

COURT OF APPEALS OF KENTUCKY

07/29/2005 AT 2:00 P.M.

PAGE 1 OF 14

819	EWG CORPORATION, ET AL. VS. HILS (DAVID), ET AL. OPINION AFFIRMING COMBS (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND MILLER (CONCURS)	2003-CA-1639-MR NOT TO BE PUBLISHED	BOONE
820	MCCORMICK (DAMON) VS. COMMONWEALTH OF KENTUCKY, ET AL. OPINION AFFIRMING IN PART, REVERSING IN PART AND REMANDING VANMETER (PRESIDING JUDGE) KNOPF (CONCURS) AND TAYLOR (CONCURS)	2003-CA-1767-MR NOT TO BE PUBLISHED	UNION
821	STEPHENS (KAREN LYNN) VS. STEPHENS (OSCAR GLEN) OPINION AFFIRMING TACKETT (PRESIDING JUDGE) DYCHE (CONCURS) AND HENRY (CONCURS)	2003-CA-1856-MR NOT TO BE PUBLISHED	GREENUP
822	SWIFT (ANTHONY WAYNE) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING IN PART AND REVERSING AND REMANDING IN PART HUDDLESTON (PRESIDING JUDGE) BARBER (CONCURS) AND SCHRODER (CONCURS)	2003-CA-2033-MR 2004-CA-0336-MR NOT TO BE PUBLISHED	OHIO
823	FRANKLIN, JR. (RALPH) VS. COMMONWEALTH OF KENTUCKY OPINION DISMISSING HENRY (PRESIDING JUDGE) MCANULTY (CONCURS) AND MINTON (CONCURS)	2003-CA-2574-MR NOT TO BE PUBLISHED	JEFFERSON
824	MCKENZIE (RONALD) VS. MCKENZIE (SUE) OPINION AFFIRMING DYCHE (PRESIDING JUDGE) SCHRODER (CONCURS) AND VANMETER (CONCURS)	2004-CA-0205-MR NOT TO BE PUBLISHED	GREENUP

COURT OF APPEALS OF KENTUCKY

07/29/2005 AT 2:00 P.M.

PAGE 2 OF 14

825	CITY OF HAZARD, KENTUCKY, ET AL. VS. BRYANT (KENNETH) OPINION REVERSING AND REMANDING HENRY (PRESIDING JUDGE) VANMETER (CONCURS) AND MILLER (CONCURS)	2004-CA-0567-MR NOT TO BE PUBLISHED	PERRY
826	BRANON (CYNTHIA CASH) VS. GENERAL ELECTRIC COMPANY OPINION REVERSING AND REMANDING BUCKINGHAM (PRESIDING JUDGE) JOHNSON (CONCURS) AND EMBERTON (CONCURS)	2004-CA-0568-MR 2004-CA-1755-MR NOT TO BE PUBLISHED	MCCRACKEN
827	MILESKO (MICHAEL J.) VS. KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION, ET AL. OPINION AFFIRMING HENRY (PRESIDING JUDGE) MCANULTY (CONCURS) AND MINTON (CONCURS)	2004-CA-0576-MR NOT TO BE PUBLISHED	JEFFERSON
828	KILLEBREW (MICHAEL), ET AL. VS. NATIONAL SERVICES INDUSTRIES, INC. OPINION AFFIRMING EMBERTON (PRESIDING JUDGE) HENRY (CONCURS) AND SCHRODER (CONCURS)	2004-CA-0636-MR 2004-CA-0734-MR NOT TO BE PUBLISHED	MCCRACKEN
829	LABORATORY CORPORATION OF AMERICA HOLDINGS VS. RUDOLPH (HON ROBBIE), ET AL. OPINION AFFIRMING MCANULTY (PRESIDING JUDGE) GUIDUGLI (CONCURS IN RESULT) AND MINTON (CONCURS)	2004-CA-1025-MR TO BE PUBLISHED	FRANKLIN
830	RAVENS CRAFT (KENNETH) VS. KENTUCKY DEPARTMENT OF CORRECTIONS OPINION AFFIRMING JOHNSON (PRESIDING JUDGE) BARBER (CONCURS) AND HUDDLESTON (CONCURS)	2004-CA-1033-MR NOT TO BE PUBLISHED	KENTON

COURT OF APPEALS OF KENTUCKY

07/29/2005 AT 2:00 P.M.

