

COURT OF APPEALS OF KENTUCKY

01/13/2017 AT 10:00 A.M.

PAGE 1 of 10

24	KINDRED NURSING CENTERS LIMITED PARTNERSHIP, ET AL. VS. POWELL (TERRELL), AS ADMINISTRATRIX OF THE ESTATE OF VIRGINIA WELLS, DECEASED, ET AL. OPINION AFFIRMING THOMPSON (PRESIDING JUDGE) STUMBO (CONCURS) AND VANMETER (CONCURS)	2013-CA-000885-MR NOT TO BE PUBLISHED	MARSHALL
25	MCCARTHY (MONA), ET AL. VS. ESTATE OF NORA L. MINNING, DECEASED, BY AND THROUGH KIMBERLY MAIUS-STREUTKER, EXECUTRIX OPINION AFFIRMING ACREE (PRESIDING JUDGE) CLAYTON (CONCURS) AND KRAMER (CONCURS)	2013-CA-001943-MR NOT TO BE PUBLISHED	GRANT
26	KINDRED NURSING CENTERS LIMITED PARTNERSHIP, ET AL. VS. WITHERS (DEPHINE) AS ADMINISTRATRIX OF THE ESTATE OF MARIAN S. WITHERS OPINION AFFIRMING THOMPSON (PRESIDING JUDGE) MAZE (CONCURS) AND VANMETER (CONCURS)	2014-CA-000065-MR NOT TO BE PUBLISHED	HARDIN
27	HOWLETT (CHASITY) VS. HOWLETT (CURTIS) OPINION VACATING AND REMANDING TAYLOR (PRESIDING JUDGE) J. LAMBERT (CONCURS) AND THOMPSON (CONCURS)	2014-CA-001505-MR NOT TO BE PUBLISHED	BULLITT
28	RUSSELL (BOBBY) VS. GUNDELLY (PRAEEN), DR., ET AL. OPINION AFFIRMING J. LAMBERT (PRESIDING JUDGE) COMBS (CONCURS) AND VANMETER (CONCURS)	2014-CA-001756-MR NOT TO BE PUBLISHED	FAYETTE

COURT OF APPEALS OF KENTUCKY

01/13/2017 AT 10:00 A.M.

PAGE 2 of 10

29	SWAN (GARRY) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING J. LAMBERT (PRESIDING JUDGE) DIXON (CONCURS) AND NICKELL (CONCURS)	2014-CA-001760-MR NOT TO BE PUBLISHED	HENDERSON
30	VICTORY COMMUNITY BANK VS. SOCOL (LIONEL) OPINION AFFIRMING VANMETER (PRESIDING JUDGE) COMBS (CONCURS) AND J. LAMBERT (CONCURS)	2015-CA-000005-MR TO BE PUBLISHED	KENTON
31	BURD (HOMER WAYNE) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING J. LAMBERT (PRESIDING JUDGE) THOMPSON (CONCURS) AND TAYLOR (CONCURS IN RESULT ONLY)	2015-CA-000497-MR NOT TO BE PUBLISHED	ALLEN
32	HAZEL ENTERPRISES, LLC VS. RAY (SCOTT ALLEN) OPINION AFFIRMING MAZE (PRESIDING JUDGE) JONES (CONCURS) AND NICKELL (CONCURS)	2015-CA-000628-MR TO BE PUBLISHED	WARREN
33	MCCLURE (GARY W.), ET AL. VS. BANK OF JAMESTOWN, ET AL. OPINION AFFIRMING DIXON (PRESIDING JUDGE) NICKELL (CONCURS) AND VANMETER (CONCURS)	2015-CA-000678-MR NOT TO BE PUBLISHED	RUSSELL
34	TODD (JAMAHLL) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING KRAMER (PRESIDING JUDGE) D. LAMBERT (CONCURS) AND TAYLOR (CONCURS)	2015-CA-000681-MR NOT TO BE PUBLISHED	JEFFERSON

COURT OF APPEALS OF KENTUCKY

01/13/2017 AT 10:00 A.M.

