

COURT OF APPEALS OF KENTUCKY

01/14/2011 AT 10:00 a.m.

PAGE 1 of 14

28	MCCOMBS (VERNON L.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING ISAAC (PRESIDING JUDGE) TAYLOR (CONCURS) AND DIXON (CONCURS)	2007-CA-000890-MR 2009-CA-000682-MR NOT TO BE PUBLISHED	HARDIN
29	FINANCE AND ADMINISTRATION CABINET, ET AL. VS. WADE (WANDA FAYE), ET AL. OPINION AFFIRMING DIXON (PRESIDING JUDGE) WINE (CONCURS) AND HENRY (CONCURS)	2008-CA-001822-MR TO BE PUBLISHED	FRANKLIN
30	MCMILLEN (JAMES) VS. CORRECTCARE INTEGRATED OPINION AFFIRMING STUMBO (PRESIDING JUDGE) LAMBERT (CONCURS) AND SHAKE (CONCURS)	2008-CA-001847-MR 2009-CA-000087-MR NOT TO BE PUBLISHED	MARION
31	EDWARDS (RONALD) VS. HENSLEY (JARRED), ET AL. OPINION REVERSING AND REMANDING BUCKINGHAM (PRESIDING JUDGE) CAPERTON (CONCURS IN PART, DISSENTS IN PART, AND FILES SEPARATE OPINION) AND CLAYTON (CONCURS)	2008-CA-002348-MR TO BE PUBLISHED	MEADE
32	MAPLES (JOHN) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING IN PART AND REVERSING AND REMANDING IN PART LAMBERT (PRESIDING JUDGE) DIXON (CONCURS) AND VANMETER (CONCURS)	2009-CA-000407-MR NOT TO BE PUBLISHED	BELL

COURT OF APPEALS OF KENTUCKY

01/14/2011 AT 10:00 a.m.

PAGE 2 of 14

33	MCGEHEE (PATRICIA A.), ET AL. VS. COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET OPINION AFFIRMING TAYLOR (PRESIDING JUDGE) ACREE (CONCURS) AND BUCKINGHAM (CONCURS)	2009-CA-000611-MR NOT TO BE PUBLISHED	FRANKLIN
34	HOSKINS (KATHY) VS. KENTUCKY RETIREMENT SYSTEMS; BOARD OF TRUSTEES OF KENTUCKY RETIREMENT SYSTEMS; DISABILITY APPEALS COMMITTEE OF THE KENTUCKY RETIREMENT SYSTEMS; AND KENTUCKY EMPLOYEES RETIREMENT SYSTEMS OPINION AFFIRMING WHITE (PRESIDING JUDGE) MOORE (CONCURS) AND THOMPSON (CONCURS)	2009-CA-000905-MR NOT TO BE PUBLISHED	FRANKLIN
35	REED (DARRYL R.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING ISAAC (PRESIDING JUDGE) TAYLOR (CONCURS) AND DIXON (CONCURS)	2009-CA-000997-MR NOT TO BE PUBLISHED	JEFFERSON
36	GABBARD (GROVER C.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING KELLER (PRESIDING JUDGE) NICKELL (CONCURS) AND STUMBO (CONCURS)	2009-CA-001008-MR NOT TO BE PUBLISHED	MCLEAN
37	MOUNCE (APRIL LYNN) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING CLAYTON (PRESIDING JUDGE) DIXON (CONCURS) AND WINE (CONCURS)	2009-CA-001009-MR NOT TO BE PUBLISHED	PULASKI

COURT OF APPEALS OF KENTUCKY

01/14/2011 AT 10:00 a.m.

