

COURT OF APPEALS OF KENTUCKY

04/19/2013 AT 10:00 a.m.

PAGE 1 of 9

375	CARTER (LARRY) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING IN PART, REVERSING IN PART AND REMANDING THOMPSON (PRESIDING JUDGE) CAPERTON (CONCURS) AND STUMBO (CONCURS)	2010-CA-000836-MR 2013-CA-000142-MR NOT TO BE PUBLISHED	FRANKLIN
376	MAYS (TERRY), ET AL. VS. PORTER (LIDDIA) OPINION AFFIRMING MOORE (PRESIDING JUDGE) ACREE (CONCURS) AND THOMPSON (CONCURS)	2011-CA-000362-MR TO BE PUBLISHED	BOYD
377	DUNCAN (CHRISTOPHER) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING CLAYTON (PRESIDING JUDGE) STUMBO (CONCURS) AND THOMPSON (DISSENTS AND WILL NOT FILE SEPARATE OPINION)	2011-CA-000636-DG NOT TO BE PUBLISHED	WEBSTER
378	GULF COAST FARMS, LLC, ET AL. VS. FIFTH THIRD BANK OPINION AFFIRMING MAZE (PRESIDING JUDGE) VANMETER (CONCURS) AND CAPERTON (DISSENTS AND FILED SEPARATE OPINION)	2011-CA-000965-MR 2011-CA-001575-MR 2012-CA-000491-MR NOT TO BE PUBLISHED	FAYETTE
379	WALTHER (LEONARD E.), ET AL. VS. MILLER (JONI), ET AL. OPINION AFFIRMING CLAYTON (PRESIDING JUDGE) STUMBO (CONCURS) AND THOMPSON (CONCURS)	2011-CA-001402-MR 2011-CA-001449-MR NOT TO BE PUBLISHED	LOGAN
380	D. (G. J.) VS. CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. OPINION AFFIRMING DIXON (PRESIDING JUDGE) CAPERTON (CONCURS) AND COMBS (DISSENTS AND FILES A SEPARATE OPINION)	2011-CA-001471-ME NOT TO BE PUBLISHED	WARREN

COURT OF APPEALS OF KENTUCKY

04/19/2013 AT 10:00 a.m.

PAGE 2 of 9

381	HALL (ALMA) VS. COHEN (LAUREN) OPINION AFFIRMING CLAYTON (PRESIDING JUDGE) STUMBO (CONCURS) AND NICKELL (CONCURS)	2011-CA-001509-MR NOT TO BE PUBLISHED	WARREN
382	REILLY (CHARLES R.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING THOMPSON (PRESIDING JUDGE) DIXON (CONCURS) AND MOORE (CONCURS)	2011-CA-001608-MR TO BE PUBLISHED	GRAVES
383	ESTATE OF MABEL C. MOLONEY VS. BECKER (JOHN D'ARCY) OPINION AFFIRMING VANMETER (PRESIDING JUDGE) NICKELL (CONCURS) AND TAYLOR (CONCURS)	2011-CA-001773-MR TO BE PUBLISHED	BRACKEN
384	BERRY (PEGGY), ET AL. VS. CSX TRANSPORTATION, INC. OPINION AFFIRMING MOORE (PRESIDING JUDGE) ACREE (CONCURS) AND KELLER (CONCURS IN RESULT ONLY)	2011-CA-001870-MR 2011-CA-001921-MR NOT TO BE PUBLISHED	GALLATIN
385	BROWN (SCOTT), ET AL. VS. F (S.) OPINION REVERSING AND REMANDING LAMBERT (PRESIDING JUDGE) CLAYTON (CONCURS) AND VANMETER (CONCURS)	2011-CA-001898-MR NOT TO BE PUBLISHED	PERRY
386	TURNER (JOE RAY) VS. KENTUCKY PAROLE BOARD OPINION AFFIRMING ACREE (PRESIDING JUDGE) KELLER (CONCURS) AND MOORE (CONCURS)	2011-CA-001949-MR NOT TO BE PUBLISHED	FRANKLIN

COURT OF APPEALS OF KENTUCKY

04/19/2013 AT 10:00 a.m.

