

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
OFFICE OF CLAIMS AND APPEALS
BOARD OF CLAIMS

Meeting Agenda

Date: December 13, 2022

When moving into Executive Session, use the following language: [Move for the Board to enter executive session, pursuant to KRS 61.815 and KRS 61.810 (1) (c) and (j) to discuss proposed or pending litigation and deliberate on individual adjudications in “*please state the relevant case number of all cases to be discussed in closed session.*” Motion must be seconded.]

I. November 2022 Monthly Report:

During the month of November 2022, the Board of Claims received **67** negligence claims filed against the Commonwealth.

The Board rendered **51** decisions in claims *under \$2,500.00* in November 2022. Of those, **28** were dismissed and **23** were awarded for a total amount awarded of **\$14,275.08**.

At its November 2022 meeting, the Board approved **2** Agreed Orders of Dismissal, adopted **1** Recommended Order granting the maximum statutory award, and granted **1** additional award upon Full Board Review, awarding an additional amount of **\$253,599.10**. With the claims under \$2,500.00, and those decided at the November 2022 Meeting, the Board decided **86** claims, dismissing a total of **46** claims, and awarding a total of **40** claims, the total amount awarded being **\$267,874.18**.

II. APPROVAL OF NOVEMBER 2022 MINUTES:

1st: 2nd:

III. FULL BOARD REVIEW

BC-21-0695

PAUL CAPPIELLO

v.

TOURISM, ARTS & HERITAGE CABINET

DEPARTMENT OF PARKS

-Findings of Fact, Order, and Opinion Awarding

-Respondent’s Request for Full Board Review

IV. MOTIONS

BC-22-0776

CALVIN MOSLEY

v.

HON. BRANDI ROGERS

5TH JUDICIAL CIRCUIT—UNION FAMILY COURT JUDGE
-Motion to Dismiss

BC-22-0791

ELIZABETH VAUGHN

v.

TOURISM, ARTS & HERITAGE CABINET

-Motion for Summary Disposition

-Claimant's Response

BC-22-0740

TIMOTHY BALLARD

v.

JUSTICE AND PUBLIC SAFETY CABINET

DEPARTMENT OF CORRECTIONS (DOC)

-Respondent's Motion to Dismiss

BC-22-0786

MARCUS LAWRENCE, SR.

v.

DOC, ET AL.

-Respondent's Motion to Dismiss

-Claimant's Motion to Strike

-Respondent's Response to Motion to Strike

BC-22-0787

MARCUS LAWRENCE, SR.

v.

DOC, ET AL.

-Respondent's Motion to Dismiss

-Claimant's Motion to Strike

-Respondent's Response to Motion to Strike

V. RECOMMENDED ORDERS

CC-19-0843

CHELSEA SPURLOCK

v.

UNIVERSITY OF KENTUCKY

-Recommended Order of Dismissal

BC-22-0127

DANIEL SPILLING

v.

JUSTICE AND PUBLIC SAFETY CABINET

DEPARTMENT OF PUBLIC ADVOCACY (DPA)

-Recommended Order of Dismissal

-Claimant's Exceptions

BC-22-0212

MAUREEN CHAPMAN

v.

DPA

-Recommended Order of Dismissal

BC-22-0441

DANIEL HEEB

v.

TRANSPORTATION CABINET

DEPARTMENT OF HIGHWAYS (KYTC)

-Recommended Order of Dismissal

-Claimant's Exceptions (holdover from November meeting)

-Claimant's Motion to Amend Claim

VI. AGREED ORDERS or FOR INSTRUCTIONS

BC-22-0789

PRESTONSBURG DAIRY CHEER

v.

KENTUCKY NATIONAL GUARD

-Answer Admitting Negligence and Agreement to pay \$2,500 deductible, but no proof of ownership

BC-22-0906

LISA VARNER

As Next Friend of Abigail Varner

v.

CLARK COUNTY BOARD OF EDUCATION

-Request to hold in abeyance

BC-21-0670

CHARLES VINSON

v.

CITY OF EVANSVILLE, INDIANA and BILLY BOLIN

-Dismiss for lack of jurisdiction over municipality and non-Kentucky agency

BC-22-0545

AT&T

v.

MARSHALL COUNTY SHERIFF'S DEPARTMENT

-Dismiss for lack of jurisdiction over county government

BC-22-0579

USAA

As Subrogee for Jason and Robin Mathieu

v.

KYTC

-Dismiss for lack of jurisdiction over subrogation claims

BC-21-0719

SARAH JONES

v.

NORTHERN KENTUCKY UNIVERSITY

-Agreed Order of Dismissal

-Release

BC-22-0630

SOLOMON WHITING

v.

KYTC

-Agreed Order of Dismissal

-Release