

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

113. PRESBYTERIAN CHURCH (U.S.A.) V. [2016-SC-000699-MR](#) FROM COURT
HON. BRIAN C. EDWARDS, JUDGE, **TO BE PUBLISHED** OF APPEALS
JEFFERSON CIRCUIT COURT, ET AL.

**OPINION OF THE COURT BY
JUSTICE WRIGHT –**

AFFIRMING

ALL SITTING. MINTON, C.J.; HUGHES,
AND KELLER, JJ., CONCUR.
VENTERS, J., DISSENTS BY
SEPARATE OPINION WHICH
CUNNINGHAM AND VANMETER, JJ.,
JOIN.

Questions Presented:

CR 65.09. Petition for Writ of Prohibition.
Discovery. Discovery limited to that which
was necessary to determine whether the
church was entitled to ecclesiastical
immunity.

114. ACTIVE CARE CHIROPRACTIC,
INC. V. [2017-SC-000377-WC](#) FROM COURT
TO BE PUBLISHED OF APPEALS

KATHERINE RUDD, ET AL.
**OPINION OF THE COURT BY
JUSTICE VANMETER –**

AFFIRMING

ALL SITTING. CUNNINGHAM, HUGHES,
KELLER, VANMETER, VENTERS, AND
WRIGHT, JJ., CONCUR. MINTON, C.J.
DISSENTED WITH OPINION.

Questions Presented:

Workers Compensation. The two-
multiplier under KRS 342.730(1)(c)(2)
applies to a claimant's benefits when that
claimant returns to work and later retires
for reasons not solely related to the work-
related injury itself.

115. DAYMOND L. MALONE V. [2017-SC-000593-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**

**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –**

AFFIRMING

ALL SITTING. ALL CONCUR.

Questions Presented:

Kidnapping with serious physical injury,
assault under extreme emotional disturbance,
first-degree fleeing and evading, second-
degree fleeing or evading, and no operator's
license-70 years. Instruction on the crime of
kidnapping with serious physical injury was
proper where the stabbing of the victim that
took place before the kidnapping intimidated
the victim into staying put.

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

116. GEOFFREY T. GRIMES V. [2018-SC-000271-I](#) FAYETTE
GHSW ENTERPRISES, LLC
OPINION OF THE COURT BY
JUSTICE VENTERS–
AFFIRMING
ALL SITTING. ALL CONCUR.

TO BE PUBLISHED

Questions Presented:

CR 65.09. Interlocutory Relief to Compel Arbitration. In absence of affirmative language expressly agreeing to a limitation of that right, parties to an arbitration agreement may seek pre-arbitration injunctive relief pursuant to our rules of civil procedure.

117. NORTHERN KENTUCKY AREA
DEVELOPMENT DISTRICT V.
DANIELLE SNYDER
OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
AFFIRMING AND REMANDING
MINTON, C.J.; CUNNINGHAM,
HUGHES, KELLER, VENTERS, AND
WRIGHT, JJ., SITTING. ALL CONCUR.
VANMETER, J., NOT SITTING.

[2017-SC-000277-DG](#)
TO BE PUBLISHED

BOONE

Questions Presented:

Employment Relations. Contracts. Arbitration. Arbitration agreement entered as a condition of employment with a public agency is unenforceable as a matter of state statutory law. KRS 336.700(2).

118. CABINET FOR HEALTH AND FAMILY
SERVICES, COMMONWEALTH OF
KENTUCKY ON BEHALF OF THE
MINOR CHILD C.R. V.
C.B.
OPINION OF THE COURT BY
JUSTICE KELLER –
REVERSING
ALL SITTING. ALL CONCUR.

[2018-SC-000092-DGE](#)
TO BE PUBLISHED

CLARK

Questions Presented:

KRS 600.020(1). Dependency, Neglect and Abuse. Custodial Control or Supervision. Parent, who is a drug addict and was periodically not compliant with his case plan with the Cabinet, not required to have custody of the child to be guilty of neglect.