PAGE 3 of 14

38	JACKSON (DAVEON L.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING IN PART AND REVERSING IN PART AND REMANDING BUCKINGHAM (PRESIDING JUDGE) MOORE (CONCURS) AND CAPERTON (DISSENTS)	2009-CA-001120-MR NOT TO BE PUBLISHED	FAYETTE
39	AMERICAN TRADE ALLIANCE, INC. VS. SOUTHERN CROSS TRADING, INC. OPINION AFFIRMING NICKELL (CONCURS) AND LAMBERT (CONCURS)	2009-CA-001353-MR NOT TO BE PUBLISHED	BARREN
40	ACOSTA (SAMANTHA MONAHAN) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING WINE (PRESIDING JUDGE) CLAYTON (CONCURS) AND DIXON (CONCURS)	2009-CA-001445-MR NOT TO BE PUBLISHED	FAYETTE
41	SHEEHAN (WILLIAM) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING DIXON (PRESIDING JUDGE) TAYLOR (CONCURS) AND ISAAC (CONCURS)	2009-CA-001558-MR NOT TO BE PUBLISHED	JEFFERSON
42	CORNELIUS (ESLEY DEE) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING IN PART, REVERSING IN PART, AND REMANDING HENRY (PRESIDING JUDGE) TAYLOR (CONCURS) AND LAMBERT (CONCURS)	2009-CA-001624-MR NOT TO BE PUBLISHED	MCCRACKEN
43	BURRIS (SCOT D.) VS. BURRIS (NICOLE NEUSER) OPINION AFFIRMING LAMBERT (PRESIDING JUDGE) CAPERTON (CONCURS) AND WINE (CONCURS)	2009-CA-001708-ME NOT TO BE PUBLISHED	JEFFERSON

COURT OF APPEALS OF KENTUCKY

01/14/2011 AT 10:00 a.m.

PAGE 4 of 14

44	PETERMAN (MARY) VS. KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION, ET AL. OPINION AFFIRMING ACREE (PRESIDING JUDGE) HENRY (CONCURS) AND ISAAC (CONCURS)	2009-CA-001838-MR NOT TO BE PUBLISHED	JEFFERSON
45	GRAFTON (MICHAEL J.), ET AL. VS. SHIELDS MINI MARKETS, INC. OPINION REVERSING AND REMANDING LAMBERT (PRESIDING JUDGE) CAPERTON (CONCURS) AND WINE (CONCURS)	2009-CA-001862-MR TO BE PUBLISHED	NELSON
46	COMMONWEALTH OF KENTUCKY VS. DIETZ (STEPHANIE) OPINION AFFIRMING CAPERTON (PRESIDING JUDGE) MOORE (CONCURS) AND VANMETER (CONCURS)	2009-CA-001907-MR NOT TO BE PUBLISHED	KENTON
47	JAVIER STEEL CORPORATION VS. CENTRAL BRIDGE COMPANY, LLC. OPINION AFFIRMING ACREE (PRESIDING JUDGE) HENRY (CONCURS) AND ISAAC (CONCURS)	2009-CA-002124-MR TO BE PUBLISHED	JEFFERSON
48	MASSEY (TERRY G.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING COMBS (PRESIDING JUDGE) CLAYTON (CONCURS) AND WINE (CONCURS)	2009-CA-002246-MR NOT TO BE PUBLISHED	WARREN
49	ISON (JOHN M.) VS. BROWN BROS. CADILLAC CHEVROLET, INC., ET AL. OPINION AFFIRMING ACREE (PRESIDING JUDGE) HENRY (CONCURS) AND ISAAC (CONCURS)	2009-CA-002345-MR NOT TO BE PUBLISHED	JEFFERSON

COURT OF APPEALS OF KENTUCKY

01/14/2011 AT 10:00 a.m.

PAGE 5 of 14

50	HUDSON (NOW STANBERY) (LAURA) VS. HUDSON (DONALD) OPINION AFFIRMING ACREE (PRESIDING JUDGE) HENRY (CONCURS) AND ISAAC (DISSENTS AND FILES SEPARATE OPINION)	2009-CA-002392-ME TO BE PUBLISHED	JEFFERSON
51	COMMONWEALTH OF KENTUCKY VS. SANDERS (MARY) OPINION AFFIRMING COMBS (PRESIDING JUDGE) CLAYTON (CONCURS) AND WINE (CONCURS)	2009-CA-002398-MR TO BE PUBLISHED	KENTON
52	BRYANT (THOMAS KENNETH) VS. GILBERT (ANN MARIE) OPINION AFFIRMING DIXON (PRESIDING JUDGE) TAYLOR (CONCURS) AND ISAAC (CONCURS)	2009-CA-002414-ME NOT TO BE PUBLISHED	JEFFERSON
53	BEXLEY (JONATHAN A.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING THOMPSON (PRESIDING JUDGE) KELLER (CONCURS) AND SHAKE (CONCURS)	2010-CA-000053-MR NOT TO BE PUBLISHED	POWELL
54	HENDRIX (TRAVIS) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING COMBS (PRESIDING JUDGE) DIXON (CONCURS) AND ISAAC (CONCURS)	2010-CA-000305-MR NOT TO BE PUBLISHED	LYON
55	COOREMAN (CHAD ALAN) VS. COOREMAN (KATIE RENEE) OPINION AFFIRMING VANMETER (PRESIDING JUDGE) NICKELL (CONCURS) AND SHAKE (CONCURS)	2010-CA-000974-ME NOT TO BE PUBLISHED	HENDERSON

COURT OF APPEALS OF KENTUCKY

01/14/2011 AT 10:00 a.m.

