

COURT OF APPEALS OF KENTUCKY

10/27/2006 AT 10:00 A.M.

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1075	MCCUTCHEON (CHRISTIAN SHEA) VS. SMITH (AMBER NACOLE) OPINION AFFIRMING IN PART AND REVERSING IN PART HUDDLESTON (PRESIDING JUDGE) HENRY (CONCURS) AND KNOPF (CONCURS IN PART, DISSENTS IN PART, AND FILES SEPARATE OPINION)	2003-CA-2280-MR NOT TO BE PUBLISHED	JEFFERSON
1076	ROBINSON (TAMMY), ET AL. VS. LANSFORD (NORMAN), ET AL. OPINION AFFIRMING IN PART, REVERSING IN PART, AND REMANDING JOHNSON (PRESIDING JUDGE) COMBS (DISSENTS AND FILES SEPARATE OPINION) AND EMBERTON (CONCURS)	2004-CA-0325-MR 2004-CA-0351-MR TO BE PUBLISHED	JEFFERSON
1077	SAMUELS (JOSEPH H.) VS. PNC BANK CORPORATION OPINION AFFIRMING COMBS (PRESIDING JUDGE) ACREE (CONCURS) AND KNOPF (CONCURS)	2004-CA-1302-MR NOT TO BE PUBLISHED	BULLITT
1078	B.W. VS. COMMONWEALTH OF KENTUCKY OPINION REVERSING IN PART, VACATING IN PART, AND REMANDING ABRAMSON (PRESIDING JUDGE) GUIDUGLI (CONCURS IN RESULT ONLY AND FILES SEPARATE OPINION) AND BUCKINGHAM (CONCURS)	2005-CA-0395-MR 2005-CA-2583-MR NOT TO BE PUBLISHED	FAYETTE
1079	PIKE COUNTY FISCAL COURT VS. GIBSON (GLEN) OPINION VACATING EMBERTON (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND TAYLOR (CONCURS)	2005-CA-0813-MR NOT TO BE PUBLISHED	PIKE
1080	MORRISON (JENNIFER), ET AL. VS. JAENICKE, M.D. (KURT), ET AL. OPINION AFFIRMING BARBER (PRESIDING JUDGE) VANMETER (CONCURS) AND EMBERTON (CONCURS)	2005-CA-0949-MR NOT TO BE PUBLISHED	BOYD

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1081	HOLBROOK (LYDIA) VS. HOLBROOK (STANLEY G.) OPINION AFFIRMING HENRY (PRESIDING JUDGE) SCHRODER (CONCURS) AND EMBERTON (CONCURS)	2005-CA-1090-MR NOT TO BE PUBLISHED	MAGOFFIN
1082	MCKEE (BRYAN LAMONT) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING SCHRODER (PRESIDING JUDGE) KNOPF (CONCURS) AND MILLER (CONCURS)	2005-CA-1512-MR NOT TO BE PUBLISHED	FAYETTE
1083	ALLGEIER (KEITH) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING GUIDUGLI (PRESIDING JUDGE) ABRAMSON (CONCURS) AND VANMETER (CONCURS)	2005-CA-1530-MR NOT TO BE PUBLISHED	CHRISTIAN
1084	CARSON (ELSIE) VS. MORGAN (JAMES W.), ET AL. OPINION AND ORDER DISMISSING VANMETER (PRESIDING JUDGE) BARBER (CONCURS) AND EMBERTON (CONCURS)	2005-CA-1592-MR NOT TO BE PUBLISHED	LEE
1085	MORGAN (CAROLYN JONES) VS. MORGAN (BETTY) OPINION AFFIRMING PAISLEY (PRESIDING JUDGE) COMBS (CONCURS) AND HENRY (CONCURS)	2005-CA-1739-MR NOT TO BE PUBLISHED	LAUREL
1086	RICHIE (ANTHONY WAYNE) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING SCHRODER (PRESIDING JUDGE) KNOPF (CONCURS) AND MILLER (CONCURS)	2005-CA-1801-MR NOT TO BE PUBLISHED	JEFFERSON

