

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
May 21, 2009

James Sullivan
NOT PRESENT

The Board of Claims received 71 new claims during the month of April, 2009. A total of 76 new claims were set up, according to Assistant Clerk Paula Woolums. Paula also dismissed 2 claims for being under the \$100.00 threshold.

Investigators Jackie Lynch and Wanda Luttrell decided 81 claims (under \$1000.00) in April, 2009. Thirty four (34) claims were dismissed and 47 claims were awarded, for a total amount awarded of \$17,887.11.

Report
Accepted

At its Board meeting on April 16, 2009, the Board dismissed 18 claims and awarded seven (7) claims totaling \$208,816.86. Together with the claims investigated in-house, the Board dismissed a total of 52 claims and awarded a total of 54 claims for a total amount awarded of \$226,703.97 in April, 2009.

— Discussion followed re funding balance —

For Instructions From the Board

BC-2008-00588
David Williams vs.

Notes: May 16, 2008 Order for More Information
January 12, 2009 Order to Comply or Show Cause

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

BC-2008-00675
Jay Dierig vs.

Notes: June 13, 2008 Order for More Information
January 12, 2009 Order to Comply or Show Cause

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

BC-2008-00694
Kelly Settles vs.

Notes: June 5, 2008 Order for More Information
January 23, 2009 Order to Comply or Show Cause

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

BC-2008-00700
Michael Smith vs.

Notes: June 13, 2008 Order for More Information
January 12, 2009 Order to Comply or Show Cause

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

BC-2008-00709
Norman Morgan vs. Department of Highways / Transportation

Notes: June 30, 2008 Order for More Information
February 13, 2009 Order to Comply or Show Cause

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

BC-2008-00710

Judith Williams vs.

Notes: June 5, 2008 Order for More Information
January 23, 2009 Order to Comply or Show Cause

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

BC-2008-00733

Sarah Bramlage vs.

Notes: June 30, 2008 Order for More Information
January 12, 2009 Order to Comply or Show Cause

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

BC-2008-00757

Joyce Templeton vs. Department of Highways / Transportation

Notes: June 19, 2008 Order for More Information
January 12, 2009 Order to Comply or Show Cause

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

BC-2008-00758

LaDonna Burkhart vs.

Notes: June 19, 2008 Order for More Information
January 12, 2008 Order to Comply or Show Cause

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

BC-2008-00774

Tracie Meyer vs.

Notes: July 1, 2008 Order for More Information
January 12, 2009 Order to Comply or Show Cause

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

BC-2008-00802

Elizabeth Nash vs. Department of Parks / Tourism, Arts and Heritage

Notes: August 13, 2008 Order for More Information
January 12, 2009 Order to Comply or Show Cause

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

BC-2008-00816

Nancy Hunter vs. UK Medical Center / University of Kentucky

Notes: August 13, 2008 Order for More Information
January 23, 2009 Order to Comply or Show Cause

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

BC-2008-00827

Ben Stagge vs.

Notes: August 18, 2008 Order for More Information
January 20, 2009 Order to Comply or Show Cause

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

BC-2008-00837

Joshua Jones vs.

Notes: August 8, 2008 Order for More Information
January 20, 2009 Order to Comply or Show Cause

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

BC-2008-00860

Marlene Flagel vs. Department of Highways / Transportation

Notes: August 15, 2008 Order for More Information
January 20, 2009 Order to Comply or Show Cause

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

BC-2008-00862

Kyle Auxier vs. Department of Highways / Transportation

Notes: August 15, 2008 Order for More Information
January 20, 2009 Order to Comply or Show Cause

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

BC-2008-00879

Gary Sanders; Joyce Gipson vs. UK Medical Center / University of Kentucky

Notes: August 18, 2008 Order for More Information
January 23, 2009 Order to Comply or Show Cause

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

BC-2008-00880

Shawn Brown vs.

Notes: August 18, 2008 Order for More Information
January 20, 2009 Order to Comply or Show Cause

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

BC-2008-00897

Rose Lewis vs. UK Medical Center / University of Kentucky

Notes: August 20, 2008 Order for More Information
January 20, 2009 Order to Comply or Show Cause

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

BC-2008-00914

Pickard Chrysler Inc. vs. Department of Highways / Transportation

Notes: September 11, 2008
February 13, 2009

Order for More Information
Order to Comply of Show Cause

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

BC-2008-00954

Anthony Lewis vs.

