSTITUTION OF THIS OPINION IN LIEU OF THE ORIGINAL OPINION.**

MINTON, C.J.; HUGHES, KELLER, VENTERS, AND WRIGHT, JJ., CONCUR. CUNNINGHAM, CONCURS IN RESULT ONLY BY SEPARATE OPINION. VANMETER, J., NOT SITTING.

COMMONWEALTH OF KENTUCKY V. [2014-SC-000558-DG](#) JEFFERSON  
TERRANCE MILES **NOT TO BE PUBLISHED**

**AND**

TERRANCE MILES V. [2015-SC-000321-DG](#) JEFFERSON  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**

**ORDER DENIED APPELLEE/CROSS-APPELLANT'S PETITION FOR MODIFICATION AND MODIFIED THE OPINION OF THIS COURT RENDERED MARCH 23, 2017, BY SUBSTITUTION OF THIS OPINION IN LIEU OF THE ORIGINAL OPINION.**  
ALL SITTING. ALL CONCUR.

TERESA GRUBB, ET AL. V. [2014-SC-000641-DG](#) CLAY  
ROXANNE SMITH, ET AL. **TO BE PUBLISHED**

**ORDER DENIED APPELLANTS' PETITION FOR REHEARING AND MODIFIED THE OPINION OF THIS COURT RENDERED MARCH 23, 2017, BY SUBSTITUTION OF THIS OPINION IN LIEU OF THE ORIGINAL OPINION.**

MINTON, C.J.; CUNNINGHAM, HUGHES, KELLER, VENTERS, AND WRIGHT, JJ., SITTING. ALL CONCUR. VANMETER, J., NOT SITTING.

DARRELL BRYAN V. 2015-SC-000467-MR JEFFERSON  
COMMONWEALTH OF KENTUCKY  
**ALL SITTING. ALL CONCUR.**

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING PETITION FOR REHEARING – AUGUST 24, 2017**

COMMONWEALTH OF KENTUCKY V. WILLIAM FUGATE <b>ORDER DENIED APPELLEE'S PETITION FOR REHEARING AND MODIFIED THE OPINION OF THIS COURT RENDERED APRIL 27, 2017, BY SUBSTITUTION OF THIS OPINION IN LIEU OF THE ORIGINAL OPINION.</b> ALL SITTING. ALL CONCUR.	2016-SC-000597-DG	KENTON
JUSTIN D. WIBBELS V. COMMONWEALTH OF KENTUCKY <b>ALL SITTING. ALL CONCUR.</b>	2016-SC-000103-MR	LAUREL
WILLIAM ROBERT RIGDON V. COMMONWEALTH OF KENTUCKY <b>ALL SITTING. ALL CONCUR.</b>	2015-SC-000689-MR	WARREN
DURRAND EDWARD MURRELL V. DON BOTTOM (WARDEN, NORTHPOINT TRAINING CENTER) <b>ALL SITTING. ALL CONCUR.</b>	2016-SC-000076-DG	BOYLE
TIMOTHY M. GOLDEN V. COMMONWEALTH OF KENTUCKY <b>ALL SITTING. ALL CONCUR.</b>	2016-SC-000179-MR	KENTON
DAVID ALBERT SOLOWAY V. COMMONWEALTH OF KENTUCKY <b>ALL SITTING. ALL CONCUR.</b>	2016-SC-000290-MR	CAMPBELL
SIMEON MCKINNIE V. COMMONWEALTH OF KENTUCKY <b>ALL SITTING. ALL CONCUR.</b>	2016-SC-000348-MR	KENTON
WAYNE MICHAEL PUTNAM, ET AL. V. HON. ERNESTO SCORSONE, JUDGE, FAYETTE CIRCUIT COURT, ET AL. <b>ALL SITTING. ALL CONCUR.</b>	2016-SC-000369-MR	FROM COURT OF APPEALS

SUPREME COURT OF KENTUCKY

AUGUST 24, 2017 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DISMISSING**

