

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
July 17, 2008

Executive Director Richard Dinkins will address the Board regarding its new chair, James F. Sullivan, appointed July 2, 2008 to replace former chair Billy Goodman.

The Board of Claims statistical report for June, 2008 is attached, as are the minutes from the May, 2008 and June, 2008 Board of Claims meetings.

*Minutes adopted.
New chair, eff. 7/2/08,
James F. Sullivan. He will
be at the 8/4/08 Bd. Mtg.*

For Instructions From the Board

3C-2007-00872

Elizabeth Morgan vs. Department of Highways / Transportation

Notes: December 26, 2007 Order for More Information
May 6, 2008 Order to Comply or Show Cause

Counsel's Recommendations- Rule the Claimant in Default and Dismiss the Claim. ✓

3C-2007-00874

Donroy Birdsong vs. Department of Highways / Transportation

Notes: December 26, 2007 Order for More Information
May 6, 2008 Order to Comply or Show Cause

Counsel's Recommendation- Rule the Claimant in Default and Dismiss the Claim. ✓

3C-2008-00017

Natasha Donnermeyer; Nicholas Donnermeyer vs. Department of Highways / Transportation

Notes: January 15, 2008 Order for More Information
May 6, 2008 Order to Comply of Show Cause

Counsel's Recommendation- Rule the Claimant in Default and Dismiss the Claim. ✓

3C-2008-00029

J.T. McCoy vs. Department of Highways / Transportation

Notes: January 18, 2008 Order for More Information
May 6, 2008 Order to Comply or Show Cause

Counsel's Recommendation- Rule the Claimant in Default and Dismiss the Claim. ✓

3C-2008-00086

Eric Carroll vs. Transportation / Transportation Cabinet

Notes: February 15, 2008 Order for More Information
May 6, 2008 Order to Comply or Show Cause

Counsel's Recommendation- Rule the Claimant in Default and Dismiss the Claim. ✓

3C-2008-00100

Catherine Burnett vs. Department of Highways / Transportation

Notes: February 15, 2008 Order for More Information
May 6, 2008 Order to Comply or Show Cause

Counsel's Recommendation- Rule the Claimant in Default and Dismiss the Claim. ✓

Full Board Review

3C-2008-00191

David Zureick vs. Department of Highways / Transportation

Notes: 6/12/08 Board ordered dismissed
6/17/08 Claimant requests FBR (\$314.18)

Uphold original dismissal

3C-2008-00194

Harry Salyer vs. Department of Highways / Transportation

Notes: 6/18/08 Board ordered dismissed
7/1/08 Claimant requests a FBR (\$500.00)

Uphold original dismissal

3C-2008-00259

Janet Jones vs. Department of Highways / Transportation

Notes: 6/05/08 Board ordered dismissed
6/16/08 Claimant request FBR (\$138.26)

Jackie Lynch recommended reversal of original ~~dismissal~~ dismissal. Board reversed.

Motions

3C-2007-00778

Marletta West vs. Knox County Board of Education and Knox County Fiscal Court

Notes: Respondent Knox County Fiscal Court's Motion to Dismiss.

Counsel's Recommendation: Grant Knox County Fiscal Court's Motion to Dismiss as the Board has no jurisdiction over county governments. ✓

3C-2008-00033

John Prichard vs. Transportation Cabinet

Notes: Respondent's Motion to Reduce Damage Claim and Offer of Judgment. No response received from Claimant.

Counsel's Recommendation: Sustain Motion to Reduce and reduce claim to \$500.00 in alleged damages due to offsets, pursuant to KRS 44.070(1). ✓

3C-2008-00348

N. Aulenbach vs. Cabinet for Health and Family Services

- Notes: 1. Respondent's Motion for authorization from Claimant for copies of Claimant's income tax returns, filed 5/16/08.
2. Claimant's Motion to Allow Discovery Pursuant to Ky. Rules of Civil Procedure, filed 5/19/08.
3. Claimant's Response to Motion for tax return authorization and Motion for Protective Order, filed 5/20/08.
4. Claimant's Motion for Sanctions, Attorney Fees and Costs Assessed against Respondent for Filing Sham Motion Violative of Internal Revenue Code Section 6103, filed 5/20/08.
5. Claimant's Memorandum in Support of Motion for Sanctions, filed 5/21/08.
6. Respondent's Response to Motion for Sanctions, filed 5/23/08.
7. Claimant's Reply to Respondent's Response to Motion for Sanctions, filed 5/28/08.
8. Claimant's Motion to Hold in Abeyance, filed 5/29/08.
9. Claimant's Motion to Strike Respondent's Answer for Failure to Disclose Request for Subpoena, filed 5/29/08.
10. Claimant's Motion for Sanctions, Strike Answer, Entry of Default, filed 6/5/08.
11. Respondent's Response to Claimant's Motion to Hold in Abeyance, filed 6/10/08.
12. Respondent's Response to Claimant's Motion for Sanctions and Motion to Strike, filed 6/10/08.
13. Claimant's Reply to Response, filed 6/16/08.
14. Claimant's Reply to Response to Motion to Strike Answer, filed 6/18/08.

Counsel's Recommendation: Enter Order dismissing claim for lack of jurisdiction. ✓

3C-2008-00569

Rhonda Thacker vs. Transportation Cabinet; Department of Parks / Commerce Cabinet;
Department of Fish and Wildlife / Commerce Cabinet

Notes: Respondent Commerce Cabinet, Department of Parks and Department of Fish & Wildlife Motions to Dismiss. (No response received from Claimant to either motion.)

