

SUPREME COURT OF KENTUCKY

MINUTES

MARCH 20, 2008

RELEASED: 2:00 P.M.

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|-----|--|--|--------------------------|
| 50. | ERIC P. LIGHT, ETC., ET AL. V.<br>CITY OF LOUISVILLE,<br>KENTUCKY, ET AL.<br><b>OPINION OF THE COURT BY SPECIAL<br/>JUSTICE JAMES E. PARSONS –<br/><u>AFFIRMING</u></b><br>ABRAMSON AND SCHRODER, JJ.,<br>NOT SITTING.                                 | <a href="#">2005-SC-000759-DG</a><br><a href="#">2006-SC-000371-DG</a><br><b>TO BE PUBLISHED</b> | JEFFERSON                |
| 51. | JAMIE TURNER V.<br>COMMONWEALTH OF KENTUCKY<br><b>OPINION OF THE COURT BY<br/>JUSTICE ABRAMSON – <u>AFFIRMING</u></b>  | <a href="#">2006-SC-000097-MR</a><br><b>TO BE PUBLISHED</b>                                      | BREATHITT                |
| 52. | RODNEY DOUGLAS BECKHAM V.<br>COMMONWEALTH OF KENTUCKY<br><b>OPINION OF THE COURT BY<br/>JUSTICE MINTON – <u>AFFIRMING</u></b><br>NOBLE, J., CONCURS IN PART AND<br>DISSENTS IN PART BY SEPARATE<br>OPINION IN WHICH SCHRODER<br>AND SCOTT, J.J., JOIN. | <a href="#">2006-SC-000136-MR</a><br><b>TO BE PUBLISHED</b>                                      | BOONE                    |
| 53. | JOANN THOMAS V.<br>BILL RAYMOND THOMAS<br><b>OPINION OF THE COURT BY<br/>JUSTICE NOBLE – <u>AFFIRMING</u></b><br>LAMBERT, C.J., CONCURS IN RESULT<br>ONLY. MINTON, J., NOT SITTING.  | <a href="#">2006-SC-000526-DG</a><br><b>TO BE PUBLISHED</b>                                      | CALLOWAY                 |
| 54. | OFFICEWARE V.<br>STEPHEN JAY JACKSON, ET AL.<br><b>OPINION OF THE COURT –<br/><u>AFFIRMING</u></b>   | <a href="#">2007-SC-000303-WC</a><br><b>TO BE PUBLISHED</b>                                      | FROM COURT<br>OF APPEALS |

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| 55. | CRAIG & BISHOP, INC.<br>(D/B/A SONNY BISHOP CARS) V.<br>CHRISTY PILES, ET AL.<br><b>OPINION OF THE COURT BY<br/>JUSTICE MINTON – <u>AFFIRMING IN<br/>PART AND REVERSING IN PART</u></b>  | <a href="#">2005-SC-000999-DG</a><br><a href="#">2006-SC-000432-DG</a><br><b>TO BE PUBLISHED</b> | JEFFERSON |
| 56. | SHIRLEY MCVAY LACH,<br>INDIVIDUALLY AND ON BEHALF<br>OF MAN O' WAR LIMITED<br>PARTNERSHIP, A KENTUCKY<br>LIMITED PARTNERSHIP V.<br>MAN O' WAR, LLC, FORMERLY<br>MAN O WAR MANAGEMENT, LLC<br>(A KENTUCKY LIMITED LIABILITY<br>COMPANY), ET AL.<br><b>OPINION OF THE COURT BY<br/>JUSTICE SCOTT – <u>REVERSING<br/>AND REMANDING</u></b><br>ABRAMSON, J., DISSENTS BY<br>SEPARATE OPINION, WITH<br>MINTON, J., JOINING THAT DISSENT.<br>NOBLE, J., NOT SITTING. | <a href="#">2005-SC-001014-DG</a><br><b>TO BE PUBLISHED</b>                                      | FAYETTE   |
| 57. | COMMONWEALTH OF KENTUCKY V.<br>BARRY COFFEY, ET AL.<br><b>OPINION OF THE COURT BY<br/>JUSTICE NOBLE – <u>REVERSING</u></b><br>MINTON, J., DISSENTS BY<br>SEPARATE OPINION IN WHICH<br>ABRAMSON, J., JOINS.   | <a href="#">2006-SC-000172-DG</a><br><b>TO BE PUBLISHED</b>                                      | BARREN    |
| 58. | HUMANA, INC. V.<br>COLLEEN BLOSE<br><b>OPINION OF THE COURT BY<br/>JUSTICE SCOTT – <u>REVERSING</u></b>  | <a href="#">2006-SC-000783-DG</a><br><b>TO BE PUBLISHED</b>                                      | JEFFERSON |