Notes: September 15, 2008
January 23, 2009

Order for More Information
Order to Comply or Show Cause

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

BC-2008-00962

Melinda Wilson vs.

Notes: September 29, 2008
February 13, 2009

Order or More Information
Order to Comply or Show Cause

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

BC-2008-00968

Mary Howard vs. Department of Highways / Transportation

Notes: September 5, 2008
February 13, 2009

Order for More Information
Order to Comply or Show Cause

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

BC-2008-00971

Jimmy Gillum vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: September 5, 2008
January 23, 2009

Order for More Information
Order to Comply or Show Cause

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

BC-2008-00972

Terry Roach vs.

Notes: September 19, 2008
January 23, 2009

Order for More Information
Order to Comply or Show Cause

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

BC-2008-01006

Sherman Brandle vs. Transportation Cabinet / Dept. of Highways

Notes: September 29, 2008
February 13, 2009

Order for More Information
Order to Comply or Show Cause

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

BC-2008-01027

Marian Mueller vs. Transportation Cabinet / Dept. of Highways

Notes: October 8, 2008 Order for More Information
February 13, 2009 Order to Comply or Show Cause

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

BC-2008-01071

Kwane Green vs.

Notes: October 31, 2008 Order for More Information
February 13, 2009 Order to Comply or Show Cause

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

BC-2008-01072

Jason Woodward vs.

Notes: October 31, 2008 Order for More Information
January 23, 2008 Order to Comply or Show Cause

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

BC-2008-01078

William Stewart vs. UK Medical Center / University of Kentucky

Notes: October 30, 2008 Order for More Information
February 13, 2009 Order to Comply or Show Cause

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

BC-2008-01098

Aprile Conley vs.

Notes: November 26, 2008 Order for More Information
January 23, 2009 Order to Comply or Show Cause

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

BC-2008-01119

Tedrick Little vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: November 17, 2008 Order for More Information
January 23, 2009 Order to Comply or Show Cause

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

BC-2008-01120

Garland Sexton vs. Department of Parks / Tourism, Arts and Heritage

Notes: November 18, 2008 Order for More Information
February 13, 2008 Order to Comply or Show Cause

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

BC-2008-01122

Martha Allison vs. UK Medical Center / University of Kentucky

Notes: November 28, 2008
January 23, 2009

Order for More Information
Order to Comply or Show Cause

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

BC-2008-01193

Tammy Wells vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: 1/6/09 Respondent submitted Answer denying negligence
4/22/03 Respondent submitted an Agreed Order signed by the Claimant and Respondent.

Counsel's Recommendation: Enter Agreed Order and award Claimant \$560.58 in settlement of this claim. ✓

BC-2009-00105

Reggie McKenzie vs. Transportation Cabinet / Dept. of Highways

Notes: 3/26/09 Board ordered dismissed, beyond Statute of Limitations
4/3/09 Claimant requests FBR (\$412.05)
4/16/09 Board reversed dismissal, ordered it to be investigated.
4/28/09 Respondent's motion to reconsider.

Motion to Reconsider Denied

BC-2009-00213

Chad Centers vs. Eastern Kentucky University

Notes: 5/5/09 Received Agreed Order signed by Claimant and Respondent for \$3,000.00. ✓

Counsel's Recommendation: Enter Agreed Order and award Claimant \$3,000.00 in settlement of this claim.

Full Board Review

BC-2008-01115

Carolyn Williams; Walter Williams vs. Transportation Cabinet / Dept. of Highways

Notes: 4/03/09 Board dismisses claim
4/16/09 Claimant requests Full Board Review (\$300)
4/22/09 FBR Memo to Claimant and Respondent

Dismissal Reversed - \$300⁰⁰ awarded

BC-2009-00159

Darrell Miracle vs. Transportation Cabinet / Dept. of Highways

Notes: 4/03/09 Board ordered dismissed
4/13/09 Claimant requests FBR (\$195.51)
4/15/09 FBR Memo to Claimant and Respondent

Uphold Dismissal

Motions

BC-2005-00672

Jeffrey Marsh vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Amended Motion to Withdraw as Counsel. ✓

Counsel's Recommendation: Enter Order Granting Motion to Withdraw.