PAGE 3 of 9

387	BURNS (LELAND STEVEN) VS. COMMONWEALTH OF KENTUCKY OPINION REVERSING AND REMANDING CLAYTON (PRESIDING JUDGE) CAPERTON (CONCURS) AND STUMBO (CONCURS)	2011-CA-001959-MR NOT TO BE PUBLISHED	WARREN
388	FLIPPINS (MAURICE O.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING TAYLOR (PRESIDING JUDGE) DIXON (CONCURS) AND LAMBERT (CONCURS)	2011-CA-002018-MR NOT TO BE PUBLISHED	JEFFERSON
389	KINDRED NURSING CENTERS LIMITED PARTNERSHIP, ET AL. VS. LEFFEWE (JERRY), ET AL. OPINION AFFIRMING ACREE (PRESIDING JUDGE) KELLER (CONCURS) AND MOORE (CONCURS)	2011-CA-002067-MR TO BE PUBLISHED	MERCER
390	COMMONWEALTH OF KENTUCKY VS. ROBERTSON (LOUIS LEE), JR. OPINION AFFIRMING MAZE (PRESIDING JUDGE) THOMPSON (CONCURS) AND STUMBO (CONCURS AND FILES SEPARATE OPINION)	2011-CA-002159-MR 2011-CA-002205-MR TO BE PUBLISHED	NELSON
391	COMMONWEALTH OF KENTUCKY VS. HANLEY (JOHN MATTHEW) OPINION AFFIRMING NICKELL (PRESIDING JUDGE) TAYLOR (CONCURS) AND MOORE (DISSENTS AND FILES SEPARATE OPINION)	2011-CA-002246-DG NOT TO BE PUBLISHED	FAYETTE
392	SCHWARTZ (STEVEN CRAIG) VS. COYLE (DANIEL K.), ET AL. OPINION AFFIRMING STUMBO (PRESIDING JUDGE) KELLER (CONCURS) AND THOMPSON (CONCURS AND FILES SEPARATE OPINION)	2011-CA-002335-MR NOT TO BE PUBLISHED	JEFFERSON

COURT OF APPEALS OF KENTUCKY

04/19/2013 AT 10:00 a.m.

PAGE 4 of 9

393	MONUMENTAL LIFE INSURANCE CO. VS. CAUDILL (RALPH), ET AL. OPINION AFFIRMING STUMBO (PRESIDING JUDGE) MOORE (CONCURS) AND VANMETER (CONCURS)	2012-CA-000047-WC NOT TO BE PUBLISHED	WORKERS' COMP
394	MOONEY (PAULINE), ET AL. VS. ALCOA FUELS, INC., ET AL. OPINION REVERSING AND REMANDING MOORE (PRESIDING JUDGE) CLAYTON (CONCURS) AND NICKELL (CONCURS)	2012-CA-000099-MR 2012-CA-000164-MR NOT TO BE PUBLISHED	WEBSTER
395	SELLIN (ELIZABETH) VS. EDUCATION PROFESSIONAL STANDARDS BOARD OPINION AFFIRMING MAZE (PRESIDING JUDGE) ACREE (CONCURS) AND KELLER (CONCURS)	2012-CA-000167-MR NOT TO BE PUBLISHED	FRANKLIN
396	CARTER (JAMES) VS. BULLITT HOST, LLC OPINION AFFIRMING THOMPSON (PRESIDING JUDGE) MAZE (CONCURS) AND STUMBO (CONCURS)	2012-CA-000192-MR NOT TO BE PUBLISHED	JEFFERSON
397	LEWIS (EDWARD ANTONIO) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING LAMBERT (PRESIDING JUDGE) CAPERTON (CONCURS) AND MAZE (CONCURS)	2012-CA-000244-MR TO BE PUBLISHED	FAYETTE
398	THOMPSON (KENNY) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING STUMBO (PRESIDING JUDGE) MAZE (CONCURS) AND VANMETER (CONCURS)	2012-CA-000311-MR NOT TO BE PUBLISHED	HARDIN

COURT OF APPEALS OF KENTUCKY

04/19/2013 AT 10:00 a.m.