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| 59. | LYLE PITSONBARGER V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b>   | <a href="#">2005-SC-000335-MR</a><br><a href="#">2006-SC-000262-MR</a><br><b>NOT TO BE PUBLISHED</b> | HENDERSON |
| 60. | STEPHANIE DENISE OLSON V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>ABRAMSON, J., CUNNINGHAM, J.,<br>AND SCHRODER, J., CONCUR IN<br>RESULT ONLY.                                | <a href="#">2005-SC-000592-MR</a><br><b>NOT TO BE PUBLISHED</b>                                      | SCOTT     |
| 61. | ROBERT HOWARD BURNETT II V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>NOBLE, J., CONCURS IN RESULT<br>ONLY BY SEPARATE OPINION IN<br>WHICH CUNNINGHAM AND<br>MINTON, JJ., JOIN. | <a href="#">2005-SC-000820-MR</a><br><b>NOT TO BE PUBLISHED</b>                                      | FAYETTE   |
| 62. | DANNY LEE NEW V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>SCHRODER, J., CONCURS IN<br>RESULT ONLY.   | <a href="#">2005-SC-000998-MR</a><br><b>NOT TO BE PUBLISHED</b>                                      | CASEY     |
| 63. | GREGORY JERMAINE LANGLEY V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b>  | <a href="#">2006-SC-000853-MR</a><br><b>NOT TO BE PUBLISHED</b>                                      | HENDERSON |

SUPREME COURT OF KENTUCKY

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| 64. | DARIUS FRYE V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>NOBLE, J., CONCURS BUT BELIEVES<br>APPELLANT WAS ENTITLED TO AN<br>EXTREME EMOTIONAL DISTURBANCE<br>INSTRUCTION BECAUSE THE ERROR<br>WAS RENDERED HARMLESS BY THE<br>JURY’S SPECIFIC FINDING THAT HE<br>COMMITTED WANTON MURDER, TO<br>WHICH THE EXTREME EMOTIONAL<br>DISTURBANCE MITIGATOR DOES<br>NOT APPLY. | <a href="#">2007-SC-000061-MR</a><br><b>NOT TO BE PUBLISHED</b>  | FAYETTE  |
| 65  | CZAR COAL CORPORATION V.<br>MARSHALL JARRELL, ET AL.<br><b>AND</b><br>MARSHALL JARRELL V.<br>CZAR COAL CORPORATION, ET AL.<br><b>MEMORANDUM OPINION OF THE<br/>COURT –<u>AFFIRMING</u></b><br>ABRAMSON, J., NOT SITTING.  | <a href="#">2007-SC-000233-WC</a><br><b>NOT TO BE PUBLISHED</b><br><br><a href="#">2007-SC-000234-WC</a><br><b>NOT TO BE PUBLISHED</b> | FROM COURT<br>OF APPEALS<br><br>FROM COURT<br>OF APPEALS |
| 66. | KROGER V.<br>NONDA JAMES, ET AL.<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b>   | <a href="#">2007-SC-000247-WC</a><br><b>NOT TO BE PUBLISHED</b>  | FROM COURT<br>OF APPEALS                                 |
| 67. | ROGER MANN V.<br>ROCKHOUSE ENERGY MINING<br>COMPANY/SIDNEY COAL, ET AL.<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b>  | <a href="#">2007-SC-000276-WC</a><br><b>NOT TO BE PUBLISHED</b>  | FROM COURT<br>OF APPEALS                                 |
| 68. | DOROTHY KNIGHT V.<br>TECO, ET AL.<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b>  | <a href="#">2007-SC-000323-WC</a><br><b>NOT TO BE PUBLISHED</b>  | FROM COURT<br>OF APPEALS                                 |