PAGE 6 of 14

56	B. (S.), ET AL. VS. CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. OPINION AFFIRMING TAYLOR (PRESIDING JUDGE) DIXON (CONCURS) AND ISAAC (CONCURS)	2010-CA-001036-ME NOT TO BE PUBLISHED	JEFFERSON
----	--	--	-----------

ORDER CORRECTING OPINION:

KENTUCKY ASSOCIATION OF
FIRE CHIEFS, INC; ET AL
VS.

2009-CA-001476-MR

FRANKLIN

KENTUCKY BOARD OF HOUSING,
BUILDINGS AND CONSTRUCTION, ET AL
ENTERED: 01/14/2011

ORDER GRANTING PETITION FOR REHEARING, WITHDRAWING PRIOR OPINION AND REISSUING NEW OPINION:

KATHY L. HOSKINS
VS.

2009-CA-000905-MR

FRANKLIN

KENTUCKY RETIREMENT SYSTEMS;
BOARD OF TRUSTEES OF KENTUCKY
RETIREMENT SYSTEMS; DISABILITY
APPEALS COMMITTEE OF KENTUCKY
RETIREMENT SYSTEMS; AND KENTUCKY
EMPLOYEES RETIREMENT SYSTEMS
ENTERED: 01/14/2011

ORDERS DISMISSING:

BAPTIST PHYSICIANS
LEXINGTON, INC.; ET AL
VS.

2010-CA-000466-MR
2010-CA-000467-MR

FAYETTE

THE NEW LEXINGTON CLINIC, P.S.C.
ENTERED: 01/10/2011

COURT OF APPEALS OF KENTUCKY

01/14/2011 AT 10:00 a.m.

PAGE 7 of 14

ARTHUR EDWARD LYLE VS. PATRICIA LYNN LYLE ENTERED: 01/11/2011	2010-CA-000651-MR	DAVIESS
BLUEGRASS REGIONAL MENTAL HEALTH, ET AL VS. SARAH HYSERMAN ENTERED: 01/11/2011	2010-CA-000708-MR	PULASKI
GENERAL STAR INDEMNITY COMPANY VS. FORREST MCKENZIE, ET AL ENTERED: 01/11/2011	2010-CA-001447-MR	BATH
CHARLIE EVANS D/B/A EVANS TREE SERVICE VS. CITY OF BERE A D/B/A BERE A MUNICIPAL UTILITIES ENTERED: 01/10/2011	2010-CA-001512-MR	MADISON
STACEY MOELLER VS. MISTY SALYERS, ET AL ENTERED: 01/10/2011	2010-CA-001532-DR	LYON
MICHAEL COOK VS. AMY FAYE COOK ENTERED: 01/11/2011	2010-CA-001628-MR	ANDERSON
VICKIE GAYLE DWYER VS. TERRY LEIGH DWYER ENTERED: 01/10/11	2010-CA-001652-MR 2010-CA-001664-MR	LOGAN
K.L. VS. COMMONWEALTH OF KENTUCKY AND S.R.L. VS. COMMONWEALTH OF KENTUCKY ENTERED: 01/11/2011	2010-CA-001791-ME 2010-CA-001792-ME	BULLITT

COURT OF APPEALS OF KENTUCKY

01/14/2011 AT 10:00 a.m.