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1087	FOGLE (SMITH) VS. GENERALI-U.S. BRANCH OPINION AFFIRMING GUIDUGLI (PRESIDING JUDGE) SCHRODER (CONCURS) AND MILLER (CONCURS)	2005-CA-2039-MR 2005-CA-2040-MR NOT TO BE PUBLISHED	MARION
1088	LAWRENCE (MARCUS JEROME) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING ABRAMSON (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND BUCKINGHAM (CONCURS)	2005-CA-2075-MR NOT TO BE PUBLISHED	WARREN
1089	IRELAND (DEBRA) VS. HODES, M.D. (JONATHAN E.) OPINION REVERSING AND REMANDING TAYLOR (PRESIDING JUDGE) JOHNSON (CONCURS) AND BUCKINGHAM (CONCURS)	2005-CA-2095-MR NOT TO BE PUBLISHED	JEFFERSON
1090	SUMMERFORD, SR. (ROBERT EARL) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING ABRAMSON (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND BUCKINGHAM (CONCURS)	2005-CA-2321-MR NOT TO BE PUBLISHED	FAYETTE
1091	J.D. VS. COMMONWEALTH OF KENTUCKY OPINION REVERSING AND REMANDING GUIDUGLI (PRESIDING JUDGE) ABRAMSON (CONCURS) AND VANMETER (CONCURS)	2005-CA-2493-DG NOT TO BE PUBLISHED	JOHNSON
1092	JONES (FRED ERNEST) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING KNOPF (PRESIDING JUDGE) DIXON (CONCURS) AND TAYLOR (CONCURS)	2005-CA-2506-MR NOT TO BE PUBLISHED	BELL

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1093	HARVEY (DERRICK) VS. COMMONWEALTH OF KENTUCKY, JUSTICE AND PUBLIC SAFETY CABINET OPINION AFFIRMING KNOPF (PRESIDING JUDGE) DIXON (CONCURS) AND TAYLOR (CONCURS)	2005-CA-2572-MR NOT TO BE PUBLISHED	FRANKLIN
1094	GRIFFITH (RANDALL LAMONT) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING KNOPF (PRESIDING JUDGE) DIXON (CONCURS) AND TAYLOR (CONCURS)	2005-CA-2601-MR NOT TO BE PUBLISHED	JEFFERSON
1095	J.R.D. VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING GUIDUGLI (PRESIDING JUDGE) ABRAMSON (CONCURS) AND BUCKINGHAM (CONCURS)	2006-CA-0138-ME NOT TO BE PUBLISHED	BOYLE
1096	DAILEY (RONALD LEE) VS. MOTLEY (JOHN) OPINION AFFIRMING PAISLEY (PRESIDING JUDGE) COMBS (CONCURS) AND HENRY (CONCURS)	2006-CA-0310-MR NOT TO BE PUBLISHED	MORGAN
1097	GRIGSBY (KENNETH) VS. COMMONWEALTH OF KENTUCKY, ET AL. OPINION AFFIRMING GUIDUGLI (PRESIDING JUDGE) ABRAMSON (CONCURS) AND VANMETER (CONCURS)	2006-CA-0313-ME NOT TO BE PUBLISHED	WOLFE
1098	KENNEDY (CHASITY C.) VS. OAKLEY (JAMES H.) OPINION AFFIRMING WINE (PRESIDING JUDGE) HENRY (CONCURS) AND BUCKINGHAM (CONCURS)	2006-CA-0466-ME NOT TO BE PUBLISHED	CHRISTIAN