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| 69. | MICHAEL L. TAYLOR V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>AFFIRMING</u></b><br>MINTON, J., CONCURS IN RESULT<br>ONLY. | <a href="#">2007-SC-000476-MR</a><br><b>NOT TO BE PUBLISHED</b> | ADAIR   |
| 70. | TIMOTHY D. MORMAN V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF<br/>THE COURT – <u>REVERSING AND<br/>REMANDING</u></b>                         | <a href="#">2007-SC-000286-MR</a><br><b>NOT TO BE PUBLISHED</b> | JOHNSON |

**OPINIONS AND ORDERS – MARCH 12, 2008**

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| MAXINE O'HAIR, AS ADMINISTRATRIX<br>OF THE ESTATE OF JERRY O'HAIR V.<br>CARL WELLS,<br>D/B/A WELLS FUNERAL HOME<br><b>ORDER GRANTED MOTION FOR<br/>DISCRETIONARY REVIEW, VACATED COURT<br/>OF APPEALS' OPINION AND REMANDED<br/>TO THE COURT OF APPEALS.</b><br>SCHRODER, J., NOT SITTING. | 2007-SC-000050-D | POWELL    |
| LANELLE WALKER V.<br>COMMONWEALTH OF KENTUCKY<br><b>ORDER GRANTED MOTION FOR<br/>DISCRETIONARY REVIEW, VACATED COURT<br/>OF APPEALS' OPINION AND REMANDED<br/>TO THE COURT OF APPEALS.</b>   | 2007-SC-000100-D | JEFFERSON |
| EVELYN CLEARY V.<br>COMMONWEALTH OF KENTUCKY<br><b>ORDER GRANTED MOTION FOR<br/>DISCRETIONARY REVIEW, VACATED COURT<br/>OF APPEALS' OPINION AND REMANDED<br/>TO THE COURT OF APPEALS.</b>  | 2007-SC-000432-D | KNOTT     |

SUPREME COURT OF KENTUCKY

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MARCH 20, 2008

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**OPINIONS AND ORDERS – MARCH 20, 2008**

KENTUCKY BAR ASSOCIATION V. NICHOLAS G. HAWKINS <b>ORDER SUSPENDED RESPONDENT FROM THE PRACTICE OF LAW FOR 5 YEARS.</b>	<a href="#"><u>2007-SC-000849-KB</u></a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT
INQUIRY COMMISSION V. RICHARD KIP CAMERON <b>ORDER TEMPORARILY SUSPENDED RESPONDENT FROM THE PRACTICE OF LAW.</b> CUNNINGHAM, J., NOT SITTING.	<a href="#"><u>2007-SC-000913-KB</u></a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT
INQUIRY COMMISSION V. LOUIS M. SMITH, JR. <b>ORDER TEMPORARILY SUSPENDED RESPONDENT FROM THE PRACTICE OF LAW.</b>	<a href="#"><u>2007-SC-000941-KB</u></a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION, CLE COMMISSION V. MARK DAVID HONEYCUTT <b>RESPONDENT ORDERED TO PAY \$750.00 TO THE KBA IN LIEU OF SUSPENSION FOR NON COMPLIANCE WITH CLE REQUIREMENTS.</b> SCHRODER AND SCOTT, JJ., DISSENT AND WOULD FIND THAT HONEYCUTT HAD SHOWN GOOD CAUSE.	2008-SC-000028-KB <b>NOT TO BE PUBLISHED</b>	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION, CLE COMMISSION V. JARED SQUIRES <b>RESPONDENT ORDERED TO COMPLETE CLE REQUIREMENTS FOR 2006-2007 EDUCATIONAL YEAR WITHIN NINETY (90) DAYS OF THE DATE THIS ORDER RENDERED.</b>	2008-SC-000035-KB <b>NOT TO BE PUBLISHED</b>	IN SUPREME COURT

**SUPREME COURT OF KENTUCKY**

**MINUTES**

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**OPINIONS AND ORDERS – MARCH 20, 2008**

KENTUCKY BAR ASSOCIATION V. RICHARD KIP CAMERON <b>ORDER SUSPENDED RESPONDENT FROM THE PRACTICE OF LAW FOR 181 DAYS WITH CONDITIONS.</b> CUNNINGHAM, J., NOT SITTING.	2008-SC-000040-KB <b>NOT TO BE PUBLISHED</b>	IN SUPREME COURT
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KENNETH DANIELS V. KENTUCKY BAR ASSOCIATION <b>ORDER GRANTED MOVANT’S MOTION TO WITHDRAW UNDER TERMS OF SUSPENSION FOR 5 YEARS.</b> SCHRODER, J., DISSENTS WITHOUT OPINION.	<a href="#">2008-SC-000088-KB</a> <b>TO BE PUBLISHED</b>	IN SUPREME COURT
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**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –  
MARCH 12, 2008**