PAGE 3 OF 14

831	JOHNSON (ROBERT) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING HENRY (PRESIDING JUDGE) MCANULTY (CONCURS) AND MINTON (CONCURS)	2004-CA-1083-MR NOT TO BE PUBLISHED	JEFFERSON
832	GOURLEY (KENNETH) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) DYCHE (CONCURS) AND TAYLOR (CONCURS)	2004-CA-1196-MR NOT TO BE PUBLISHED	FULTON
833	MORGAN (CHRISTY C.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING JOHNSON (PRESIDING JUDGE) BARBER (CONCURS) AND BUCKINGHAM (CONCURS)	2004-CA-1204-MR NOT TO BE PUBLISHED	HART
834	AKERS (EDWARD) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING IN PART, REVERSING IN PART AND REMANDING BARBER (PRESIDING JUDGE) KNOFF (DISSENTS AND FILES SEPARATE OPINION) AND SCHRODER (CONCURS)	2004-CA-1212-MR NOT TO BE PUBLISHED	PIKE
835	PULASKI COUNTY, KENTUCKY, ET AL. VS. INABNITT (ELMER), ET AL. OPINION AFFIRMING IN PART, REVERSING IN PART AND REMANDING SCHRODER (PRESIDING JUDGE) BARBER (CONCURS) AND KNOFF (CONCURS)	2004-CA-1214-MR 2004-CA-1358-MR NOT TO BE PUBLISHED	PULASKI
836	LOGAN (FLEMING) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING IN PART, REVERSING IN PART AND REMANDING TAYLOR (PRESIDING JUDGE) TACKETT (CONCURS) AND HUDDLESTON (CONCURS)	2004-CA-1250-MR NOT TO BE PUBLISHED	CARTER

COURT OF APPEALS OF KENTUCKY

07/29/2005 AT 2:00 P.M.

PAGE 4 OF 14

837	CINCINNATI GAS AND ELECTRIC COMPANY VS. APPALACHIAN FUELS, LLC OPINION REVERSING AND REMANDING SCHRODER (PRESIDING JUDGE) DYCHE (CONCURS) AND VANMETER (CONCURS)	2004-CA-1252-MR NOT TO BE PUBLISHED	BOYD
838	JONES (GARY) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING TAYLOR (PRESIDING JUDGE) TACKETT (CONCURS) AND HUDDLESTON (CONCURS)	2004-CA-1391-MR NOT TO BE PUBLISHED	MONTGOMERY
839	LAWRENCE (RUSSELL), ET AL. VS. GRANGE MUTUAL CASUALTY COMPANY OPINION AFFIRMING EMBERTON (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND MINTON (CONCURS)	2004-CA-1484-MR NOT TO BE PUBLISHED	JEFFERSON
840	MORGAN, M.D. (KIRK D.) VS. KENTUCKY BOARD OF MEDICAL LICENSURE OPINION AFFIRMING HENRY (PRESIDING JUDGE) MCANULTY (CONCURS) AND MINTON (CONCURS)	2004-CA-1609-MR NOT TO BE PUBLISHED	JEFFERSON
841	REINLE (LARRY) VS. COMMONWEALTH OF KENTUCKY, CABINET FOR FAMILIES AND CHILDREN OPINION AFFIRMING IN PART, REVERSING AND REMANDING IN PART HENRY (PRESIDING JUDGE) BARBER (CONCURS) AND SCHRODER (CONCURS)	2004-CA-1627-MR TO BE PUBLISHED	NELSON
842	NELSON (DAVID) VS. NORYS (REBECCA) OPINION AND ORDER AFFIRMING IN PART, REVERSING IN PART, AND REMANDING KNOPF (PRESIDING JUDGE) TACKETT (CONCURS) AND MILLER (CONCURS)	2004-CA-1725-ME NOT TO BE PUBLISHED	JEFFERSON

COURT OF APPEALS OF KENTUCKY

07/29/2005 AT 2:00 P.M.