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1099	PIKE (KIM) VS. FAMILY DOLLAR STORE, ET AL. OPINION AFFIRMING ACREE (PRESIDING JUDGE) COMBS (CONCURS) AND KNOPF (CONCURS)	2006-CA-1414-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD
1100	DOE (JOHN) VS. HON. JOHN W. POTTER, SPECIAL JUDGE BOONE CIRCUIT COURT, ET AL. OPINION AND ORDER DENYING IN PART AND GRANTING IN PART CR 76.36 RELIEF ABRAMSON (PRESIDING JUDGE) HENRY (CONCURS) AND KNOPF (CONCURS AND FILES SEPARATE OPINION)	2006-CA-1873-OA TO BE PUBLISHED	IN COURT OF APPEALS

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ORDER AFFIRMING IN PART AND REVERSING IN PART:

MILNER (CRAIG L.)
VS.

2006-CA-2069-MR

FRANKLIN

HOCKENSMITH (HAROLD)
ENTERED: 10/23/06

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ORDER DENYING MOTION FOR DISCRETIONARY REVIEW:

POLLEY (DEBORAH)
VS.

2006-CA-1669-D

JESSAMINE

THE ESTATE OF EDNA MAE REYNOLDS
ENTERED: 10/24/06

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ORDER DENYING PETITION FOR WRIT OF PROHIBITION:

JACKSON (SHERYL MAHONEY)	2006-CA-2062-OA	IN COURT OF
VS.		APPEALS
HON. C. DAVID HAGERMAN, JUDGE		
BOYD CIRCUIT COURT, ET AL.		
ENTERED: 10/25/06		

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ORDER MODIFYING OPINION RENDERED SEPTEMBER 1, 2006, AND SUBSTITUTING ATTACHED OPINION:

BRUCE (DWAYNE)	2004-CA-2183-MR	JEFFERSON
VS.		
COMMONWEALTH OF KENTUCKY		
ENTERED: 10/27/06		

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ORDERS DISMISSING:

FIRST FEDERAL SAVINGS BANK	2004-CA-2358-MR	HARDIN
VS.	2005-CA-1705-MR	
PADGETT (FLORENCE M.), ET AL.	2005-CA-1740-MR	
ENTERED: 10/24/06		
USRY (CARL), ET AL.	2005-CA-0645-MR	CLARK
VS.		
KAGIN (III), WILLIAM		
ENTERED: 10/24/06		
PULLIAM, JR. (ELTON C.)	2005-CA-2495-MR	JEFFERSON
VS.	2005-CA-2622-MR	
HYDE (APRIL S.)		
ENTERED: 10/24/06		
BURTON (GLEN)	2006-CA-0483-MR	BELL
VS.		
COMMONWEALTH OF KENTUCKY		
ENTERED: 10/23/06		
VIOLETT (DONALD RAY)	2006-CA-0670-MR	WARREN
VS.	2006-CA-1212-MR	
COMMONWEALTH OF KENTUCKY		
ENTERED: 10/23/06		

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ORDERS DISMISSING (CONTINUED):

P.W.R. VS. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. ENTERED: 10/24/06	2006-CA-0786-ME	SHELBY
DOALL LOUISVILLE COMPANY VS. FERRANTE (FRANK), ET AL. ENTERED: 10/25/06	2006-CA-1009-MR	JEFFERSON
EARLY (STEPHEN), ET AL. VS. OLDHAM COUNTY BOARD OF EDUCATION ENTERED: 10/24/06	2006-CA-1062-MR	OLDHAM
MAYBERRY (GEOFFERY D.) VS. ALTOM (DANIEL) ENTERED: 10/24/06	2006-CA-1178-MR	KENTON
WATSON, SR. (THOMAS T.) VS. JEFFERSON COUNTY METROPOLITAN GOVERNMENT, ET AL. ENTERED: 10/24/2006	2006-CA-1502-MR	JEFFERSON
COMMONWEALTH OF KENTUCKY VS. WARREN CIRCUIT COURT ENTERED: 10/25/06	2006-CA-1562-ME	WARREN
COOMER (EMMETT E.) VS. CSX TRANSPORTATION, INC. ENTERED: 10/25/06	2006-CA-1592-MR	PERRY

