

COURT OF APPEALS OF KENTUCKY

12/16/2005 AT 2:00 P.M.

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3020	HARGROVE (RONALD L.), ET AL. VS. HALL (AMOS) OPINION AFFIRMING SCHRODER (PRESIDING JUDGE) BARBER (CONCURS) AND TAYLOR (DISSENTS AND FILES SEPARATE OPINION)	2002-CA-2027-MR NOT TO BE PUBLISHED	HARDIN
3021	QUICK DELIVERY OF KENTUCKY, INC. VS. PAYLESS SHOE SOURCE, INC. OPINION AFFIRMING JOHNSON (PRESIDING JUDGE) BUCKINGHAM (CONCURS) AND EMBERTON (CONCURS)	2003-CA-1230-MR NOT TO BE PUBLISHED	DAVIESS
3022	ELLIOTT (MICHAEL) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING JOHNSON (PRESIDING JUDGE) KNOPF (CONCURS) AND VANMETER (CONCURS)	2004-CA-0065-MR NOT TO BE PUBLISHED	LAUREL
3023	OBC, INC. VS. DENTINGER, CPA (RICHARD A.), ET AL. OPINION AFFIRMING DYCHE (PRESIDING JUDGE) COMBS (CONCURS) AND JOHNSON (CONCURS)	2004-CA-0108-MR 2004-CA-0182-MR NOT TO BE PUBLISHED	JEFFERSON
3024	BISHOP (TERRY S.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING BARBER (PRESIDING JUDGE) BUCKINGHAM (CONCURS) AND JOHNSON (CONCURS)	2004-CA-1113-MR NOT TO BE PUBLISHED	JEFFERSON
3025	CAHILL, III (ROBERT CURTIS) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING IN PART, REVERSING IN PART, AND REMANDING KNOPF (PRESIDING JUDGE) JOHNSON (CONCURS) AND VANMETER (CONCURS)	2004-CA-1192-MR NOT TO BE PUBLISHED	FULTON

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3026	SMITH (KEDREN) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING JOHNSON (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND MCANULTY (CONCURS)	2004-CA-1287-MR NOT TO BE PUBLISHED	JEFFERSON
3027	MAYS (RODNEY DEWAYNE) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING JOHNSON (PRESIDING JUDGE) COMBS (CONCURS) AND MCANULTY (CONCURS)	2004-CA-1318-MR NOT TO BE PUBLISHED	CLAY
3028	THOMAS (STEVEN) VS. CITY OF HENDERSON OPINION AFFIRMING DYCHE (PRESIDING JUDGE) SCHRODER (CONCURS) AND ROSENBLUM (CONCURS)	2004-CA-1413-MR NOT TO BE PUBLISHED	HENDERSON
3029	GRIMES (PAULA) VS. SMITH (CONNIE), ET AL. OPINION AFFIRMING ROSENBLUM (PRESIDING JUDGE) KNOPF (CONCURS) AND TACKETT (CONCURS)	2004-CA-1756-MR NOT TO BE PUBLISHED	JEFFERSON
3030	MARKOVICH (STEVE), ET AL. VS. FISCHER SINGLE FAMILY HOMES, LTD. OPINION AFFIRMING TACKETT (PRESIDING JUDGE) DYCHE (CONCURS) AND KNOPF (CONCURS)	2004-CA-1793-MR NOT TO BE PUBLISHED	KENTON
3031	THORN (JOAN) VS. COMMONWEALTH OF KENTUCKY, ET AL. OPINION AFFIRMING DYCHE (PRESIDING JUDGE) COMBS (CONCURS) AND HENRY (CONCURS)	2004-CA-1861-MR TO BE PUBLISHED	MCCRACKEN