PAGE 5 OF 14

843	MANALAPAN MINING VS. HODGE (JERRY), ET AL. OPINION AFFIRMING MCANULTY (PRESIDING JUDGE) JOHNSON (CONCURS) AND HUDDLESTON (CONCURS)	2004-CA-1731-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD
844	SEYMOUR (JERRY) VS. COLEBANK (KATHLEEN D.), ET AL. OPINION AFFIRMING HENRY (PRESIDING JUDGE) MCANULTY (CONCURS) AND MINTON (CONCURS)	2004-CA-1942-MR TO BE PUBLISHED	OLDHAM
845	BOYD (STEVEN), ET AL. VS. MAHMOUD (MOHAMED) OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) DYCHE (CONCURS) AND TAYLOR (CONCURS)	2004-CA-2378-ME NOT TO BE PUBLISHED	MEADE
846	NEIGHBORS (MICHAEL BRUCE) VS. RIVER CITY INTERIORS, ET AL. OPINION AFFIRMING SCHRODER (PRESIDING JUDGE) BARBER (CONCURS) AND KNOPF (CONCURS)	2005-CA-0158-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD
847	DANIELS (RANDALL) VS. B.R. & D. ENTERPRISES, INC., ET AL. OPINION AFFIRMING SCHRODER (PRESIDING JUDGE) BARBER (CONCURS) AND KNOPF (CONCURS)	2005-CA-0420-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD
848	AK STEEL CORPORATION VS. MURRAY (RONALD), ET AL. OPINION AFFIRMING SCHRODER (PRESIDING JUDGE) BARBER (CONCURS) AND KNOPF (CONCURS IN RESULT ONLY)	2005-CA-0514-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD

COURT OF APPEALS OF KENTUCKY

07/29/2005 AT 2:00 P.M.

PAGE 6 OF 14

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ORDERS AFFIRMING:

HAYS (JACK) 2005-CA-0362-MR LYON
VS.
PARKER (PHIL), WARDEN
ENTERED: 7/26/05

JONES (ROBERT E.) 2005-CA-0650-MR FAYETTE
VS.
HANEY (STEVE), WARDEN
ENTERED: 7/26/05

HELM (GREGORY) 2005-CA-0788-MR MARION
VS.
MUDD (CAROLINE), WARDEN
ENTERED: 7/26/05

ALSTATT (JOHNNY D.) 2005-CA-0955-MR BELL
VS.
FERGUSON (MICHAEL), WARDEN
ENTERED: 7/26/05

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ORDERS DENYING PETITION FOR REHEARING:

GEORGE (ROCKLAND), ET AL. 2003-CA-0788-MR BOYD
VS. 2004-CA-0266-MR
GEORGE (ELOISE T.)
ENTERED: 7/25/05

PLANK (CRYSTAL) 2003-CA-1861-MR JEFFERSON
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 7/26/05

MARSHALL (ANTHONY WAYNE) 2003-CA-2767-MR MCCrackEN
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 7/25/05

JOHNSON (ANTONIO) 2004-CA-0726-MR CHRISTIAN
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 7/26/05

COURT OF APPEALS OF KENTUCKY

07/29/2005 AT 2:00 P.M.

PAGE 7 OF 14

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ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW:

ZIEGLER (JON RUSSELL) VS. COMMONWEALTH OF KENTUCKY ENTERED: 7/25/05	2004-CA-1495-DR	CAMPBELL
PRICE (WILLIAM) VS. COMMONWEALTH OF KENTUCKY ENTERED: 7/25/05	2004-CA-2150-DR	GRANT
MCCRADY (JERRY) VS. COMMONWEALTH OF KENTUCKY ENTERED: 7/26/05	2004-CA-2206-DR	DAVIESS
STUTESMAN (DAVID) VS. COMMONWEALTH OF KENTUCKY ENTERED: 7/25/05	2004-CA-2674-DR	MARSHALL
MASON (MARTIN) VS. COMMONWEALTH OF KENTUCKY ENTERED: 7/26/05	2005-CA-0693-DR	MCCRACKEN
EVANS (JENNIFER) VS. COMMONWEALTH OF KENTUCKY ENTERED: 7/26/05	2005-CA-0695-DR	MCCRACKEN
A.R., A CHILD UNDER EIGHTEEN VS. COMMONWEALTH OF KENTUCKY ENTERED: 7/25/05	2005-CA-0780-DR	MUHLENBURG
MONROE (MICHAEL) VS. COMMONWEALTH OF KENTUCKY ENTERED: 7/25/05	2005-CA-0926-DR	NELSON
RIDENER (MATTHEW) VS. COMMONWEALTH OF KENTUCKY ENTERED: 7/25/05	2005-CA-0950-DR	PENDLETON
CLORE (MARY JO) VS. COMMONWEALTH OF KENTUCKY ENTERED: 7/26/05	2005-CA-0972-DR	SCOTT

COURT OF APPEALS OF KENTUCKY

07/29/2005 AT 2:00 P.M.