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ORDERS DISMISSING (CONTINUED):

FRENCH IMPLEMENT COMPANY, INC., ET AL. 2006-CA-1606-MR CARLISLE
VS.
WILSON (JAMES ALAN), ET AL.
ENTERED: 10/24/06

DALTON (ARLENE), ET AL. 2006-CA-1644-MR BOYD
VS.
THE ESTATE OF JOHND A M. GREENE
ENTERED: 10/25/06

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ORDERS FROM PREVIOUS WEEK ENDING OCTOBER 20, 2006:

ORDER AFFIRMING:

DICKERSON (ROBERT) 2006-CA-1597-MR FULTON
VS.
PARNELL (RICKEY), JAILER
ENTERED: 10/20/06

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ORDER DENYING MOTION FOR BELATED APPEAL:

MINTON (STEVEN R.) 2006-CA-0776-MR OHIO
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 10/19/06

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ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW:

SHARPE (JOSEPH) 2006-CA-1584-DR BOYLE
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 10/19/06

KUZMIAK (MICHELLE L.) 2006-CA-1677-DR KENTON
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 10/19/06

GAINES (MELISSA) 2006-CA-1851-DR OWEN
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 10/19/06

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ORDER DENYING PETITION FOR REHEARING:

COMER (SUSAN BARNETT) 2003-CA-2468-MR WARREN
VS. 2003-CA-2491-MR
COMER (GARY MARRS)
ENTERED: 10/19/06

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ORDERS DENYING PETITION FOR WRIT OF MANDAMUS:

ROBBINS (DUWAN LAMAR) 2006-CA-1458-OA IN COURT OF
VS. APPEALS
HON. GEOFFREY P. MORRIS, JUDGE
JEFFERSON CIRCUIT COURT, ET AL.
ENTERED: 10/19/06

SANTIAGO, SR. (ALBERTO J.) 2006-CA-1622-OA IN COURT OF
VS. APPEALS
CHANDLER (LARRY D.), WARDEN, ET
AL.
ENTERED: 10/19/06

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ORDER DENYING PETITION FOR WRIT OF MANDAMUS AND/OR WRIT OF PROHIBITION:

JONES (A.T.)	2006-CA-1581-OA	IN COURT OF
VS.		APPEALS
HON. RON DANIELS, JUDGE		
MCCRACKEN CIRCUIT COURT, ET AL.		
ENTERED: 10/20/06		

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ORDERS DISMISSING:

SWARTZFAGER (ERNIE), ET AL.	2005-CA-1196-MR	WASHINGTON
VS.	2005-CA-1289-MR	
EDWARDS (ROY T.)		
ENTERED: 10/20/06		

BHATTACHARYA (TANMOY)	2005-CA-2422-DG	MADISON
VS.		
COMMONWEALTH OF KENTUCKY		
ENTERED: 10/19/06		

BISHOP (RONALD), ET AL.	2005-CA-2461-MR	FRANKLIN
VS.		
D.C., ET AL.		
ENTERED: 10/19/06		

RAMSEY (JERRY)	2006-CA-0075-MR	ROWAN
VS.		
COMMONWEALTH OF KENTUCKY		
ENTERED: 10/20/06		

EPLING (NICHOLAS), ET AL.	2006-CA-0099-MR	PIKE
VS.		
LIBERTY MUTUAL INSURANCE CO.		
ENTERED: 10/20/06		

COOMES (HEATH)	2006-CA-0350-MR	KNOX
VS.		
COMMONWEALTH OF KENTUCKY		
ENTERED: 10/19/06		

BRADSHAW (CHARLES)	2006-CA-0384-MR	MCCRACKEN
VS.		
COMMONWEALTH OF KENTUCKY		
ENTERED: 10/19/06		

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ORDERS DISMISSING (CONTINUED):