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3032	FRAZIER (RONALD LEE) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING TACKETT (PRESIDING JUDGE) DYCHE (CONCURS) AND KNOPF (CONCURS)	2004-CA-1995-MR NOT TO BE PUBLISHED	FAYETTE
3033	ADAMS, SR. (JAMES ELI), ET AL. VS. CHRISTIAN COUNTY WATER DISTRICT OPINION AFFIRMING DYCHE (PRESIDING JUDGE) SCHRODER (CONCURS BY SEPARATE OPINION) AND ROSENBLUM (CONCURS)	2004-CA-2250-MR NOT TO BE PUBLISHED	CHRISTIAN
3034	MCDONALD (LAURIE) VS. KOHLE (DIANA), ET AL. OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) BARBER (CONCURS) AND JOHNSON (CONCURS)	2004-CA-2321-ME NOT TO BE PUBLISHED	LIVINGSTON
3035	DEJEAN (BERNARD) VS. DEJEAN (BARBARA ANN) OPINION AFFIRMING IN PART, VACATING IN PART, AND REMANDING COMBS (PRESIDING JUDGE) HENRY (CONCURS) AND SCHRODER (CONCURS)	2004-CA-2518-MR NOT TO BE PUBLISHED	JEFFERSON
3036	BISCHOFF (RAYMOND CHARLES) VS. LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT OPINION VACATING AND REMANDING SCHRODER (PRESIDING JUDGE) DYCHE (CONCURS) AND ROSENBLUM (CONCURS)	2004-CA-2545-MR TO BE PUBLISHED	JEFFERSON
3037	BIBBS, JR. (CLARENCE) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) BARBER (CONCURS) AND JOHNSON (CONCURS)	2004-CA-2622-MR NOT TO BE PUBLISHED	CHRISTIAN

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3038	DAVIESS COUNTY PUBLIC LIBRARY TAXING DISTRICT VS. BOSWELL (GARY M.), ET AL. OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) BARBER (CONCURS) AND JOHNSON (CONCURS)	2004-CA-2624-MR 2005-CA-0004-MR TO BE PUBLISHED	DAVIESS
3039	WENTWORTH (ANTHONY) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING GUIDUGLI (PRESIDING JUDGE) KNOPF (CONCURS) AND MCANULTY (CONCURS)	2005-CA-0238-MR 2005-CA-0696-MR NOT TO BE PUBLISHED	HENRY
3040	STATE AUTO MUTUAL INSURANCE COMPANY VS. GREENROSE (JOHN), ET AL. OPINION AFFIRMING IN PART, VACATING IN PART, AND REMANDING DYCHE (PRESIDING JUDGE) COMBS (CONCURS) AND JOHNSON (CONCURS)	2005-CA-0607-MR TO BE PUBLISHED	JEFFERSON
3041	LOGAN ALUMINUM, INC. VS. BULLARD (GREGORY), ET AL. OPINION AFFIRMING BUCKINGHAM (PRESIDING JUDGE) BARBER (CONCURS) AND JOHNSON (CONCURS WITH RESULT ONLY)	2005-CA-0980-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD
3042	KING (MARY LOU) VS. SMITH DEVELOPMENT INC., ET AL. OPINION AFFIRMING DYCHE (PRESIDING JUDGE) BARBER (CONCURS) AND MINTON (CONCURS)	2005-CA-1571-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD
3043	PIKE COUNTY BOARD OF EDUCATION VS. COLEMAN (NICKY), ET AL. OPINION AFFIRMING KNOPF (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND MCANULTY (CONCURS)	2005-CA-1574-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD

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3044	REYNOLDS (MICHAEL) VS. MAXIM/CARLISLE CONSTRUCTION, ET AL. OPINION AFFIRMING BARBER (PRESIDING JUDGE) DYCHE (CONCURS) AND MINTON (CONCURS)	2005-CA-1613-WC NOT TO BE PUBLISHED	WORKERS COMPENSATION BOARD
3045	FLETCHER, IN HIS OFFICIAL CAPACITY (ERNIE) VS. GRAHAM, CIRCUIT JUDGE (WILLIAM L.), ET AL. OPINION AND ORDER DENYING CR 76.36 RELIEF KNOPF (PRESIDING JUDGE) GUIDUGLI (CONCURS) AND HENRY (CONCURS)	2005-CA-2357-OA TO BE PUBLISHED	IN COURT OF APPEALS

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ORDER AFFIRMING:

BRUCE (WILLIAM JACOB) VS. WEBB (PATTI), WARDEN ENTERED: 12/13/05	2005-CA-1688-MR	MUHLENBERG
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ORDERS DENYING DISCRETIONARY REVIEW:

GROSS (WILLARD D.) VS. IRTZ (FRED), ADMINISTRATOR OF THE ESTATE OF C.P. GROSS ENTERED: 12/12/05	2005-CA-2007-D	FAYETTE
LEISURE (TODD) VS. MUHLENBERG COUNTY CONSERVATION CLUB, INC. ENTERED: 12/13/05	2005-CA-2194-D	MUHLENBERG

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ORDERS DENYING PETITION FOR REHEARING:

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HARRIS (LONNIE) 2003-CA-1857-MR CASEY
VS. 2004-CA-0562-MR
COMMONWEALTH OF KENTUCKY
ENTERED: 12/12/05

BLACK (KEVIN R.) 2004-CA-1998-MR JEFFERSON
VS.
ROACH (EVAN K.), ET AL.
ENTERED: 12/12/05

HOWELL (BURRELL) 2005-CA-389-MR HENDERSON
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 12/12/05

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ORDER DENYING PETITION FOR WRIT OF MANDAMUS AS MOOT:

BURBA (RUSSELL) 2005-CA-1938-OA IN COURT OF
VS. APPEALS
HON. BARRY WILLETT, JUDGE
JEFFERSON CIRCUIT COURT, ET AL.
ENTERED: 12/14/05

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ORDER DENYING PETITION FOR WRIT OF PROHIBITION:

KOHER (DAVID W.) 2005-CA-2328-OA IN COURT OF
VS. APPEALS
HON. JOHN DAVID CAUDILL, SPECIAL
JUDGE, JEFFERSON CIRCUIT COURT, ET
AL.
ENTERED: 12/14/05

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ORDER DENYING MOTION FOR INTERLOCUTORY RELIEF AS MOOT:

MARTIN (BLAINE), ET AL. 2005-CA-2123-I PULASKI
VS.
CUMBERLAND LAKE SHELL, INC.
ENTERED: 12/13/05

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ORDER DENYING MOTION FOR RELIEF UNDER CR 65.07:

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GILBERT (THOMAS), ET AL. 2005-CA-2210-I SCOTT
VS.
LYNN-LEE, INC.
ENTERED: 12/12/05

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ORDERS DISMISSING:

BELL (BONITA) 2003-CA-2528-ME FAYETTE
VS.
COMMONWEALTH OF KENTUCKY, CABINET
FOR FAMILIES AND CHILDREN, ET AL.
ENTERED: 12/12/05

SMITH (BRENDA L.), NOW GOODMAN 2003-CA-2567-MR JEFFERSON
VS.
SMITH (STEVEN W.)
ENTERED: 12/14/05

GRUBBS (RICHARD KEVIN) 2004-CA-1034-MR GRANT
VS.
GRUBBS (TINA M.)
ENTERED: 12/13/05

CURBY (RICHARD), ET AL. 2004-CA-1414-MR HENDERSON
VS.
HENDERSON CITY/COUNTY PLANNING
COMMISSION, ET AL.
ENTERED: 12/14/05

ANTOINE (MARK) 2004-CA-1938-MR BULLITT
VS.
ANTOINE (SHARON)
ENTERED: 12/13/05

COMMONWEALTH OF KENTUCKY, 2005-CA-0249-MR ADAIR
TRANSPORTATION CABINET, DEPARTMENT
OF HIGHWAYS 2005-CA-0635-MR
VS.
KEY (REGINA), ET AL.
ENTERED: 12/12/05

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ORDERS DISMISSING: (CONTINUED)

BURNS (JAMES E.), ET AL. 2005-CA-0423-MR HARDIN
VS.
RE/MAX EXECUTIVE GROUP, INC.
ENTERED: 12/14/05

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TACKETT (SARAH WATSON) VS. WATSON (RODGER) ENTERED: 12/12/05	2005-CA-0668-ME	GRAVES
MALONE (GREGORY LEONARD) VS. JOHNSON (MARCHELLE TRENEE) ENTERED: 12/12/05	2005-CA-1127-MR	JEFFERSON
CITY OF WILLIAMSTOWN, ET AL. VS. KINGS CROSS ESTATE, LLC; ET AL. ENTERED: 12/13/05	2005-CA-1157-MR	GRANT
HOUP (RICHARD LEE) VS. COMMONWEALTH OF KENTUCKY ENTERED: 12/12/05	2005-CA-1300-MR	FAYETTE
PYLES (MELINDA) VS. PYLES (KEVIN LEE) ENTERED: 12/14/05	2005-CA-1413-MR	HARDIN
KELLER (JANET LYNN) VS. THEILER, II (CHARLES E.) ENTERED: 12/14/05	2005-CA-1473-MR	JEFFERSON
THORNTON (RICHARD B.) VS. THE FARMERS BANK ENTERED: 12/14/05	2005-CA-1550-MR	BRECKINRIDGE
STEVENS (ROBERT WAYNE) VS. HON. WILLIAM P. RYAN, ET AL. ENTERED: 12/13/05	2005-CA-1593-MR	JEFFERSON