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

119. SAMEENA AZMAT, ETC. V. [2016-SC-000560-DG](#) HARDIN
GEORGE W. BAUER, M.D., III, ET AL. **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE KELLER –
REVERSING AND REMANDING
ALL SITTING. ALL CONCUR.
- Questions Presented:**
Disabled Minors. Personal Injury. Trial court erred in permitting disabled child’s attorney to withdraw from a personal injury action without sufficient inquiry and in directing the injured child’s non-attorney parent to appear pro se on behalf of the child.
120. COMMONWEALTH OF KENTUCKY V. [2017-SC-000602-DG](#) KENTON
TERRANCE ARMSTRONG **TO BE PUBLISHED**
OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
REVERSING AND REMANDING
ALL SITTING. ALL CONCUR.
- Questions Presented:**
Criminal Law. Evidence. Interplay between KRE 609 and KRE 611 in an assault prosecution.
121. LAURA FAYE SMITH V. [2017-SC-000395-DGE](#) JEFFERSON
JIMMY HOWARD MCGILL, JR. **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE WRIGHT –
REVERSING AND REINSTATING
ALL SITTING. ALL CONCUR.
- Questions Presented:**
Family Law. KRS 403.220. Attorney Fees. Statute does not require a finding of financial imbalance between the parties before the family court may award attorney fees based upon obstructive tactics or conduct of a party.
122. WILLIAM TRUSS V. [2016-SC-000337-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE WRIGHT –
REVERSING, VACATING, AND
REMANDING
ALL SITTING. ALL CONCUR.
- Questions Presented:**
2 counts of Murder-Life without possibility of parole for 25 years. Trial court improperly conducted voir dire when the defendant was ill and unable to be present in court. Trial court had a substantial basis to conclude that the defendant’s use of force was unlawful and to deny immunity pursuant to KRS 503.085(1).

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

123. COMMONWEALTH OF KENTUCKY, [2016-SC-000529-DG](#) HARLAN
CABINET FOR HEALTH AND
FAMILY SERVICES, ETC. **V.**
LETTIE SEXTON, ETC., ET AL. **TO BE PUBLISHED**
- AND**
- COVENTRY HEALTH AND LIFE [2016-SC-000534-DG](#) HARLAN
INSURANCE, ETC. **V.** **TO BE PUBLISHED**
LETTIE SEXTON, ETC., ET AL.
- AND**
- LETTIE SEXTON, ETC., ET AL. **V.** [2016-SC-000540-DG](#) HARLAN
COMMONWEALTH OF KENTUCKY, **TO BE PUBLISHED**
CABINET FOR HEALTH AND
FAMILY SERVICES, ETC.
- AND**
- COVENTRY HEALTH AND LIFE [2017-SC-000095-DG](#) HARLAN
INSURANCE **V.** **TO BE PUBLISHED**
LETTIE SEXTON, ETC., ET AL.
- OPINION OF THE COURT BY**
CHIEF JUSTICE MINTON –
REVERSING, VACATING AND
REMANDING
ALL SITTING. MINTON, C.J.;
CUNNINGHAM, HUGHES, KELLER,
VANMETER AND VENTERS, JJ.,
CONCUR. WRIGHT, J., DISSENTS
BY SEPARATE OPINION.

Questions Presented:
Medicaid. Denial of benefits. Interlocutory Appeals. Constitutional Standing. A beneficiary has no constitutional standing to bring an interlocutory appeal of an insurer's denial of a hospital's request for preauthorization of medical services.

124. JAMES LANG **V.** [2017-SC-000286-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
- OPINION OF THE COURT BY**
CHIEF JUSTICE MINTON –
REVERSING, VACATING, AND
REMANDING
ALL SITTING. MINTON, C.J.;
CUNNINGHAM, HUGHES, AND,
VENTERS, JJ., CONCUR. VANMETER,
J., DISSENTS BY SEPARATE
OPINION IN WHICH KELLER AND
WRIGHT, JJ., JOIN.

Questions Presented:
First-degree Robbery and PFO 1 -30 years. No violation of the right to a speedy trial. Under the facts of this case, a directed verdict on the first-degree robbery charge should have been granted. Upon retrial, further review of defendant's request to make his own opening statement and closing argument is merited.