PAGE 3 of 10

35	STEVENS (RICKY) VS. PEYTON (GARY) OPINION AFFIRMING VANMETER (PRESIDING JUDGE) CLAYTON (CONCURS) AND STUMBO (CONCURS)	2015-CA-000761-MR NOT TO BE PUBLISHED	HOPKINS
36	HURST (JAMES THOMAS), II VS. CALDWELL (JAMES), ET AL. OPINION AFFIRMING VANMETER (PRESIDING JUDGE) COMBS (CONCURS) AND J. LAMBERT (CONCURS)	2015-CA-000786-MR NOT TO BE PUBLISHED	MERCER
37	STALKER (ALBERT W.), ET AL. VS. MEANS (STEVEN), ET AL. OPINION AFFIRMING VANMETER (PRESIDING JUDGE) CLAYTON (CONCURS) AND STUMBO (CONCURS)	2015-CA-001072-MR NOT TO BE PUBLISHED	CHRISTIAN
38	CALES (JOYCE), ET AL. VS. BAPTIST HEALTHCARE SYSTEM, INC., D/B/A CENTRAL BAPTIST HOSPITAL OPINION AFFIRMING IN PART AND REVERSING AND REMANDING THOMPSON (PRESIDING JUDGE) KRAMER (CONCURS) AND NICKELL (CONCURS AND FILES SEPARATE OPINION)	2015-CA-001103-MR TO BE PUBLISHED	FAYETTE
39	FINANCE AND ADMINISTRATION CABINET, THE KENTUCKY DEPARTMENT OF REVENUE VS. SOMMER (MARK F.), ET AL. OPINION AFFIRMING COMBS (PRESIDING JUDGE) J. LAMBERT (CONCURS) AND VANMETER (DISSENTS BY SEPARATE OPINION)	2015-CA-001128-MR TO BE PUBLISHED	FRANKLIN
40	GREGO (ALEXANDRIA) VS. JENKINS (SUSANNE), ET AL. OPINION REVERSING AND REMANDING THOMPSON (PRESIDING JUDGE) COMBS (CONCURS) AND VANMETER (CONCURS)	2015-CA-001142-MR TO BE PUBLISHED	JEFFERSON

COURT OF APPEALS OF KENTUCKY

01/13/2017 AT 10:00 A.M.

PAGE 4 of 10

41	DATTOLO (NICK), ET AL. VS. COLLINS (RALPH L.), ET AL. OPINION AFFIRMING STUMBO (PRESIDING JUDGE) CLAYTON (CONCURS) AND VANMETER (CONCURS)	2015-CA-001152-MR NOT TO BE PUBLISHED	CHRISTIAN
42	WARNER (LEONARD) VS. COMMONWEALTH OF KENTUCKY OPINION AND ORDER DISMISSING APPEAL D. LAMBERT (PRESIDING JUDGE) JONES (CONCURS) AND MAZE (CONCURS)	2015-CA-001179-MR NOT TO BE PUBLISHED	JEFFERSON
43	SMITH (STEPHEN) VS. TEACHERS' RETIREMENT SYSTEM OF KENTUCKY OPINION AFFIRMING VANMETER (PRESIDING JUDGE) COMBS (CONCURS) AND J. LAMBERT (CONCURS)	2015-CA-001224-MR TO BE PUBLISHED	FRANKLIN
44	HUGHES (OUCKIE J.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING J. LAMBERT (PRESIDING JUDGE) ACREE (CONCURS) AND THOMPSON (CONCURS)	2015-CA-001230-MR NOT TO BE PUBLISHED	NELSON
45	LEWIS (STEVEN) VS. COMMONWEALTH OF KENTUCKY, KENTUCKY STATE POLICE OPINION AFFIRMING KRAMER (PRESIDING JUDGE) D. LAMBERT (CONCURS) AND TAYLOR (CONCURS)	2015-CA-001240-MR NOT TO BE PUBLISHED	FRANKLIN
46	FULMER (WILLIAM K.), II VS. COMMONWEALTH OF KENTUCKY, EX REL. CHRISTINE WILLIAMS OPINION AFFIRMING J. LAMBERT (PRESIDING JUDGE) COMBS (CONCURS) AND VANMETER (CONCURS)	2015-CA-001269-MR NOT TO BE PUBLISHED	KENTON

COURT OF APPEALS OF KENTUCKY

01/13/2017 AT 10:00 A.M.

PAGE 5 of 10

47	NELSON COUNTY BOARD OF EDUCATION, ET AL. VS. NEWTON (THOMAS), ET AL. OPINION AFFIRMING IN PART, VACATING IN PART AND REMANDING COMBS (PRESIDING JUDGE) CLAYTON (CONCURS) AND MAZE (CONCURS)	2015-CA-001292-MR NOT TO BE PUBLISHED	NELSON
48	BROCK (DONALD RAY) VS. COMMONWEALTH OF KENTUCKY OPINION VACATING AND REMANDING COMBS (PRESIDING JUDGE) DIXON (CONCURS) AND NICKELL (CONCURS)	2015-CA-001310-MR NOT TO BE PUBLISHED	BELL
49	WILLIAMS (BOBBY J.) VS. COMMONWEALTH OF KENTUCKY OPINION REVERSING AND REMANDING KRAMER (PRESIDING JUDGE) COMBS (CONCURS) AND JONES (CONCURS)	2015-CA-001404-MR NOT TO BE PUBLISHED	FULTON
50	MADISON (ROBERT ANTHONY) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING KRAMER (PRESIDING JUDGE) D. LAMBERT (CONCURS) AND TAYLOR (CONCURS IN RESULT ONLY)	2015-CA-001466-MR NOT TO BE PUBLISHED	FAYETTE
51	DUNCAN (ERRICK) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING IN PART, VACATING IN PART, AND REMANDING STUMBO (PRESIDING JUDGE) CLAYTON (CONCURS) AND MAZE (CONCURS)	2015-CA-001536-MR NOT TO BE PUBLISHED	MEADE
52	MAJOR (JOSEPH) VS. LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, ET AL. OPINION AFFIRMING STUMBO (PRESIDING JUDGE) D. LAMBERT (CONCURS) AND THOMPSON (CONCURS)	2015-CA-001572-MR NOT TO BE PUBLISHED	JEFFERSON

