

COMMONWEALTH OF KENTUCKY
Claims Commission
Agenda
December 18, 2018

Jim present
Delana ~~out~~
by phone

The Kentucky Claims Commission received 42 negligence claims filed against the Commonwealth during the month of **October, 2018**. As many claims as possible were perfected and served on state agencies by several members of the Claims Commission staff.

These staff members, including the Executive Director and the Staff Attorney, processed and/or decided approximately 68 claims under \$2,500.00 in **October, 2018**. Approximately 38 of these claims were dismissed and approximately 30 were awarded, for an estimated total amount awarded of **\$23,261.03**.

At its meeting on October 23, 2018, the Claims Commission dismissed four (4) negligence claims and awarded two (2) negligence claims totaling **\$8,222.75**. Together with the claims investigated pursuant to KRS 49.090(2), the Claims Commission dismissed approximately 42 negligence claims and awarded approximately 32 negligence claims for an estimated total amount awarded of **\$31,483.78** in **October, 2018**. (The monthly reports for November, 2018 and December, 2018 will be included on the January 22, 2019 agenda.)

CLERK'S NOTE: All claims from 2018 and forward will be numbered as CC (for Claims Commission) rather than BC.

FOR INSTRUCTIONS FROM THE COMMISSION:

BC-2015-706

Robert J. Watson v. Transportation Cabinet, Dept. of Highways

Notes: Agreed Order of Dismissal for **\$750.00** filed by the parties. ✓

BC-2017-028

Martha Jordan v. University of Kentucky

Notes: Agreed Order of Settlement for **\$25,000.00** filed by the parties. ✓

BC-2017-392

Ann Nebraska v. University of Kentucky

Notes: Agreed Order of Settlement for **\$250.00** filed by the parties. ✓

BC-2017-512

John Wilson v. Tourism, Arts & Heritage Cabinet, Dept. of Fish and Wildlife, *et al.* ✓

Notes: Agreed Order dismissing certain Respondents filed by the parties.

CC-2018-037

Sedgley Brockett v. Transportation Cabinet, Dept. of Highways

Notes: Agreed Order of Dismissal signed by the parties and filed by the hearing officer. (Order already mailed.) ✓

CC-2018-472

Harold Kindle v. Tourism, Arts & Heritage Cabinet, Dept. of Parks

Notes: Agreed Order of Settlement for **\$500.00** filed by the parties. ✓

CC-2018-616

Penny Parrish v. University of Kentucky

Notes: Respondent's Answer recommending payment of the claim for **\$2,734.00** filed. ✓

FULL COMMISSION REVIEWS

CC-2018-353

Leslie Haun #205731 v. Justice & Public Safety Cabinet, Dept. of Corrections

*Upheld
Dismissal*

CC-2018-572

Eddie Vaughn #182952 v. Justice & Public Safety Cabinet, Dept. of Corrections

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CC-2018-600

Marshall Brooks v. Justice & Public Safety Cabinet, Dept. of Corrections

\$99.31

Upheld

CC-2018-637

Maxine Alexander v. Transportation Cabinet, Dept. of Highways

\$378.41

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CC-2018-640

Joshua Duggins v. Justice & Public Safety Cabinet, Dept. of Corrections

\$1960.61

*Award as stated in
Answer*

CC-2018-645

Aaron Hart v. Transportation Cabinet, Dept. of Highways

Upheld

CC-2018-659

Cierra N. Brown v. Transportation Cabinet, Dept. of Highways

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CC-2018-663

Edward Payne v. Transportation Cabinet, Dept. of Highways

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CC-2018-671

Jacqueline T. Green v. Transportation Cabinet, Dept. of Highways

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CC-2018-745

Glenn Gorley v. Transportation Cabinet, Dept. of Highways

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MOTIONS

BC-2017-281

Lacinda Cheatham v. Transportation Cabinet, Dept. of Highways

Notes: Respondent's unopposed Motion to Dismiss as paid in full by KSAP. ✓

BC-2017-390

Whitaker Bank Corporation v. Transportation Cabinet, Dept. of Highways

Notes: Respondent's unopposed Motion to Dismiss as paid in full by KSAP. ✓

CC-2018-657

Tim Maynard #123171 v. Justice & Public Safety Cabinet, Dept. of Corrections

Notes: Respondent's unopposed Motion to Dismiss.

Dismiss

CC-2018-658

Tori Curtis #226115 v. Justice & Public Safety Cabinet, Dept. of Corrections

Notes: Respondent's unopposed Motion to Dismiss.

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RECOMMENDED ORDERS

BC-2015-1054

Leo Sandmann v. Transportation Cabinet, Dept. of Highways

Notes: Hearing Officer Jim Howard's Findings of Fact, Conclusions of Law and Recommended Order awarding the Claimant **\$15,055.96** and the Claimant's exceptions filed thereto.

BC-2017-261

Mitchell Herron v. Transportation Cabinet, Dept. of Highways

Notes: Hearing Officer Jim Howard's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim.

CC-2018-181

Mack Combs v. Transportation Cabinet, Dept. of Highways

Notes: Hearing Officer Jim Howard's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim.

- Exceptions filed -

CC-2018-226

Mark Donaghy v. Transportation Cabinet, Dept. of Highways

Notes: Hearing Officer Patrick Flannery's Recommended Order of Dismissal at the request of the Claimant.

Total number of claims: 25