GANZALES (MICHAEL) VS. COMMONWEALTH OF KENTUCKY ENTERED: 10/19/06	2006-CA-0486-MR	FAYETTE
BARBOUR (WILLIAM ALLEN) VS. COMMONWEALTH OF KENTUCKY ENTERED: 10/19/06	2006-CA-0616-MR	HART
MILLAY (MICHAEL SHANE) VS. COMMONWEALTH OF KENTUCKY ENTERED: 10/19/06	2006-CA-0629-MR	DAVIESS
CRAYCRAFT (RUSSELL) VS. HAEBERLIN (GLENN), ET AL. ENTERED: 10/19/06	2006-CA-0651-MR	LYON
BASHAM (RONALD EARL) VS. COMMONWEALTH OF KENTUCKY ENTERED: 10/19/06	2006-CA-0687-MR	OHIO
ABBOTT (KEVIN) VS. COMMONWEALTH OF KENTUCKY ENTERED: 10/19/06	2006-CA-0712-MR	OHIO
MYRICK (ANCIL) VS. FERGUSON (MICHAEL), WARDEN ENTERED: 10/19/06	2006-CA-0853-MR	BELL
PRESCOTT (KIT) VS. COMMONWEALTH OF KENTUCKY ENTERED: 10/19/06	2006-CA-0898-MR	HARDIN
ROBERTSON POOLS & SPA, INC., ET AL. VS. RLI INSURANCE COMPANY ENTERED: 10/19/06	2006-CA-0907-MR	ADAIR

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ORDERS FROM PREVIOUS WEEK ENDING OCTOBER 20, 2006 (CONTINUED):

ORDERS DISMISSING (CONTINUED):

SAWYERS (WILLIE GENE), ET AL. VS. AMERICAN TAX FUNDING, LLC, ET AL. ENTERED: 10/19/06	2006-CA-1004-MR	LAUREL
WATERS (JAMES EARL) VS. WATERS (TAMMY JO), NOW ESKRIDGE ENTERED: 10/19/06	2006-CA-1022-MR	BULLITT
RICHARDSON (DONALD) VS. JACK & DOUG LITTLE DISTRIBUTORS, INC. ENTERED: 10/19/06	2006-CA-1051-MR	WAYNE
WELLS (KENNETH M.) VS. HON. WILLIAM ENGLE, III, JUDGE PERRY CIRCUIT COURT, ET AL. ENTERED: 10/19/06	2006-CA-1133-OA	IN COURT OF APPEALS
MCGRANNAHAN (PATRICIA) VS. BOMAR (GARY E.), ET AL. ENTERED: 10/19/06	2006-CA-1305-MR	FAYETTE
MATTINGLY, II (KEVIN B.) VS. WHITE (LIZA A.) ENTERED: 10/19/06	2006-CA-1433-ME	JEFFERSON
WIMBERLY (ARTHUR) VS. COMMONWEALTH OF KENTUCKY ENTERED: 10/19/06	2006-CA-1475-MR	CHRISTIAN
ARFLACK (MARK C.) VS. COMMONWEALTH OF KENTUCKY ENTERED: 10/19/06	2006-CA-1574-MR	HENDERSON

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ORDERS DISMISSING (CONTINUED):

BUTTREY (MICHAEL KEITH) 2006-CA-1577-MR LAUREL
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 10/19/06

HODGE (KENNETH) 2006-CA-1609-MR JEFFERSON
VS.
LOUISVILLE/JEFFERSON COUNTY METRO
JAIL
ENTERED: 10/19/06

COMMONWEALTH OF KENTUCKY, 2006-CA-1618-MR LESLIE
TRANSPORTATION DEPARTMENT,
DEPARTMENT OF HIGHWAYS
VS.
BAKER (VERNON), ET AL.
ENTERED; 10/20/06

JONES (FRED ERNEST) 2006-CA-1780-MR BELL
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 10/19/06