COURT OF APPEALS OF KENTUCKY

01/13/2017 AT 10:00 A.M.

PAGE 6 of 10

53	MEMORIAL HOSPITAL, INC. VS. MORGAN (MCKINNLEY) OPINION REVERSING AND REMANDING DIXON (PRESIDING JUDGE) NICKELL (CONCURS) AND VANMETER (CONCURS WITH RESULT BUT WILL FILE SEPARATE OPINION)	2015-CA-001596-MR NOT TO BE PUBLISHED	CLAY
54	FLAUGHER (RONALD) VS. COMMONWEALTH OF KENTUCKY OPINION VACATING KRAMER (PRESIDING JUDGE) COMBS (CONCURS) AND JONES (CONCURS)	2015-CA-001637-MR TO BE PUBLISHED	MASON
55	VICTORY COMMUNITY BANK VS. KENKEL (SCOT), ET AL. OPINION VACATING AND REMANDING COMBS (PRESIDING JUDGE) STUMBO (CONCURS) AND THOMPSON (CONCURS)	2015-CA-001657-MR NOT TO BE PUBLISHED	KENTON
56	BRYSON (DONALD E.), ET AL. VS. THE ALMA D. ROBERTS REVOCABLE LIVING TRUST, ET AL. OPINION AFFIRMING D. LAMBERT (PRESIDING JUDGE) JONES (CONCURS) AND MAZE (CONCURS)	2015-CA-001710-MR NOT TO BE PUBLISHED	WAYNE
57	HANSFORD (MARILYN), ET AL. VS. STEPHENS (JAMES MICHAEL) OPINION AFFIRMING VANMETER (PRESIDING JUDGE) DIXON (CONCURS) AND NICKELL(CONCURS)	2015-CA-001724-MR NOT TO BE PUBLISHED	MCCREARY
58	UNITED PARCEL SERVICE VS. HELMS (CAELA), ET AL. OPINION REVERSING J. LAMBERT (PRESIDING JUDGE) TAYLOR (CONCURS) AND THOMPSON (CONCURS)	2015-CA-001728-WC NOT TO BE PUBLISHED	WORKERS' COMP

COURT OF APPEALS OF KENTUCKY

01/13/2017 AT 10:00 A.M.

PAGE 7 of 10

59	STALLION (GARRETT) VS. STALLION (RHONDA) OPINION AFFIRMING JONES (PRESIDING JUDGE) MAZE (CONCURS) AND THOMPSON (CONCURS)	2015-CA-001735-ME NOT TO BE PUBLISHED	PULASKI
60	BURTON (PHILLIP) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING IN PART, VACATING IN PART AND REMANDING MAZE (PRESIDING JUDGE) TAYLOR (CONCURS) AND THOMPSON (CONCURS)	2015-CA-001742-MR NOT TO BE PUBLISHED	FULTON
61	MYERS (FRENCH) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING DIXON (PRESIDING JUDGE) NICKELL (CONCURS) AND VANMETER (CONCURS)	2015-CA-001955-MR NOT TO BE PUBLISHED	MONTGOMERY
62	YONTS (RICKIE W.), ET AL. VS. BUX (ANJUM), M.D. OPINION AFFIRMING STUMBO (PRESIDING JUDGE) CLAYTON (CONCURS) AND MAZE (CONCURS)	2016-CA-000017-MR NOT TO BE PUBLISHED	BOYLE
63	KAY TRUCKING VS. MILLER (TOM), ET AL. OPINION AFFIRMING KRAMER (PRESIDING JUDGE) DIXON (CONCURS) AND TAYLOR (CONCURS)	2016-CA-000088-WC NOT TO BE PUBLISHED	WORKERS' COMP
64	MITCHELL (JEFF RAY) VS. LEED HR, LLC, ET AL. OPINION VACATING AND REMANDING COMBS (PRESIDING JUDGE) CLAYTON (CONCURS) AND MAZE (CONCURS)	2016-CA-000090-MR NOT TO BE PUBLISHED	JEFFERSON

COURT OF APPEALS OF KENTUCKY

01/13/2017 AT 10:00 A.M.