DAVID WAYNE DOOLEY V. COMMONWEALTH OF KENTUCKY <b>VENTERS, WRIGHT, CUNNINGHAM, AND HUGHES, JJ., SITTING. ALL CONCUR.</b> ENTERED: AUGUST 18, 2017	2015-SC-000017-MR	BOONE
KINDRED NURSING CENTERS LIMITED PARTNERSHIP, ETC., ET AL. V. JANIS E. CLARK, ETC. <b>ALL SITTING. ALL CONCUR.</b> ENTERED: AUGUST 15, 2017	2013-SC-000430-I	CLARK
KINDRED NURSING CENTERS LIMITED PARTNERSHIP, ETC., ET AL. V. BILL LEE KLECKNER, ETC. <b>VENTERS, WRIGHT, CUNNINGHAM, AND HUGHES, JJ., SITTING. ALL CONCUR.</b> ENTERED: AUGUST 18, 2017	2016-SC-000382-D	BOYLE
KINDRED HEALTHCARE, INC., ET AL. V. CYNTHIA HORTON, ETC. <b>VENTERS, WRIGHT, CUNNINGHAM, AND HUGHES, JJ., SITTING. ALL CONCUR.</b> ENTERED: AUGUST 18, 2017	2016-SC-000565-D	DAVIESS
DR. JASON DESKINS V. HON. MICHAEL DEAN, JUDGE, ESTILL CIRCUIT COURT, ET AL. <b>VENTERS, WRIGHT, CUNNINGHAM, AND HUGHES, JJ., SITTING. ALL CONCUR.</b> ENTERED: AUGUST 18, 2017	2016-SC-000603-MR	ESTILL
JAMES UNDERWOOD V. PELLA WINDOWS DEPE PLLC, ET AL. <b>VENTERS, WRIGHT, CUNNINGHAM, AND HUGHES, JJ., SITTING. ALL CONCUR.</b> ENTERED: AUGUST 18, 2017	2017-SC-000193-WC	FROM COURT OF APPEALS

**SUPREME COURT OF KENTUCKY**

**AUGUST 24, 2017 MINUTES**

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

**COURT ORDERS DISMISSING**

CHARLES DENTON V. 2017-SC-000305-D JEFFERSON  
COMMONWEALTH OF KENTUCKY  
**VENTERS, WRIGHT, CUNNINGHAM, AND  
HUGHES, JJ., SITTING. ALL CONCUR.**  
ENTERED: AUGUST 18, 2017

R.W. V. 2017-SC-000328-DE JEFFERSON  
CABINET FOR HEALTH AND FAMILY  
SERIVCES, ET AL.  
**ENTERED: JULY 26, 2017**

**COURT ORDERS**

DENNIS CHAMPION V. [2015-SC-000570-DG](#) FAYETTE  
COMMONWEALTH OF KENTUCKY  
**ORDER CORRECTED THE OPINION OF THE  
COURT BY CHIEF JUSTICE MINTON  
RENDERED FEBRUARY 16, 2017, BY  
SUBSTITUTION OF THIS OPINION IN LIEU OF  
THE ORIGINAL OPINION.**  
ENTERED: JUNE 23, 2017  
**TO BE PUBLISHED**

LOGAN HICKEY V. 2017-SC-000135-CL FEDERAL  
GENERAL ELECTRIC COMPANY  
**ORDER GRANTED MOTION TO CERTIFY  
THE LAW.**  
ENTERED: AUGUST 17, 2017

COMMONWEALTH OF KENTUCKY V. 2017-SC-000166-CL FAYETTE  
HON. JULIE MUTH GOODMAN, JUDGE,  
FAYETTE DISTRICT COURT, ET AL.  
**ORDER DENIED MOTION FOR CERTIFICATION  
OF LAW.**  
MINTON, C.J.; HUGHES, KELLER, VANMETER,  
VENTERS AND WRIGHT, JJ., CONCUR.  
CUNNINGHAM, J. DISSENTS WITHOUT OPINION.  
**ENTERED: AUGUST 24, 2017**