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT V. NORMAN JOHNSON, ET AL.	2007-SC-000294-DG	FAYETTE
BARBARA LUCINDA SAWYER V. MELBOURNE MILLS, JR.	2007-SC-000296-DG	FAYETTE
COMMONWEALTH OF KENTUCKY V. THOMAS ELZA, JR.	2007-SC-000538-DG	LAUREL
MICHAEL R. PARRISH V. COMMONWEALTH OF KENTUCKY	2007-SC-000782-DG	FRANKLIN
ELAINE T. HENSON, ET AL. V. DAN KLEIN	2007-SC-000795-DG	JEFFERSON

**SUPREME COURT OF KENTUCKY**

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
MARCH 12, 2008**

STEPHEN L. CHERRY V. FRANK AUGUSTUS, SHERIFF OF MCCRACKEN COUNTY, KENTUCKY, ET AL.	2006-SC-000561-D	MCCRACKEN
JOHN MORRIS V. COMMONWEALTH OF KENTUCKY	2007-SC-000014-D	JEFFERSON
RONALD JOHNSON V. COMMONWEALTH OF KENTUCKY	2007-SC-000177-D	BUTLER
GEORGE F. INSKO, JR. V. MARK C. DENNO	2007-SC-000364-D	FAYETTE
DAVID ANH DUY DAO V. COMMONWEALTH OF KENTUCKY	2007-SC-000367-D	JEFFERSON
BOBBY L. COMPTON V. CRESTWOOD AUTO SALES	2007-SC-000387-D	JEFFERSON
MARTIN GORDON V. COMMONWEALTH OF KENTUCKY	2007-SC-000388-D	JEFFERSON
CHARLENE D. BURD V. EMBRY'S CUSTOM CABINETS, LLC A/K/A COMMONWEALTH KITCHENS	2007-SC-000395-D	JEFFERSON
PATRICIA S. MILLER V. CLINTON K. CUNDIFF AND CUNDIFF SQUARE TOWN CENTER, LTD.	2007-SC-000405-D	PULASKI
MICHAEL FOLEY V. COMMONWEALTH OF KENTUCKY	2007-SC-000411-D	MASON
RAY BAKER AND SUSAN BAKER V. JAMES HACK, ET AL. <b>COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.</b>	2007-SC-000429-D	JEFFERSON

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**MARCH 20, 2008**

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
MARCH 12, 2008**

PIKE COUNTY, KENTUCKY <b>V.</b> DENNIS BARTLEY AND REBECCA BARTLEY	2007-SC-000435-D	PIKE
STEELY THACKER <b>V.</b> COMMONWEALTH OF KENTUCKY	2007-SC-000448-D	BELL
MARY HORN <b>V.</b> CECIL HORN, ET AL.	2007-SC-000462-D	LAWRENCE
EUGENE WILLIAMS GALL, JR. <b>V.</b> COMMONWEALTH OF KENTUCKY	2007-SC-000464-D	BOONE
CHRISTOPHER W. COWAN, ET AL. <b>V.</b> HAVEN STEEL PRODUCTS, INC.	2007-SC-000471-D	ADAIR
BOBBY PHILLIPS <b>V.</b> COMMONWEALTH OF KENTUCKY	2007-SC-000494-D	CLINTON
IDEAS IN ACTION, INC. <b>V.</b> PATRICIA ANN HUMPHRESS, ET AL.	2007-SC-000508-D	TAYLOR
PAUL WILLIAM LEWIS <b>V.</b> COUNTY OF HARLAN, ET AL.	2007-SC-000513-D	HARLAN
EILEEN HASSLER <b>V.</b> PARAMOUNT ARTS CENTER, INC., ET AL.	2007-SC-000529-D	BOYD
SANDRA PETRONIS <b>V.</b> CHURCHILL DOWNS, INC.	2007-SC-000543-D	JEFFERSON
O.V. MILLS <b>V.</b> COMMONWEALTH OF KENTUCKY	2007-SC-000563-D	KNOX
DEREK BRADFORD MCSTOOTS <b>V.</b> COMMONWEALTH OF KENTUCKY	2007-SC-000574-D	GRAYSON