Counsel's Recommendation: Enter Order dismissing Respondents Department of Parks and Department of Fish & Wildlife. ✓

Recommended Order

3C-1996-00742

James Whitehead; Thomas Phillips vs. Highway Department / Transportation Cabinet

Notes: Agreed Order of Payment, Dismissal and Waiver, filed 6/23/08 and recommended for entry by Hearing Officer Matthew Mooney. (Hearing Officer Matthew Mooney's Recommended Order Denying Motion to Intervene is removed from the Agenda as moot.)

Counsel's Recommendation: Enter Order of Payment, Dismissal and Waiver and award Claimant the sum of \$40,000.00 in settlement of this claim. ✓

3C-2002-00811

Shannon Sexton vs. Transportation Cabinet

Notes: Opinion and Order of the Supreme Court, reversing and remanding claim to Board of Claims for a decision in favor of Respondent.

Counsel's Recommendation: Enter Final Order in favor of Respondent and dismiss claim, ~~also ordering Claimant to reimburse Respondent for \$7,875.00 paid on March 30, 2004 as ordered by this Board on March 26, 2004.~~

3C-2003-01126

Sherry Coleman vs. University of Louisville Hospital

Notes: Hearing Officer Jan West's Recommended Order granting Respondent's Motion to Dismiss.

Counsel's Recommendation: Adopt the recommendation of the Hearing Officer and enter a Final Order dismissing claim. ✓

3C-2005-00634

Barry Polson; Janice Polson vs. Department of Highways / Transportation Cabinet

Notes: Hearing Officer Braxton Crenshaw's Recommended Order dismissing claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and enter a Final Order dismissing claim.

*Pass to next
Rel. Mtg.*

3C-2006-00233

John Curtsinger vs. Transportation Cabinet

Notes: Hearing Officer Jan West's Recommended Order denying claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and enter a Final Order dismissing claim. ✓

3C-2006-00245

Rayne Booth vs. Department of Parks / Commerce Cabinet

Notes: Hearing Officer Todd Farmer's Recommended Order Awarding \$2,193.00 to Claimant.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and enter a Final Order Awarding \$2,193.00 to Claimant.

*Pass to next Bd.
Wtg.*

3C-2007-00436

Gregory Harp vs. Transportation Cabinet

Notes: Agreed Order of Dismissal filed and signed by the Hearing Officer Matthew Mooney.

Counsel's Recommendation: Enter Agreed Order of Dismissal and dismiss claim. ✓

3C-2007-00468

Harold White vs. Transportation Cabinet

Notes: Hearing Officer Matthew Mooney's Recommended Order Awarding \$11,825.00 to Claimant.

Counsel's Recommendation: Adopt the recommendation of the Hearing Officer and enter a Final Order awarding \$11,825.00 to Claimant. ✓

3C-2007-00506

Turkey Creek Old Regular Baptist Church vs. Transportation Cabinet

Notes: Hearing Officer Matt Mooney's Recommended Order Awarding \$6,075.00 to Claimant.

Counsel's Recommendation: Adopt the recommendation of the Hearing Officer and enter a Final Order Awarding \$6,075.00 to Claimant. ✓

3C-2007-00512

Lina Riggs; Larry Riggs vs. Transportation Cabinet

Notes: Hearing Officer Braxton Crenshaw's Recommended Order Awarding \$3,028.36 to Claimants.

Counsel's Recommendation: Adopt the recommendation of the Hearing Officer and enter a Final Order Awarding \$3,028.36 to Claimants. ✓

3C-2007-00728

Carolyn Mounce vs. Kentucky State Fair Board / Commerce Cabinet

Notes: Hearing Officer Jan West's Recommended Order Denying Claim.

Counsel's Recommendation: Adopt the recommendation of the Hearing Officer and enter a Final Order dismissing the claim. ✓

3C-2007-00857

Andre Mulligan vs. Transportation Cabinet

Notes: Hearing Officer Jan West's Recommended Order Denying Claim.

Counsel's Recommendation: Adopt the recommendation of the Hearing Officer and enter a Final Order dismissing the claim. ✓

3C-2008-00440

Clayton Wills vs. University of Kentucky Medical Center

Notes: Respondent's Answer Admitting Liability and recommending that an award of \$1,300.00 be made to Claimant. ✓

Counsel's Recommendation: Enter Final Order awarding \$1,300.00 to Claimant.

3C-2008-00582

Phyllis Patrick; Sheila McKinney vs. University of Kentucky Medical Center

Notes: Respondent's Answer Admitting Liability, offering \$798.00 in settlement; Claimant's acceptance of the settlement.

Counsel's Recommendation: Enter Final Order Awarding \$798.00 to Claimant. ✓

Total number of Claims: 27

**COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS**

*Addendum
July 17, 2008*

BC-2006-447
Estate of Ricky W. Hubbard v. Transportation Cabinet

Agreed Order of Dismissal filed 7/10/08.

Counsel's Recommendation: Enter Agreed Order of Dismissal and dismiss claim. ✓

BC-2007-659
Dewey Jones v. Transportation Cabinet

Agreed Order of Settlement and Dismissal.

Counsel's Recommendation: Enter Agreed Order of Settlement and Award ✓
Claimant \$30,240.00.