PAGE 8 of 14

JOSEPH MULLINS
VS.
REDFORD TWP, ET AL
ENTERED: 01/10/2011

2010-CA-001856-MR

LETCHER

ALAN UT CHAU AND HUONG
NGUYEN CHAU
VS.
UNITED BANK & TRUST COMPANY
ENTERED: 01/10/2011

2010-CA-001879-MR

FAYETTE

KIMBERLY LAYNE WALSH-STENDER
VS.
CHARLES WALSH
ENTERED: 01/10/2011

2010-CA-001998-ME

FAYETTE

CRYSTAL ELSEN
VS.
JAMES BACIS
ENTERED: 01/10/2011

2010-CA-002001-ME

CAMPBELL

EMMETT PAUL MOBLEY III
VS.
ILSE MOBLEY
ENTERED: 01/10/2011

2010-CA-002016-MR

FAYETTE

ORDER AFFIRMING FROM PREVIOUS WEEK ENDING 01/06/2011:

RONNIE DALE GUFFEY
VS.
COMMONWEALTH OF KENTUCKY
AND
RONNIE DALE GUFFEY
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 01/06/2011

2010-CA-001715-MR

WAYNE

COURT OF APPEALS OF KENTUCKY

01/14/2011 AT 10:00 a.m.

PAGE 9 of 14

ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW FROM PREVIOUS WEEK ENDING 01/07/2011:

DAVID STURM
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 01/01/2011

2010-CA-001003-DR

FRANKLIN

TERRY NETHERY
VS.
CITY OF SHELBYVILLE CODE
ENFORCEMENT BOARD OF ADJUSTMENTS
ENTERED: 01/07/2011

2010-CA-001114-DR

SHELBY

MARK WOLF
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 01/07/2011

2010-CA-001115-DR

KENTON

JOHN MCKEEHAN, ET AL
VS.
DEUTSCHE BANK NATIONAL TRUST COMPANY
ENTERED: 01/07/2011

2010-CA-001309-DR

JEFFERSON

RONNIE LOWE
VS.
SHIRLEY NEELEY
ENTERED: 01/07/2011

2010-CA-001350-DR

PIKE

PERRY JOHNSON
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 01/07/2011

2010-CA-001542-DR

LAUREL

MONISHA TODD
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 01/07/2011

2010-CA-001626-DR

WARREN

COURT OF APPEALS OF KENTUCKY

01/14/2011 AT 10:00 a.m.

PAGE 10 of 14

ORDER GRANTING 65.07 FROM PREVIOUS WEEK ENDING 01/07/2011:

IKERD MINING, LLC; ET AL VS. PETERS FARMS, LLC; ET AL ENTERED: 01/06/2011	2010-CA-002111-I	OWSLEY
--	------------------	--------

ORDERS DENYING PETITION FOR WRIT OF PROHIBITION/MANDAMUS FROM PREVIOUS WEEK ENDING 01/07/2011:

ROBERT HATTON VS. HON. BETH MAZE, JUDGE, BATH CIRCUIT COURT AND COMMONWEALTH OF KENTUCKY, ET AL ENTERED: 01/07/2011	2010-CA-000541-OA	BATH
--	-------------------	------

JOHNNY CAVENDER VS. HON. FRANK A. FLETHCER, JUDGE WOLFE CIRCUIT COURT AND COMMONWEALTH OF KENTUCKY ENTERED: 01/06/2011	2010-CA-001604-OA	WOLFE
--	-------------------	-------

KEN ISAACS VS. HON. TAMRA GORMLEY, JUDGE, SCOTT CIRCUIT COURT ENTERED: 01/07/2011	2010-CA-002059-OA	SCOTT
---	-------------------	-------

COURT OF APPEALS OF KENTUCKY

01/14/2011 AT 10:00 a.m.

PAGE 11 of 14

ORDERS DISMISSING FROM PREVIOUS WEEK ENDING 01/07/2011:

WILLIAM A. GANNON VS. DONNA K. GANNON, NOW TEMPLE ENTERED: 01/07/2011	2009-CA-001351-MR	FAYETTE
GANNA S. MCCORMACK VS. DAVID J. MCCORMACK ENTERED: 01/07/2011	2009-CA-001423-MR	GRAYSON
JOSEPH M. TEDESCO VS. KAREN L. MARKS TEDESCO ENTERED: 01/07/2011	2009-CA-002153-MR	JEFFERSON
TRANSIT AUTHORITY OF THE CITY OF PADUCAH VS. HISTORICAL AND ARCHITECTURAL REVIEW COMMISSION, ET AL ENTERED: 01/07/2011	2010-CA-000246-MR	MCCRACKEN
VICTORIA ALLEN VS. JEFFREY P. HAUN ENTERED: 01/07/2011	2010-CA-000372-MR	JEFFERSON
PAMELA RENEE DOAK VS. COMMONWEALTH OF KENTUCKY ENTERED: 01/07/2011	2010-CA-000526-MR	RUSSELL
PAULA K. COLLINGWOOD, ET AL VS. BANK OF NEW YORK, TRUSTEE; ET AL ENTERED: 01/07/2011	2010-CA-000534-MR	JEFFERSON
MONTEZ D. THOMPSON VS. COMMONWEALTH OF KENTUCKY ENTERED: 01/07/2011	2010-CA-000567-MR	JEFFERSON