SUPREME COURT OF KENTUCKY

MINUTES

MARCH 20, 2008

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
MARCH 12, 2008**

JOHN KELLEY V. NATIONWIDE AUTO RESTORATION, LLC <b>COURT OF APPEALS' OPINION ORDERED TO BE PUBLISHED.</b>	2007-SC-000619-D	JEFFERSON
BONNIE MCCULLOCH V. JANET T. SULLIVAN <b>COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.</b>	2007-SC-000644-D	FAYETTE
LT. JAMES CONLEY V. JAMES THOMPSON	2007-SC-000654-D	BOYLE
PAULA ANDERSON, NOW EADES V. JEFFREY D. ANDERSON	2007-SC-000703-D	SHELBY
SHANNON BILLY RILEY V. HON. RODERICK MESSER, JUDGE, HON. GREGORY A. LAY, JUDGE, AND CABINET FOR HEALTH AND FAMILY SERVICES	2007-SC-000723-DE	KNOX
CHARLES DENTON V. COMMONWEALTH OF KENTUCKY <b>COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.</b>	2007-SC-000731-D	JESSAMINE
AMAR WALKER V. COMMONWEALTH OF KENTUCKY <b>COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.</b>	2007-SC-000738-D	MCCRACKEN
NOEL WASHINGTON V. COMMONWEALTH OF KENTUCKY	2007-SC-000759-D	KENTON
SAMUEL R. FIRKINS V. COMMONWEALTH OF KENTUCKY	2007-SC-000783-D	BARREN

**SUPREME COURT OF KENTUCKY**

**MINUTES**

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
MARCH 12, 2008**

BRYCE BONNER V. 2007-SC-000784-D JEFFERSON  
COMMONWEALTH OF KENTUCKY

WILLIAM DAWES LEET V. 2007-SC-000832-D FAYETTE  
COMMONWEALTH OF KENTUCKY

DAMARIO PRAY V. 2007-SC-000879-D HARDIN  
COMMONWEALTH OF KENTUCKY

MICHAEL COX V. 2007-SC-000932-D FAYETTE  
SHANNON GOINS CLAY, F/K/A COX

DONNA GUY WATSON V. 2007-SC-000947-D JEFFERSON  
ALLEN RAY WATSON, ET AL.

J.W.S. V. 2007-SC-000960-DE OHIO  
COMMONWEALTH OF KENTUCKY,  
CABINET FOR HEALTH AND FAMILY  
SERVICES, T.W.S., A CHILD, AND  
H.L.M.S.

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE  
MOTION FOR DISCRETIONARY REVIEW –**

CHARLES RAY ROGERS V. 2007-SC-000900-D MCCracken  
COMMONWEALTH OF KENTUCKY  
**ENTERED: FEBRUARY 19, 2008**

CANDY HARVEY, ET AL. V. 2008-SC-000140-D MUhlenberg  
COMMONWEALTH OF KENTUCKY  
**ENTERED: MARCH 12, 2008**

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**MARCH 20, 2008**

**RELEASED: 2:00 P.M.**

**COURT ORDERS DENYING PETITION FOR REHEARING – MARCH 20, 2008**

SHELBY MOTOR COMPANY, INC. V. CARL Q. QUIRE, ET AL.	2006-SC-000884-DG	FROM COURT OF APPEALS
W.D.B., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY	2006-SC-000937-DG	HENDERSON

**COURT ORDERS**

WILLIAM MARK BELL V. COMMONWEALTH OF KENTUCKY <b>ORDER MODIFIED OPINION RENDERED FEBRUARY 21, 2008, BY SUBSTITUTION OF PAGES 1 AND 11.</b> ENTERED: MARCH 13, 2008	<a href="#">2005-SC-000963-MR</a>	LARUE
ROGER DALE EPPERSON V. HONORABLE EDDY COLEMAN, JUDGE, LETCHER CIRCUIT COURT, ET AL. <b>ORDER GRANTED RECONSIDERATION AND REMANDED TO THE TRIAL COURT.</b> ENTERED: MARCH 20, 2008	2006-SC-000825-OA	IN SUPREME COURT
MIGUEL SOTO V. HON. KAREN CONRAD, JUDGE, OLDHAM CIRCUIT COURT AND COMMONWEALTH OF KENTUCKY (REAL PARTY IN INTEREST) <b>ORDER GRANTED PETITION FOR WRIT OF MANDAMUS</b> ENTERED: MARCH 20, 2008	2006-SC-000924-OA	IN SUPREME COURT
GENERAL ELECTRIC COMPANY V. SANDY TURPEN, ET AL. <b>ORDER GRANTED MOTION TO WITHDRAW APPEAL.</b> ENTERED: MARCH 6, 2008	2007-SC-000059-WC	FROM COURT OF APPEALS