PAGE 5 of 9

399	BROWN (MARK), ET AL. VS. HARDIN COUNTY, KENTUCKY OPINION REVERSING CLAYTON (PRESIDING JUDGE) COMBS (CONCURS) AND NICKELL (CONCURS)	2012-CA-000350-MR NOT TO BE PUBLISHED	FRANKLIN
400	ADAMS (TRUMAN) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING LAMBERT (PRESIDING JUDGE) CLAYTON (CONCURS) AND VANMETER (CONCURS)	2012-CA-000424-MR NOT TO BE PUBLISHED	MONROE
401	SOUTHERN TAX SERVICES, LLC VS. TAX EASE LIEN INVESTMENTS 1, LLC, ET AL. OPINION REVERSING AND REMANDING LAMBERT (PRESIDING JUDGE) MOORE (CONCURS) KELLER (CONCURS IN RESULT ONLY)	2012-CA-000448-MR NOT TO BE PUBLISHED	LAWRENCE
402	JOINTER (JAMES) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING TAYLOR (PRESIDING JUDGE) MOORE (CONCURS) AND NICKELL (CONCURS)	2012-CA-000505-MR NOT TO BE PUBLISHED	FAYETTE
403	CLAY (ANTONIO) VS. MAGGARD (TODD), ET AL. OPINION AFFIRMING TAYLOR (PRESIDING JUDGE) MOORE (CONCURS) AND NICKELL (CONCURS)	2012-CA-000644-MR NOT TO BE PUBLISHED	FRANKLIN
404	KELLY (CHARLES BROWNING), II VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING DIXON (PRESIDING JUDGE) LAMBERT (CONCURS) AND TAYLOR (CONCURS)	2012-CA-000701-MR NOT TO BE PUBLISHED	FAYETTE

COURT OF APPEALS OF KENTUCKY

04/19/2013 AT 10:00 a.m.

PAGE 6 of 9

405	LEMASTER (CHARLES) VS. COMMONWEALTH OF KENTUCKY OPINION DISMISSING COMBS (PRESIDING JUDGE) MOORE (CONCURS) AND TAYLOR (CONCURS)	2012-CA-000704-MR TO BE PUBLISHED	BOYD
406	SABHARWAL (SHAWN SINGH) VS. HOSKINS (TAMMY GWYN) OPINION AFFIRMING THOMPSON (PRESIDING JUDGE) CLAYTON (CONCURS) AND KELLER (CONCURS)	2012-CA-000732-MR NOT TO BE PUBLISHED	FAYETTE
407	YEAGLE (WILLIAM A.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING STUMBO (PRESIDING JUDGE) MAZE (CONCURS) AND VANMETER (CONCURS)	2012-CA-000743-MR NOT TO BE PUBLISHED	DAVIESS
408	SHAMAEI ZADEH (ALI), M.D. VS. KENTUCKY BOARD OF MEDICAL LICENSURE OPINION AFFIRMING COMBS (PRESIDING JUDGE) CLAYTON (CONCURS) AND VANMETER (CONCURS)	2012-CA-000756-MR NOT TO BE PUBLISHED	JEFFERSON
409	COLE (SUSAN) VS. FAGIN (KEVIN), ET AL. OPINION REVERSING MOORE (PRESIDING JUDGE) NICKELL (CONCURS) AND TAYLOR (CONCURS)	2012-CA-000797-MR TO BE PUBLISHED	MADISON
410	MCCAULEY (JOHN) VS. LEWIS (JOHN L.), III, ET AL. OPINION AFFIRMING STUMBO (PRESIDING JUDGE) MAZE (CONCURS) AND VANMETER (CONCURS)	2012-CA-000932-MR NOT TO BE PUBLISHED	TAYLOR

COURT OF APPEALS OF KENTUCKY

04/19/2013 AT 10:00 a.m.