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

- | | | | |
|------|--|---|----------------------------|
| 125. | JAMES A. CAMPBELL V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2017-SC-000063-MR
NOT TO BE PUBLISHED | BULLITT |
| 126. | WILLIAM TRENT V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2017-SC-000186-MR
NOT TO BE PUBLISHED | HENDERSON |
| 127. | BASS WEBB V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
MINTON, C.J.; HUGHES, KELLER,
VANMETER, VENTERS, AND WRIGHT,
JJ., CONCUR. CUNNINGHAM, J., NOT
SITTING. | 2017-SC-000327-MR
NOT TO BE PUBLISHED | MONTGOMERY |
| 128. | KEITH MONROE OWENS, JR. V.
COMMONWEALTH OF KENTUCKY
AND
KEITH MONROE OWENS, JR. V.
HON. MITCH PERRY, JUDGE,
JEFFERSON CIRCUIT COURT, ET AL.
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2017-SC-000381-MR
2017-SC-000445-MR

2017-SC-000399-MR
NOT TO BE PUBLISHED | JEFFERSON

JEFFERSON |
| 129. | JAMES CARL RENN, SR. V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2017-SC-000543-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 130. | CHRISTOPHER HILL V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2017-SC-000562-MR
NOT TO BE PUBLISHED | KENTON |

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

131. BRIAN STROZZO V. [2018-SC-00119-WC](#) FROM COURT
CESA CONTRACTORS, ET AL. **NOT TO BE PUBLISHED** OF APPEALS
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.
132. RAYMOND KYLE WEATHERLY V. [2017-SC-000522-MR](#) FULTON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART
AND VACATING IN PART**
ALL SITTING. ALL CONCUR.

OPINION AND ORDER – SEPTEMBER 19, 2018

LEWIS FRANCIS MOFFETT V. 2017-SC-000182-DG DAVIESS
COMMONWEALTH OF KENTUCKY
**ORDER GRANTED DISCRETIONARY REVIEW.
THE COURT OF APPEALS DECISION IS
VACATED AND THE CASE IS REMANDED TO
THE COURT OF APPEALS FOR FURTHER
CONSIDERATION IN LIGHT OF THIS COURT’S
RECENT DECISION IN MOBERLY V.
COMMONWEALTH, 551 S.W.3D 26 (KY. 2018);
COMMONWEALTH V. SMITH, 542 S.W.3D 276
(KY. 2018); AND COMMONWEALTH V. LANE,
2016-SC-000655-DG, 2018 WL 3912868 (KY.
AUG. 16, 2018).**
ALL SITTING. ALL CONCUR.

OPINION AND ORDERS – SEPTEMBER 27, 2018

KENTUCKY BAR ASSOCIATION V. [2017-SC-000650-KB](#) IN SUPREME
CHRISTINA ROSE EDMONDSON **TO BE PUBLISHED** COURT
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 2 YEARS TO RUN
CONSECUTIVELY TO PREVIOUS SUSPENSION.**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

OPINION AND ORDERS – SEPTEMBER 27, 2018

KENTUCKY BAR ASSOCIATION V.
MATTHEW RYAN MALONE
ORDER OF PUBLIC REPRIMAND.
ALL SITTING. ALL CONCUR.

[2018-SC-000246-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
ROBERT GOOD LOHMAN, III
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 1 YEAR. TO RUN
CONCURRENTLY WITH HIS SUSPENSION
IN ILLINOIS.**
ALL SITTING. ALL CONCUR.

[2018-SC-000334-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
SEPTEMBER 19, 2018**

VERRALAB JA LLC, A/K/A VLJA LLC, D/B/A
BIOTAP MEDICAL V.
DR. SENAD CEMERLIC, ET AL.

2017-SC-000675-DG

JEFFERSON

DARRYL ISAACS, ET AL. V.
SENTINEL INSURANCE COMPANY LIMITED
D/B/A THE HARTFORD

2018-SC-000078-DG

JEFFERSON

NISHA WEST, AS ADMINISTRATRIX OF THE
ESTATE OF RANDALL BRIDGEMAN, ET AL. V.
WOODMEN OF THE WORLD LIFE INSURANCE
SOCIETY

2018-SC-000138-DG

WAYNE

ANGELA MAGGARD, M.D. V.
BRUCE KINNEY, M.D.

2018-SC-000153-DG

FLOYD

LUIS J. GONZALEZ, II, ADMINISTRATOR OF
THE ESTATE OF LUIS J. GONZALEZ V.
JEREMY JOHNSON, IN HIS OFFICIAL CAPACITY
AS SCOTT COUNTY DEPUTY SHERIFF, ET AL.