SUPREME COURT OF KENTUCKY

MINUTES

MARCH 20, 2008

RELEASED: 2:00 P.M.

**COURT ORDERS**

JAMES M. CREWS V. 2007-SC-000478-MR MERCER  
COMMONWEALTH OF KENTUCKY  
**ORDER DENIED MOTION TO RECONSIDER.**  
ENTERED: MARCH 11, 2008

TIM FREEMAN V. 2007-SC-000632-MR MCCracken  
HONORABLE R. JEFFREY HINES,  
MCCRACKEN COUNTY CIRCUIT JUDGE  
AND  
COMMONWEALTH OF KENTUCKY  
(REAL PARTY IN INTEREST)  
**ORDER GRANTED MOTION TO  
DISMISS APPEAL.**  
ENTERED: MARCH 20, 2008

COMMONWEALTH OF KENTUCKY, EX REL. 2007-SC-000917-D FRANKLIN  
THE COMMISSIONER OF THE DEPARTMENT  
OF FINANCIAL INSTITUTIONS OF  
COMMONWEALTH OF KENTUCKY, NOW  
THE EXECUTIVE DIRECTOR OF THE OFFICE  
OF FINANCIAL INSTITUTIONS V.  
MICHAEL KELLY, IN HIS PERSONAL  
CAPACITY AND IN HIS CAPACITY AS  
OFFICER, DIRECTOR AND/OR CONTROL  
PERSON OF YUCATAN INVESTMENTS  
CORPORATION, ET AL.  
**ORDER GRANTED MOTION TO WITHDRAW  
MOTION FOR DISCRETIONARY REVIEW.**  
ENTERED: FEBRUARY 20, 2008

CONNIE MARSHALL V. 2008-SC-000046-D JEFFERSON  
COMMONWEALTH OF KENTUCKY, ET AL.  
**ORDER DENIED MOTION FOR WAIVER  
OF FEES.**  
ENTERED: FEBRUARY 22, 2008

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**MARCH 20, 2008**

**RELEASED: 2:00 P.M.**

**COURT ORDERS**

WILBUR PASSMORE V. 2008-SC-000058-D FROM COURT  
LOWES HOME CENTER, ET AL. OF APPEALS  
**ORDER GRANTED MOTION TO  
DISMISS APPEAL.**  
ENTERED: MARCH 12, 2008

CONNIE MARSHALL V. 2008-SC-000110-D JEFFERSON  
THOMAS MCADAM, III  
**ORDER DENIED MOTION TO PROCEED  
IN FORMA PAUPERIS.**  
ENTERED: MARCH 11, 2008

GARY DILLARD V. 2008-SC-000116-D CHRISTIAN  
COMMONWEALTH OF KENTUCKY  
**ORDER DENIED MOTION TO PROCEED  
IN FORMA PAUPERIS.**  
ENTERED: MARCH 12, 2008

FRANKIE JONES V. 2008-SC-000124-D BATH  
COMMONWEALTH OF KENTUCKY  
**ORDER DENIED MOTION TO PROCEED  
IN FORMA PAUPERIS.**  
ENTERED: MARCH 17, 2008

**SUPREME COURT RECENT OPINIONS** – THE KENTUCKY SUPREME COURT HAS  
COMPILED THE MOST RECENT OPINIONS INTO A ZIP FILE. PLEASE VIEW THE  
INSTRUCTIONS AND FILE BEFORE DOWNLOADING ON OUR SEARCHABLE OPINIONS  
WEBSITE, [http://apps.kycourts.net/supreme/sc\\_opinions.shtm](http://apps.kycourts.net/supreme/sc_opinions.shtm)