PAGE 7 of 9

411	S. (C.) VS. CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. OPINION AND ORDER DISMISSING KELLER (PRESIDING JUDGE) STUMBO (CONCURS) AND THOMPSON (CONCURS)	2012-CA-001040-ME NOT TO BE PUBLISHED	JEFFERSON
412	MARTIN (BENJAMIN) IN HIS OFFICIAL CAPACITY VS. KENTUCKY DEPARTMENT OF CORRECTIONS OPINION AFFIRMING CAPERTON (PRESIDING JUDGE) LAMBERT (CONCURS) AND MAZE (CONCURS)	2012-CA-001343-MR NOT TO BE PUBLISHED	FRANKLIN
413	FREEDOM ENERGY - MASSEY COAL, AS INSURED BY BRICKSTREET MUTUAL INSURANCE COMPANY VS. FREEDOM ENERGY - MASSEY COAL, ET AL. OPINION AFFIRMING VANMETER (PRESIDING JUDGE) ACREE (CONCURS) AND TAYLOR (CONCURS)	2012-CA-001461-WC NOT TO BE PUBLISHED	WORKERS' COMP
414	WATKINS (KEVIN A.) VS. KOBÉ ALUMINUM, ET AL. OPINION AFFIRMING LAMBERT (PRESIDING JUDGE) KELLER (CONCURS) AND MOORE (CONCURS)	2012-CA-001482-WC TO BE PUBLISHED	WORKERS' COMP
415	BOYLE MASONRY CONSTRUCTION VS. MEDELLIN (FELIPE), ET AL. OPINION AFFIRMING STUMBO (PRESIDING JUDGE) MAZE (CONCURS) AND VANMETER (CONCURS IN RESULT ONLY)	2012-CA-001779-WC NOT TO BE PUBLISHED	WORKERS' COMP

COURT OF APPEALS OF KENTUCKY

04/19/2013 AT 10:00 a.m.

PAGE 8 of 9

ORDER FOR THE WEEK ENDING 04/12/2013:

ORDER DIMISSING:

MARY DENISE THOMPSON 2013-CA-000125-MR JEFFERSON
VS.
KENTUCKY BOARD OF NURSING
ENTERED: 04/12/2013

ORDERS FOR THE WEEK ENDING 04/19/2013:

ORDER MODIFYING OPINION RENDERED AUGUST 3, 2012:

TOMMY ALLEN SPRAKS 2011-CA-000820-MR FRANKLIN
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 04/19/2013

ORDERS DISMISSING:

PREFERRED AUTOMOTIVE SALES, INC. 2012-CA-000286-MR JEFFERSON
VS.
J. STEPHEN SMITH, ET AL.
ENTERED: 04/18/2013

INDUSTRIAL CONTROL SOLUTIONS, INC. 2012-CA-000426-MR JEFFERSON
VS.
YURIY OSYKA
ENTERED: 04/17/2013

VP LOUISVILLE, LLC 2012-CA-001509-I JEFFERSON
VS.
NBH BANK, N.A., ET AL.
ENTERED: 04/15/2013

MELVIN JAY BUCKLAND, ET AL. 2012-CA-001716-MR PULASKI
VS.
CUMBERLAND SECURITY BANK, INC., ET AL
ENTERED: 04/16/2013

CHARLENE HENSLEY, ET AL. 2012-CA-001748-MR JOHNSON
VS.
SAFE AUTO INSURANCE COMPANY, ET AL.
ENTERED: 04/15/2013

COURT OF APPEALS OF KENTUCKY

04/19/2013 AT 10:00 a.m.

PAGE 9 of 9

RHONDA DEATON 2012-CA-002151-MR BOYLE
VS.
IGOR MINTCHENKO, ET AL.
ENTERED: 04/15/2013

DARIAN RAMON CLAY 2013-CA-000254-ME JEFFERSON
VS.
HOPE L. MERRITT
ENTERED: 04/15/2013

COUNTRY PREFERRED INSURANCE 2013-CA-000288-MR JEFFERSON
COMPANY
VS.
CAROLANN MCAFEE
ENTERED: 04/15/2013

DANNY LEE HOWARD 2013-CA-000409-MR BOYLE
VS.
JAYNE MORRIS
ENTERED: 04/15/2013

ORDER DENYING PETITION FOR REHEARING:

MELISSA DERMODY 2011-CA-001804-MR JEFFERSON
VS.
UNIVERSITY OF LOUISVILLE MEDICAL SCHOOL ASSOCIATION, INC. D/B/A/
UNIVERSITY PHYSICIANS ASSOCIATES
ENTERED: 04/15/2013

ORDER DENYING PETITION FOR WRIT OF MANDAMUS OR PROHIBITION:

SHELLEY NETHERWOOD 2012-CA-000062-OA JEFFERSON
VS.
HON. JAMES M. SHAKE, JUDGE, ET AL.
ENTERED: 04/15/2013