2018-SC-000224-DG

FAYETTE

GARY D. WARICK V.
COMMONWEALTH OF KENTUCKY

2018-SC-000229-DG

FLOYD/
JOHNSON

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
SEPTEMBER 19, 2018**

DEBRA MARSHALL V. MONTAPLAST OF NORTH AMERICA, INC.	2018-SC-000260-DG	FRANKLIN
RICHARD D. FLOYD, IV, M.D. ET AL. V. CHARLOTTE A. NEAL, ET AL.	2018-SC-000277-DG	FAYETTE
RICK BENNINGFIELD, IN HIS OFFICIAL CAPACITY AS TAYLOR COUNTY JAILER, ET AL. V. JERRY FIELDS	2018-SC-000292-DG	TAYLOR
ANGELA JACKSON, ET AL. V. ESTATE OF GARY DAY, ET AL.	2018-SC-000297-DG	JEFFERSON
DAVID MORTON, ET AL. V. BRUCE TIPTON	2018-SC-000390-DGE	MONTGOMERY

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
SEPTEMBER 19, 2018**

WILLIAM THOMPSON, ET AL. V. LAKE CUMBERLAND RESORT COMMUNITY ASSOCIATION, INC., ET AL.	2017-SC-000626-D	PULASKI
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT V. WILLIAM WILCOX	2017-SC-000639-D	JEFFERSON
JACKIE LAMONT NEAL V. COMMONWEALTH OF KENTUCKY	2017-SC-000646-D	JEFFERSON
KAY JEAN SNODGRASS V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2017-SC-000660-D	KENTON

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
SEPTEMBER 19, 2018**

COMMONWEALTH OF KENTUCKY V. LARRY MORRISON CUNNINGHAM AND VANMETER, JJ., WOULD GRANT.	2017-SC-000662-D	MCCRACKEN
JIM ALLEN V. COMMONWEALTH OF KENTUCKY	2017-SC-000666-D	HARDIN
LAURA FULKERSON V. WADE LEWIS	2018-SC-000012-D	OLDHAM
THOMAS BYRD LAWHON, JR. V. TERRILL DELAINE MCNULTY	2018-SC-000033-D	MADISON
POCAHONTAS DEVELOPMENT CORPORATION V. DANIEL B. BLANTON, ET AL.	2018-SC-000096-D	HARLAN
BARDSTOWN CAPITAL CORPORATION V. NATIONSTAR MORTGAGE, LLC, ET AL.	2018-SC-000112-D	JEFFERSON
COUNTY OF BUTLER V. CITY OF MORGANTOWN, ET AL.	2018-SC-000121-D	BUTLER
JAMES CARR POTTER, II V. COMMONWEALTH OF KENTUCKY	2018-SC-000127-D	MCCRACKEN
JEFFREY TODD PEARCE V. UNIVERSITY OF LOUISVILLE	2018-SC-000141-D	JEFFERSON
MICHAEL PREWITT V. DANNY PREWITT, ET AL.	2018-SC-000170-D	KNOX
TRAVIS LEE ORTEN V. COMMONWEALTH OF KENTUCKY	2018-SC-000182-D	CHRISTIAN
GREGORY POWER V. DEPARTMENT OF CORRECTIONS	2018-SC-000195-D	FRANKLIN

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
SEPTEMBER 19, 2018**

JANET FRALEY V. PHILLIP ZAMBOS, M.D.	2018-SC-000210-D	FLOYD
STEPHON SLONE V. COMMONWEALTH OF KENTUCKY	2018-SC-000211-D	PERRY
ROBERT RAGLE V. SHON WYLIE KELLER, J., WOULD GRANT.	2018-SC-000214-D	FAYETTE
ERIC DYE V. COMMONWEALTH OF KENTUCKY	2018-SC-000227-D	WARREN
COMMONWEALTH OF KENTUCKY V. WILLIAM SCOTT ALBRIGHT THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2018-SC-000228-D	JEFFERSON
PAUL KORDENBROCK V. KENTUCKY DEPARTMENT OF CORRECTIONS, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2018-SC-000231-D	LYON
ELLEN MCCLINTIC, ET AL. V. KENTUCKY ENERGY WORKERS HEALTHCARE, LLC, ET AL.	2018-SC-000242-D	FRANKLIN
CHRISTINE TAYLOR V. ROBERT TAYLOR	2018-SC-000243-D	LAUREL
COMMONWEALTH OF KENTUCKY V. RONNIE WHALEY VANMETER, J., WOULD GRANT.	2018-SC-000258-D	CHRISTIAN
JAD FARHAT IRREVOCABLE GSTT TRUST #1 V. TTM GROUP, LLC., ET AL.	2018-SC-000266-D	FAYETTE

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
SEPTEMBER 19, 2018**

CHEROKEE TRIANGLE ASSOCIATION, INC., 2018-SC-000275-D JEFFERSON
ET AL. **V.**
WILLOW GRANDE, LLC., ET AL.