PAGE 8 of 10

65	SMITH (LARRY R.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING COMBS (PRESIDING JUDGE) MAZE (CONCURS) AND STUMBO (CONCURS)	2016-CA-000149-MR NOT TO BE PUBLISHED	FAYETTE
66	GRIMES (RODNEY) VS. WHITE (RANDY) OPINION AFFIRMING CLAYTON (PRESIDING JUDGE) DIXON (CONCURS) AND D. LAMBERT (CONCURS)	2016-CA-000192-MR NOT TO BE PUBLISHED	LYON
67	JAMES RIVER COAL SERVICE CO. VS. FIELDS (JENNINGS), ET AL. OPINION VACATING AND REMANDING VANMETER (PRESIDING JUDGE) CLAYTON (CONCURS) AND STUMBO (CONCURS)	2016-CA-000643-WC NOT TO BE PUBLISHED	WORKERS' COMP
68	FORD MOTOR COMPANY (LAP) VS. TURNER (ERIC L.), ET AL. OPINION AFFIRMING IN PART, REVERSING IN PART AND REMANDING COMBS (PRESIDING JUDGE) STUMBO (CONCURS) AND THOMPSON (CONCURS)	2016-CA-001008-WC NOT TO BE PUBLISHED	WORKERS' COMP
69	PLUMLEY (MICHAEL R.) VS. KROGER, INC., ET AL. OPINION AFFIRMING D. LAMBERT (PRESIDING JUDGE) JONES (CONCURS) AND TAYLOR (CONCURS)	2016-CA-001031-WC NOT TO BE PUBLISHED	WORKERS' COMP

ORDERS FOR THE WEEK ENDING 01/13/2017:**ORDERS DISMISSING:**

DELLA NOE

2015-CA-000900-MR

BELL

VS.

RANDALL W. WALTERS, M.D., ET AL.

ENTERED: 01/11/2017

COURT OF APPEALS OF KENTUCKY

01/13/2017 AT 10:00 A.M.

PAGE 9 of 10

FRANK H. IKERD, III VS. BANK OF AMERICA, ET AL. ENTERED: 01/11/2017	2015-CA-001082-MR	PULASKI
GLEN BATZINGER VS. VICKY BATZINGER ENTERED: 01/11/2017	2015-CA-001708-MR	HARDIN
RANDOLPH WAYNE BROWN VS. JEANNETTE LYNN BOGLE ENTERED: 01/11/2017	2016-CA-000325-ME	HARDIN
B.H. VS. CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. ENTERED: 01/11/2017	2016-CA-000485-ME	KENTON
S.H. VS. CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. ENTERED: 01/11/2017	2016-CA-000486-ME	KENTON
EARL GAY VS. C. PERRY BROWN, ET AL. ENTERED: 01/11/2017	2016-CA-000696-MR	POWELL
G.A.A., SR. VS. CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. ENTERED: 01/11/2017	2016-CA-000957-ME 2016-CA-000962-ME	FAYETTE
ZANA JOUETT VS. DEION MULLINS ENTERED: 01/11/2017	2016-CA-001103-ME	KENTON
JEFFREY MARTIN VS. TERESA THORTON ENTERED: 01/11/2017	2016-CA-001116-ME	PENDLETON

COURT OF APPEALS OF KENTUCKY

01/13/2017 AT 10:00 A.M.

PAGE 10 of 10

T.T. 2016-CA-001220-ME KENTON
VS.
KENTON COUNTY ATTORNEY OF KENTUCKY, ET AL.
ENTERED: 01/11/2017

EDIZNAR ZAMORA GUEIRA 2016-CA-001252-ME JEFFERSON
VS.
YANELIS GONZALEZ REYES
ENTERED: 1/11/2017

MARSHA LYNN COX BALL 2016-CA-001467-MR MORGAN
VS.
NEIL ERIC BALL, ET AL.
ENTERED: 01/11/2017

ESTASON L. DIBBLE, ET AL. 2016-CA-001676-MR JEFFERSON
VS.
MARK BOLTON, DIRECTOR LOUISVILLE METRO DEPARTMENT OF CORRECTIONS
ENTERED: 01/09/2017

RICKEY MCMICHAEL, ET AL. 2016-CA-001710-MR JEFFERSON
VS.
MARK BOLTON, DIRECTOR LOUISVILLE METRO DEPARTMENT OF CORRECTIONS
ENTERED: 01/09/2017

ORDER DENYING PETITION FOR REHEARING:

AMERICAN MINING INSURANCE 2015-CA-000055-MR OWSLEY
COMPANY, INC.
VS.
PETERS FARMS, LLC
ENTERED: 01/10/2017