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ORDERS DISMISSING: (CONTINUED)

MINTON (SUZAN), ET AL. VS. EDGEWOOD MOBILE HOMES, INC., ET AL. ENTERED: 12/14/05	2005-CA-1657-MR	BELL
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CRICK (JEFFREY L.) 2005-CA-1814-OA IN COURT OF APPEALS
VS.
HON. EDWIN M. WHITE, JUDGE
CHRISTIAN CIRCUIT COURT, ET AL.
ENTERED: 12/13/05

SMITH (JEFFREY DON) 2005-CA-1829-ME JEFFERSON
VS.
COMMONWEALTH OF KENTUCKY, CABINET
FOR HEALTH AND FAMILY SERVICES, ET
AL.
ENTERED: 12/12/05

WOODS (CHRISTOPHER MATTHEW) 2005-CA-1933-MR LAUREL
VS.
WOODS (NOLA), NOW SERBER
ENTERED: 12/13/05

SCHMIDT (CHAD E.) 2005-CA-1979-MR JEFFERSON
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 12/12/05

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ORDERS FROM PREVIOUS WEEK ENDING DECEMBER 9, 2005:
ORDER DENYING RELIEF UNDER CR 65.08:

COOPER (TIM), ET AL. 2005-CA-2302-MR WAYNE
VS. 2005-CA-2306-MR
WEATHERLY (HEIDI JOHNS), ET AL.
ENTERED: 12/09/05

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ORDERS FROM PREVIOUS WEEK ENDING DECEMBER 9, 2005: (CONTINUED)
ORDER DENYING MOTION FOR BELATED APPEAL:

LEAKE, JR. (RONALD LEE) 2005-CA-2192-MR JEFFERSON
VS.
COMMONWEALTH OF KENTUCKY, CABINET
FOR HEALTH AND FAMILY SERVICES, ET
AL.
ENTERED: 12/09/05

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ORDERS DISMISSING:

VINSON (DONALD R.), ET AL. 2004-CA-2097-MR FRANKLIN
VS.
COMMONWEALTH OF KENTUCKY,
DEPARTMENT OF AGRICULTURE
ENTERED: 12/07/05

BRIAN (BARD K.) 2004-CA-2521-MR MCCrackEN
VS.
BRIAN (AMY E.)
ENTERED: 12/09/05

BG INDUSTRIES, INC. 2005-CA-0915-MR BOYD
VS.
K & J SPECIALTY RETAIL, ET AL.
ENTERED: 12/07/05

WYKLE (ANTHONY W.) 2005-CA-1406-ME METCALFE
VS.
ENGLAND (ANGELA)
ENTERED: 12/07/05

DESCHENES (RAYMOND) 2005-CA-1492-MR JEFFERSON
VS.
TAN (LOY)
ENTERED: 12/09/05

ROYAL & SUNALLIANCE USA INSURANCE 2005-CA-1762-MR WARREN
COMPANY
VS.
KUTSCHENREUTER (FRANK)
ENTERED: 12/09/05

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ORDERS FROM PREVIOUS WEEK ENDING DECEMBER 9, 2005: (CONTINUED)

ORDERS DISMISSING: (CONTINUED)

JONES, JR. (JOHNNY DOUGLAS) 2005-CA-1911-MR JEFFERSON
VS.
GRINDMASTER CORPORATION, ET AL.
ENTERED: 12/09/05

QORE, INC. 2005-CA-1985-MR DAVIESS
VS.
WESTERN KENTUCKY SILICA
ENTERED: 12/06/05

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HAMLET (RANDALL)
VS.
LIFE SKILLS, INC.
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2005-CA-2011-MR

BUTLER