IRMA LITTLE **V.** 2018-SC-000278-D BREATHITT
LARRY HAMMOND, IN HIS OFFICAL CAPACITY
AS STATE MANAGER OF THE BREATHITT
COUNTY SCHOOLS, ET AL.
**THE OPINION OF THE COURT OF APPEALS
IS ORDERED NOT TO BE PUBLISHED.**

RONA ALEXANDER **V.** 2018-SC-000288-D CAMPBELL
COMMONWEALTH OF KENTUCKY
**CUNNINGHAM, VENTERS, AND WRIGHT, JJ.,
WOULD GRANT.**

ORLANDO GONZALEZ **V.** 2018-SC-000291-D HARDIN
COMMONWEALTH OF KENTUCKY

DANIEL HOSTETLER **V.** 2018-SC-000293-D HART
COMMONWEALTH OF KENTUCKY
VANMETER, J., WOULD GRANT.

ARTIS ANDERSON **V.** 2018-SC-000299-D CLARK
ROBERT HORN, AS GUARDIAN AND
CONSERVATOR FOR MARY E. REYNOLDS

AUSTIN BERRY **V.** 2018-SC-000301-DE GRAVES
DORAN HARRISON, ET AL.
VANMETER, J., WOULD GRANT.

NATALIYA WILLIAMS **V.** 2018-SC-000304-D HARDIN
MATTHEW WILLIAMS

JORGE Q. CAMACHO **V.** 2018-SC-000313-D SCOTT
COMMONWEALTH OF KENTUCKY
**THE OPINION OF THE COURT OF APPEALS
IS ORDERED NOT TO BE PUBLISHED.**

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
SEPTEMBER 19, 2018**

PATRICIA ANN GIBSON V. COMMONWEALTH OF KENTUCKY	2018-SC-000319-D	FAYETTE
RONNIE WOODS V. RAVONNE SIMS, WARDEN	2018-SC-000327-D	OLDHAM
JAMES BLAIR V. COMMONWEALTH OF KENTUCKY	2018-SC-000330-D	LYON
K. B. T. A. V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES AND B. T. J. V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES KELLER, J., WOULD GRANT.	2018-SC-000355-DE 2018-SC-000362-DE	DAVIESS DAVIESS
ROGER LEE BLANKENSHIP V. HEIDI JILL OFFICER	2018-SC-000368-DE	WARREN

COURT ORDERS GRANTING MOTION TO TRANSFER – SEPTEMBER 27, 2018

D. S., A CHILD UNDER EIGHTEEN V. HON. KIM WILKIE, JUDGE, FAYETTE DISTRICT COURT, ET AL. ORDER GRANTED THE MOTION FOR TRANSFER. THE CIRCUIT COURT DECISION IS VACATED AND THE CASE IS REMANDED TO THE DISTRICT COURT FOR FURTHER CONSIDERATION IN LIGHT OF COMMONWEALTH V. B.H., 548 S.W.3D 238, 248 (KY. 2018). ALL SITTING. ALL CONCUR.	2018-SC-000222-TG	FROM COURT OF APPEALS
MEREDITH L. LAWRENCE, ET AL. V. BINGHAM GREENEBAUM DOLL, LLP. ALL SITTING. ALL CONCUR.	2018-SC-000344-TG	GALLATIN

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

COURT ORDER DENYING MOTION TO TRANSFER – SEPTEMBER 27, 2018

ALLISON BALL, ETC V. 2018-SC-000311-T FRANKLIN
THOMAS ELLIOTT, ET AL.
ALL SITTING. ALL CONCUR.

COURT ORDER GRANTING PETITION FOR REHEARING – SEPTEMBER 27, 2018

AUSLANDER PROPERTIES, LLC. V. [2016-SC-000099-DG](#) NELSON
JOSEPH HERMAN NALLEY, ET AL. **TO BE PUBLISHED**
WITHDRAWING AND REISSUING OPINION
ALL SITTING. ALL CONCUR.

COURT ORDERS DENYING PETITION FOR REHEARING – SEPTEMBER 27, 2018

COMMONWEALTH OF KENTUCKY, FINANCE 2016-SC-000281-DG FROM SUPREME
AND ADMINISTRATION CABINET, ETC. V. COURT
INTERSTATE GAS SUPPLY, INC., FOR THE
USE AND BENEFIT OF TRI-STATE
HEALTHCARE LAUNDRY, INC.
ALL SITTING. ALL CONCUR.