PAGE 8 OF 14

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ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW (CONTINUED):

LOPEZ (PATRICIA) 2005-CA-0973-DR FRANKLIN
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 7/25/05

ADAMS (DOUGLAS L.) 2005-CA-0974-DR BELL
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 7/25/05

NEWMAN (JONATHON) 2005-CA-1023-DR NELSON
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 7/25/05

ALEXANDER (DOROTHY) 2005-CA-1051-DR HOPKINS
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 7/26/05

ROBERTSON (RONALD) 2005-CA-1099-DR CARROLL
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 7/25/05

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ORDERS DENYING MOTION FOR BELATED APPEAL:

WILDER (GARY) 2004-CA-2212-MR BELL
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 7/26/05

BRASHEAR, SR. (TERRANCE) 2005-CA-0671-MR MORGAN
VS.
JENKINS, SGT. (TERRY)
ENTERED: 7/26/05

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ORDERS DENYING PETITION FOR WRIT OF MANDAMUS:

BELL (RICK) 2005-CA-0278-OA IN COURT OF
VS. APPEALS
JERRY WINCHESTER, JUDGE
MCCREARY CIRCUIT COURT, ET AL.
ENTERED: 7/26/05

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ORDERS DENYING PETITION FOR WRIT OF MANDAMUS (CONTINUED):

COURT OF APPEALS OF KENTUCKY

07/29/2005 AT 2:00 P.M.

PAGE 9 OF 14

COMMONWEALTH OF KENTUCKY VS. BETH LEWIS MAZE, JUDGE MONTGOMERY CIRCUIT COURT, ET. AL. ENTERED: 7/26/05	2005-CA-0332-OA	IN COURT OF APPEALS
ARFLACK (MARK CURTIS) VS. STEPHEN HAYDEN, JUDGE HENDERSON CIRCUIT COURT, ET AL. ENTERED: 7/26/05	2005-CA-0502-OA	IN COURT OF APPEALS
POWELL (ROBERT) VS. WILLIAM L. GRAHAM, JUDGE FRANKLIN CIRCUIT COURT, ET AL. ENTERED: 7/26/05	2005-CA-0525-OA	IN COURT OF APPEALS
BENTLEY (TOMMY RAY) VS. HON. JULIE PAXTON, JUDGE FLOYD FAMILY COURT, ET AL. ENTERED: 7/26/05	2005-CA-0722-OA	IN COURT OF APPEALS
DAVIS (CHARLES E.) VS. PATRICIA SUMME, JUDGE KENTON CIRCUIT COURT, ET AL. ENTERED: 7/26/05	2005-CA-0824-OA	IN COURT OF APPEALS
TINSLEY (JAMES A.) VS. KELLY MARK EASTON, JUDGE HARDIN CIRCUIT COURT, ET AL. ENTERED: 7/26/05	2005-CA-0899-OA	IN COURT OF APPEALS
BUTLER (JAMES) VS. DENNIS R. FOUST, JUDGE CALLOWAY CIRCUIT COURT, ET AL. ENTERED: 7/26/05	2005-CA-0984-OA	IN COURT OF APPEALS
DENNISON (LARRY) VS. DAVID H. JERNIGAN, JUDGE MUHLENBURG CIRCUIT COURT, ET AL. ENTERED: 7/26/05	2005-CA-1027-OA	IN COURT OF APPEALS

COURT OF APPEALS OF KENTUCKY

07/29/2005 AT 2:00 P.M.

PAGE 10 OF 14

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ORDERS VACATING AND REMANDING:

COOPER (SCOTT) 2004-CA-2443-MR WAYNE
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 7/26/05

MEADOWS (RONNIE) 2005-CA-0561-MR MCCracken
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 7/26/05

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ORDER DENYING PETITION FOR WRIT OF PROHIBITION:

DAILY (RONALD) 2005-CA-0967-OA IN COURT OF
VS. APPEALS
SAMUEL LONG, JUDGE
MORGAN CIRCUIT COURT, ET AL.
ENTERED: 7/26/05

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ORDERS DISMISSING:

KIRK-MURPHY HOLDING, INC. 2002-CA-2069-MR JEFFERSON
VS.
UNIFIED FOOD SERVICE PURCHASING
CO-OP, LLC
ENTERED: 7/25/05

TANNER (EDDIE L.), ET AL. 2003-CA-0870-MR BOONE
VS.
COUNTY OF KENTON, KENTUCKY, EX
REL. KENTON COUNTY AIRPORT BOARD,
ET AL.
ENTERED: 7/25/05

ELMORE (MARY ANNA), NOW LUNDY 2004-CA-0437-MR BULLITT
VS.
BLACKBURN (WRAY E.)
ENTERED: 7/25/05

TOTAL DISTRIBUTION SERVICES, INC. 2004-CA-0753-MR JEFFERSON
VS. 2004-CA-0754-MR
AMERICAN GLOBAL INSURANCE CO., ET 2004-CA-0816-MR
AL.
ENTERED: 7/27/05

COURT OF APPEALS OF KENTUCKY

07/29/2005 AT 2:00 P.M.

PAGE 11 OF 14

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ORDERS DISMISSING (CONTINUED):

BANK ONE, N.A, SUCCESSOR BY MERGER TO BANK ONE, KY, N.A. VS. DORSEY (MARK DOUGLAS) ENTERED: 7/25/05	2004-CA-1131-MR	JEFFERSON
SCOTT (CURTIS FRED) VS. SCOTT (LELA CAROL) ENTERED: 7/25/05	2004-CA-1282-MR 2004-CA-1425-MR	GREEN
PENN (JOHNNY) VS. COMMONWEALTH OF KENTUCKY ENTERED: 7/28/05	2004-CA-1369-MR	BOONE
SHIFERAW (FASIKA A.) VS. MILLS (SAMUEL D.) ENTERED: 7/26/05	2004-CA-2263-MR	CLARK
MEADE (BRIAN) VS. MEADE (DONNA WILLIAMS) ENTERED: 7/25/05	2004-CA-2419-MR	FLOYD
CRAIG (MICHAEL) VS. COMMONWEALTH OF KENTUCKY ENTERED: 7/26/05	2004-CA-2484-MR	JEFFERSON
COLLINS (RAY) VS. COMMONWEALTH OF KENTUCKY ENTERED: 7/26/05	2004-CA-2574-MR	FLOYD
GEORGE BROTHERS FOOD SERVICE, INC., ETC. VS. MCSTOOTS (SONDRA ANN), ET AL. ENTERED: 7/25/05	2004-CA-2599-MR	JEFFERSON
GAGNON (MARIE), ET AL. VS. FINOVA CAPITAL CORPORATION ENTERED: 7/26/05	2004-CA-2615-MR	JEFFERSON
ROBERTSON (DON H.) VS. ROBERTSON (MARY LEWIS) ENTERED: 7/25/05	2004-CA-2678-MR	WARREN

COURT OF APPEALS OF KENTUCKY

07/29/2005 AT 2:00 P.M.

PAGE 12 OF 14

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ORDERS DISMISSING (CONTINUED):

ANAJEMBA (AMAKA), ET AL. VS. MATTOS, JR. (LUIS VICENTE BARROS), ET AL. ENTERED: 7/26/05	2005-CA-0032-MR	JEFFERSON
GEER (B.R.), ET AL. VS. HOME REALTY, GMAC REAL ESTATE ENTERED: 7/25/05	2005-CA-0149-MR	DAVIESS
HINES (WILLIE RAY ABILL@), ET AL. VS. BROWN (FRED) ENTERED: 7/25/05	2005-CA-0187-MR	WARREN
DAILEY (THOMAS BARR) VS. DAILEY (DAWN S.) ENTERED: 7/26/05	2005-CA-0582-MR	JESSAMINE
RICHARDSON (PATRESA TRUDI) VS. COMMONWEALTH OF KENTUCKY ENTERED: 7/26/05	2005-CA-0583-MR	WEBSTER
JUSTICE & PUBLIC SAFETY CABINET, DEPT. OF CORRECTIONS VS. BRAY (JAMES) ENTERED: 7/26/05	2005-CA-0594-MR	FLOYD
HUMPHRESS (JOHN A.) VS. COMMONWEALTH OF KENTUCKY ENTERED: 7/26/05	2005-CA-0751-MR 2005-CA-0752-MR	TAYLOR
JONES (FREDERICK D.) VS. COMMONWEALTH OF KENTUCKY ENTERED: 7/26/05	2005-CA-0754-MR	LEE
PLUNKETT (ROBERT), A CHILD VS. COMMONWEALTH OF KENTUCKY ENTERED: 7/26/05	2005-CA-0783-ME	PENDLETON
TURNER (ROBERT E.) VS. COMMONWEALTH OF KENTUCKY ENTERED: 7/25/05	2005-CA-0837-MR	DAVIESS

COURT OF APPEALS OF KENTUCKY

07/29/2005 AT 2:00 P.M.