**SUPREME COURT OF KENTUCKY**

**AUGUST 24, 2017 MINUTES**

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

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

<b>CHARLES R. KEETON V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 28, 2017</b>	<b>2017-SC-000307-KB</b>	<b>IN SUPREME COURT</b>
<b>JACK GAUGHF BROWN V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 28, 2017</b>	<b>2017-SC-000308-KB</b>	<b>IN SUPREME COURT</b>
<b>LISA ESTHER HOLLANDER V. KENTUCKY BAR ASSOCIATION ENTERED: JUNE 28, 2017</b>	<b>2017-SC-000309-KB</b>	<b>IN SUPREME COURT</b>
<b>VIRGINIA CAROLINE JORDAN V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 5, 2017</b>	<b>2017-SC-000315-KB</b>	<b>IN SUPREME COURT</b>
<b>MICHAEL R. RAMAGE V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 5, 2017</b>	<b>2017-SC-000316-KB</b>	<b>IN SUPREME COURT</b>
<b>ANNA MARIE SEWELL V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 5, 2017</b>	<b>2017-SC-000317-KB</b>	<b>IN SUPREME COURT</b>
<b>MICHAEL GEORGE BRAUTIGAM V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 5, 2017</b>	<b>2017-SC-000318-KB</b>	<b>IN SUPREME COURT</b>
<b>LYNDA CAMPBELL V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 6, 2017</b>	<b>2017-SC-000324-KB</b>	<b>IN SUPREME COURT</b>
<b>THOMAS WILLIAM KEEFE V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 13, 2017</b>	<b>2017-SC-000335-KB</b>	<b>IN SUPREME COURT</b>
<b>MATTHEW VICTOR BRAMMER V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 13, 2017</b>	<b>2017-SC-000339-KB</b>	<b>IN SUPREME COURT</b>

**SUPREME COURT OF KENTUCKY**

**AUGUST 24, 2017 MINUTES**

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

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

LEWIS CHARLES CRAWFORD V. KENTUCKY BAR ASSOCIATION <b>ENTERED: JULY 13, 2017</b>	2017-SC-000341-KB	IN SUPREME COURT
JEROME JANSON GROGAN V. KENTUCKY BAR ASSOCIATION <b>ENTERED: JULY 13, 2017</b>	2017-SC-000342-KB	IN SUPREME COURT
AMY STEPHENS YORK V. KENTUCKY BAR ASSOCIATION <b>ENTERED: JULY 18, 2017</b>	2017-SC-000346-KB	IN SUPREME COURT
DAVID BRUCE CADDELL V. KENTUCKY BAR ASSOCIATION <b>ENTERED: JULY 18, 2017</b>	2017-SC-000347-KB	IN SUPREME COURT
CORTNEY SCOTT ALEXANDER V. KENTUCKY BAR ASSOCIATION <b>ENTERED: JULY 21, 2017</b>	2017-SC-000354-KB	IN SUPREME COURT
MICHAEL MACKAGER YORK V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 4, 2017</b>	2017-SC-000370-KB	IN SUPREME COURT
KRISTINA M. COEN V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 4, 2017</b>	2017-SC-000371-KB	IN SUPREME COURT
LEE LEWIS BISHOP V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 11, 2017</b>	2017-SC-000391-KB	IN SUPREME COURT
PAULA JO SHIVES V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 11, 2017</b>	2017-SC-000392-KB	IN SUPREME COURT
GLENN RICHARD LOCHNER V. KENTUCKY BAR ASSOCIATION <b>ENTERED: AUGUST 11, 2017</b>	2017-SC-000393-KB	IN SUPREME COURT

**SUPREME COURT OF KENTUCKY**

**AUGUST 24, 2017 MINUTES**

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

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

**PAMELA W. POPP V.  
KENTUCKY BAR ASSOCIATION  
ENTERED: AUGUST 11, 2017**

**2017-SC-000394-KB**

**IN SUPREME  
COURT**