BAUMANN PAPER COMPANY, INC. V. [2016-SC-000511-DG](#) FAYETTE
KENNETH HOLLAND **TO BE PUBLISHED**
**ORDER DENIED PETITION FOR REHEARING
AND MODIFIED THE OPINION OF THE COURT
RENDERED JUNE 14, 2018 BY SUBSTITUTION
OF THIS OPINION IN LIEU OF THE ORIGINAL
OPINION.**
ALL SITTING. MINTON, C.J.; CUNNINGHAM,
VANMETER, VENTERS, AND WRIGHT, JJ.,
CONCUR. HUGHES AND KELLER, JJ., WOULD
GRANT THE PETITION FOR REHEARING.

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

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

JOYCE CALES, ET AL. V. BAPTIST HEALTHCARE SYSTEM, INC. D/B/A CENTRAL BAPTIST HOSPITAL AND BAPTIST HEALTHCARE SYSTEM, INC. D/B/A CENTRAL BAPTIST HOSPITAL V. JOYCE CALES, ET AL. KELLER, VANMETER, VENTERS, WRIGHT AND CUNNINGHAM, JJ., SITTING. ALL CONCUR. ENTERED: SEPTEMBER 20, 2018	2017-SC-000057-DG 2017-SC-000076-DG	FAYETTE FAYETTE
THE FEDERAL MATERIALS COMPANY V. COMMONWEALTH OF KENTUCKY, FINANCE AND ADMINISTRATION CABINET, ET AL. KELLER, VENTERS, WRIGHT AND CUNNINGHAM, JJ., SITTING. ALL CONCUR. HUGHES AND VANMETER, JJ., NOT SITTING. ENTERED: SEPTEMBER 20, 2018	2017-SC-000153-DG	FRANKLIN
MARY GODDARD V. HON. KEN M. HOWARD, JUDGE, HARDIN CIRCUIT COURT, DIVISION TWO, ET AL. ALL SITTING. ALL CONCUR. ENTERED: SEPTEMBER 27, 2018	2017-SC-000635-OA	FROM COURT OF APPEALS
ROBERT BALDWIN, III V. COMMONWEALTH OF KENTUCKY KELLER, VANMETER, VENTERS, WRIGHT AND CUNNINGHAM, JJ., SITTING. ALL CONCUR. ENTERED: SEPTEMBER 20, 2018	2018-SC-000059-DG	TRIMBLE
LEWIS ALLEN WILLIAMSON V. MOREHEAD STATE UNIVERSITY, ET AL. KELLER, VANMETER, VENTERS, WRIGHT AND CUNNINGHAM, JJ., SITTING. ALL CONCUR. ENTERED: SEPTEMBER 20, 2018	2018-SC-000384-WC	FROM COURT OF APPEALS

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

CHARLES E. HUTSELL V. 2018-SC-000404-D FRANKLIN
DEPARTMENT OF KENTUCKY STATE POLICE,
ET AL.
ENTERED: AUGUST 17, 2018

COURT ORDERS

NATHANIEL WADE TUCKER V. 2016-SC-000649-MR OHIO
COMMONWEALTH OF KENTUCKY
**ORDER CORRECTED THE MEMORANDUM
OPINION OF THE COURT RENDERED
AUGUST 16, 2018, BY SUBSTITUTION OF
THIS MEMORANDUM OPINION IN LIEU OF
THE ORIGINAL MEMORANDUM OPINION.**
ENTERED: AUGUST 20, 2018
NOT TO BE PUBLISHED

PRESBYTERIAN CHURCH (U.S.A) V. 2016-SC-000699-MR FROM COURT
HON. BRIAN C. EDWARDS, JUDGE, TO BE PUBLISHED OF APPEALS
JEFFERSON CIRCUIT COURT, ET AL.
**ORDER CORRECTED THE COURT'S ORDER
DENYING MOTION TO RECUSE ENTERED
AUGUST 7, 2018, BY SUBSTITUTION OF
THIS ORDER IN LIEU OF THE ORIGINAL
ORDER.**
ENTERED: AUGUST 20, 2018

GUY MARCUS ALLEN V. 2018-SC-000433-OA JEFFERSON
HON. DARRYL S. LAVERY, ETC., ET AL.
**ORDER DENYING PETITION FOR WRIT OF
PROHIBITION AS BEING MOOT.**
ALL SITTING. ALL CONCUR.