COURT OF APPEALS OF KENTUCKY

01/14/2011 AT 10:00 a.m.

PAGE 12 of 14

HOUSEHOLD FINANCE CORPORATION II VS. CONNIE GAIL ESTILL, ET AL ENTERED: 01/07/2011	2010-CA-000652-MR	SHELBY
RONNIE BROOKS VS. VALSPAR CORPORATION, D/B/A COLOR CORPORATION OF AMERICA ENTERED: 01/07/2011	2010-CA-000656-MR	JEFFERSON
MARGUITA MCWILSON VS. COMMONWEALTH OF KENTUCKY ENTERED: 01/07/2011	2010-CA-000668-MR	CAMPBELL
WILLIAM THOMAS ROSE VS. TAMMY RENEE ROSE ENTERED: 01/07/2011	2010-CA-000703-MR	HOPKINS
MICHAEL CUNDIFF VS. COMMONWEALTH OF KENTUCKY ENTERED: 01/07/2011	2010-CA-000715-MR	MEADE
ROBERT SLAVEN VS. COMMONWEALTH OF KENTUCKY ENTERED: 01/06/2011	2010-CA-000731-MR	HARDIN
TIMOTHY WHITE VS. COMMONWEALTH OF KENTUCKY ENTERED: 01/07/2011	2010-CA-000775-MR	HOPKINS
RICKY BROOKS BELLEW VS. COMMONWEALTH OF KENTUCKY ENTERED: 01/07/2011	2010-CA-000818-MR	MASON
WILLIE M. NEAL VS. FLOYD RAY JONES ENTERED: 01/06/2011	2010-CA-000963-MR	BARREN

COURT OF APPEALS OF KENTUCKY

01/14/2011 AT 10:00 a.m.

PAGE 13 of 14

CITIBANK N.A., TRUSTEE FOR THE
REGISTERED HOLDERS OF THE
PHH MORTGAGE CORPORATION,
MORTGAGE PASS-THROUGH CERTIFICATE
SERIES 2002-B
ENTERED: 01/07/2011

2010-CA-001298-MR

FAYETTE

ANTHONY DECKARD
VS.
JANET WESTON
ENTERED: 01/07/2011

2010-CA-001356-ME

JEFFERSON

DEWAYNE BROWN
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 01/07/2011

2010-CA-001566-MR

WAYNE

WILLIAM MILLER
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 01/07/2011

2010-CA-001602-MR

MUHLENBERG

RICHARD COLEMAN
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 01/07/2011

2010-CA-001666-MR

BALLARD

VICTORIA MARLER D/B/A THOROBRED II
VS.
KENTUCKY DEPARTMENT OF ALCOHOL
BEVERAGE CONTROL
ENTERED: 01/07/2011

2010-CA-001694-MR

FRANKLIN

C.T.D., MOTHER
VS.
CABINET FOR HEALTH AND FAMILY SERVICES,
COMMONWEALTH OF KENTUCKY; ET AL
ENTERED: 01/06/2011

2010-CA-001789-ME

HARLAN

MICHAEL W. ALLEN
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 01/07/2011

2010-CA-001800-MR

FAYETTE

WALTER THOMAS SHEMWELL
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 01/07/2011

2010-CA-001820-MR

DAVISS

COURT OF APPEALS OF KENTUCKY

01/14/2011 AT 10:00 a.m.

PAGE 14 of 14

ARTHUR BRUNSTON
VS.
JENNIFER BRADLEY
ENTERED: 01/06/2011

2010-CA-001859-ME

MCCRACKEN

WILLIAM HAMMOND
VS.
LENORA HAMMOND
ENTERED: 01/07/2011

2010-CA-001954-MR

GREENUP