PAGE 13 OF 14

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ORDERS DISMISSING (CONTINUED):

HENDERSON (GREGORY T.) VS. COMMONWEALTH OF KENTUCKY ENTERED: 7/26/05	2005-CA-0850-MR	JEFFERSON
JONES (BOBBY C.) VS. COMMONWEALTH OF KENTUCKY ENTERED: 7/26/05	2005-CA-0855-MR	MONTGOMERY
HODGE (WILLIAM F.) VS. COMMONWEALTH OF KENTUCKY ENTERED: 7/26/05	2005-CA-0902-MR	HICKMAN
DEETSCH (GREG), ET AL. VS. ACKERMAN (PHILLIP T.) ENTERED: 7/25/05	2005-CA-0911-MR	JEFFERSON
GRAY (BRIAN SPENCER) VS. KENTUCKY PAROLE BOARD, ET AL. ENTERED: 7/26/05	2005-CA-0921-OA	IN COURT OF APPEALS
KENTUCKY BOARD OF MEDICAL LICENSURE VS. EBERT, M.D. (JOHN T.) ENTERED: 7/26/05	2005-CA-1057-I	JEFFERSON
ALEXANDER (DOROTHY) VS. COMMONWEALTH OF KENTUCKY ENTERED: 7/27/05	2005-CA-1058-MR	HOPKINS
MENSER (JOHNNY S.) VS. COMMONWEALTH OF KENTUCKY ENTERED: 7/25/05	2005-CA-1059-MR	HOPKINS
BANK OF AMERICA VS. BOONE NATIONAL BANK, ET AL. ENTERED: 7/26/05	2005-CA-1093-MR	CAMPBELL
TEAGUE (JA-RON S.) VS. KAREN A. CONRAD, JUDGE OLDHAM CIRCUIT COURT, ET AL. ENTERED: 7/27/05	2005-CA-1129-OA	IN COURT OF APPEALS

COURT OF APPEALS OF KENTUCKY

07/29/2005 AT 2:00 P.M.

PAGE 14 OF 14

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ORDERS DISMISSING (CONTINUED):

GAINES, JR., (WILLIAM C.) 2005-CA-1134-MR JEFFERSON
VS.
GAINES (MARY CAROLYN)
ENTERED: 7/25/05

COMMONWEALTH OF KENTUCKY, 2005-CA-1147-MR HARDIN
TRANSPORTATION CABINET, DEPT. OF
HIGHWAYS
VS.
COMMONWEALTH OF KENTUCKY,
ENVIRONMENTAL AND PUBLIC
PROTECTION CABINET, ET AL.
ENTERED: 7/25/05

KELLEY (LEAH FINLEY) 2005-CA-1229-MR BOONE
VS.
HICKS (BENJAMIN CHRISTOPHER)
ENTERED: 7/25/05

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ORDERS FROM WEEK ENDING JULY 22, 2005:

ORDERS DISMISSING:

KENTUCKY REAL ESTATE COMMISSION 2004-CA-0025-MR PULASKI
VS.
HENSLEY (FRANCES), ET AL.
ENTERED: 7/21/05

CALLIHAN (WALTER), ET AL. 2004-CA-2568-MR GREENUP
VS.
GRAYSON RURAL ELECTRIC COOPERATIVE
CORPORATION
ENTERED: 7/22/05

BROWNING (CATHERINE) 2005-CA-0904-MR LINCOLN
VS.
COMMONWEALTH OF KENTUCKY,
TRANSPORTATION CABINET, DEPT. OF
VEHICLE REGULATION, ET AL.
ENTERED: 7/22/05

COPELAND (LLOYD), ETC. 2005-CA-1065-MR MUHLENBERG
VS.
MAX ARNOLD & SONS LLC, ET AL.
ENTERED: 7/22/05