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

BRIANNA BAKER ZUBER V. 2018-SC-000441-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT
ENTERED: AUGUST 21, 2018

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

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

SUSAN W. SOWARDS V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 21, 2018	2018-SC-000442-KB	IN SUPREME COURT
ROBERT CHARLES GIBSON V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 21, 2018	2018-SC-000443-KB	IN SUPREME COURT
ROBERT PHILIP GETTYS V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 21, 2018	2018-SC-000444-KB	IN SUPREME COURT
RENEE LYNN NEIER V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 21, 2018	2018-SC-000446-KB	IN SUPREME COURT
KENNIS MAYNARD V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 13, 2018	2018-SC-000475-KB	IN SUPREME COURT
JEFFREY COLLINS SAUER V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 12, 2018	2018-SC-000481-KB	IN SUPREME COURT
DANIEL MICHAEL SIMS V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 12, 2018	2018-SC-000482-KB	IN SUPREME COURT
JOSPEH MARK LOVETT V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 12, 2018	2018-SC-000483-KB	IN SUPREME COURT
JOSEPH EHRENREICH V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 12, 2018	2018-SC-000484-KB	IN SUPREME COURT
F. ROBERT RADEL, II V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 12, 2018	2018-SC-000485-KB	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

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

CINDRA KAY WALKER V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 12, 2018	2018-SC-000486-KB	IN SUPREME COURT
KATHLEEN WOODS KOLODGY V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 12, 2018	2018-SC-000487-KB	IN SUPREME COURT
MICHAEL FITZGERALD HAMMOND V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018	2018-SC-000500-KB	IN SUPREME COURT
KEVIN MILES NOLAND V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018	2018-SC-000501-KB	IN SUPREME COURT
WILLIAM ARNOLD SANDERS, JR. V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018	2018-SC-000502-KB	IN SUPREME COURT
NEILL AVERILL WENTE V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018	2018-SC-000503-KB	IN SUPREME COURT
WILLIAM HENRY MOHR V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018	2018-SC-000504-KB	IN SUPREME COURT
JOHN CHARLES HOUT V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018	2018-SC-000505-KB	IN SUPREME COURT
JEFFREY A. HEATHERLY V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018	2018-SC-000506-KB	IN SUPREME COURT
JEREMY TILFORD ELLIS V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018	2018-SC-000507-KB	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

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

WILLIAM ALLMAN GATES III V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018	2018-SC-000508-KB	IN SUPREME COURT
SAMUEL ABRAHAM ARIETI V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018	2018-SC-000509-KB	IN SUPREME COURT
KATHLEEN TYGER BRIGHTFIELD BAILEY V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018	2018-SC-000510-KB	IN SUPREME COURT
JAMIE S. BOLYARD V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018	2018-SC-000511-KB	IN SUPREME COURT
SUSAN ANDERSON CRULL V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018	2018-SC-000512-KB	IN SUPREME COURT
JEANNETTE DANIELLE GUTE. V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018	2018-SC-000513-KB	IN SUPREME COURT
JOANN BECKER HEPPELMANN V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018	2018-SC-000514-KB	IN SUPREME COURT
ERIN KATHLEEN HOBEN V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018	2018-SC-000515-KB	IN SUPREME COURT
SARAH ELAINE KEATES V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018	2018-SC-000516-KB	IN SUPREME COURT
BETTY J. MORTON V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018	2018-SC-000517-KB	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

SEPTEMBER 27, 2018 MINUTES

RELEASED: 10:00 A.M.

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

JANA MARIE SMOOT WHITE V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018	2018-SC-000518-KB	IN SUPREME COURT
LISA M. ZOKAS-KINDY V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018	2018-SC-000519-KB	IN SUPREME COURT
DONALD S. DOTT, JR. V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018	2018-SC-000520-KB	IN SUPREME COURT
JAMES MATTHEW HENDERSON, SR. V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018	2018-SC-000521-KB	IN SUPREME COURT
WASEEM ANWAR KARIM V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 14, 2018	2018-SC-000522-KB	IN SUPREME COURT
ASHLEY VINSEL HERD V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 19, 2018	2018-SC-000528-KB	IN SUPREME COURT
JOANNE FRANCES GROGAN V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 21, 2018	2018-SC-000544-KB	IN SUPREME COURT