BC-2005-00893

Shamel Whitt vs. Transportation Cabinet / Dept. of Highways

Notes: Claimant's Motion to Remove from Abeyance. No response received from Respondent.

Counsel's Recommendation: Sustain Motion to Remove from Abeyance and assign to a hearing officer. ✓

BC-2006-00680

David Carlton vs. Tourism, Arts & Heritage Cabinet / Dept. of Parks

Notes: Claimant's Motion to Remove from Abeyance and Motion to Amend Claim.

Counsel's Recommendation: Sustain both Motions and assign to a hearing officer. ✓

BC-2007-00516

Eugene Woodard vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Amended Motion to Withdraw and Substitute Counsel. ✓

Counsel's Recommendation: Enter Order Granting Motion to Withdraw.

BC-2007-00629

Timothy Rollin vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Amended Motion to Withdraw and Substitute Counsel. ✓

Counsel's Recommendation: Enter Order Granting Motion to Withdraw.

BC-2007-00745

Richard Stinnett vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Motion to Withdraw and Substitute Counsel. ✓

Counsel's Recommendation: Enter Order Granting Motion to Withdraw.

BC-2007-00834

Deyon Hayden vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Motion to Withdraw and Substitute Counsel. ✓

Counsel's Recommendation: Enter Order Granting Motion to Withdraw.

BC-2008-00146

Celina Wilson vs. Transportation Cabinet

Notes: Claimant's request to withdraw her claim.

Counsel's Recommendation: Enter Final Order dismissing claim with prejudice at Claimant's request. ✓

BC-2008-00904

Keith Means vs. University of Kentucky Medical Center

Notes: Agreed Order of Partial Dismissal. ✓

Counsel's Recommendation: Enter Agreed Order of Partial Dismissal and dismiss all claims of Sheila Means with prejudice.

BC-2008-00990

Timothy Rouse vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Amended Motion to Withdraw and Substitute Counsel.

Counsel's Recommendation: Enter Order Granting Motion to Withdraw. ✓

BC-2008-01144

Mar'riel Lucas vs. Cabinet for Health and Family Services

Notes: Respondent's Motion to Dismiss and Claimant's Response filed thereto. ✓

Counsel's Recommendation: *Motion ~~Granted~~ Overruled*

BC-2009-00012

Kenneth Neeley vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Motion to Dismiss. No response received from Claimant.

Counsel's Recommendation: Sustain Motion to Dismiss for lack of jurisdiction over constitutional deprivation issues. ✓

BC-2009-00016

Kelvin Thomas vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Amended Motion to Withdraw and Substitute Counsel.

Counsel's Recommendation: Enter Order Granting Motion to Withdraw. ✓

BC-2009-00041

Angela Crable vs. University of Louisville

Notes: Respondent's Motion to Place Claim in Abeyance. No response received from Claimant.

Counsel's Recommendation: Sustain Motion and place claim in Abeyance pending the outcome of the parallel civil suit. ✓

BC-2009-00068

Erwin Sherman vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Respondent's Answer denying liability due to contractor's lease.

Counsel's Recommendation: Enter Final Order denying claim for lack of jurisdiction over contractors. ✓

BC-2009-00098

Paul Rose; Bobbey Rose vs. Transportation Cabinet / Dept. of Highways

Notes: Claimant's Motion to Hold Claim in Abeyance.

Counsel's Recommendation: Sustain Motion and hold claim in Abeyance pending the outcome of the parallel civil suit. ✓

BC-2009-00111

Brandi Hammons vs. Eastern Kentucky University

Notes: Respondent's Answer and Motion to Dismiss; Claimant's Verified Response to Motion to Dismiss.

Counsel's Recommendation: Overrule Motion to Dismiss due to disputing facts in affidavits and assign to a hearing officer. ✓

BC-2009-00116

Kelvin Thomas vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Amended Motion to Withdraw and Substitute Counsel.

Counsel's Recommendation: Enter Order Granting Motion to Withdraw. ✓

BC-2009-00149

Teddy Marcum vs. Eastern Kentucky University

Notes: Respondent's Motion to Dismiss. No response received from Claimant.

Counsel's Recommendation: Overrule Motion to Dismiss and assign to a hearing officer. ✓

BC-2009-00222

Daily Underwriters of America; Stuart Wright vs. Transportation Cabinet

Notes: Respondent's Answer and Motion to Dismiss. No response received from Claimant.

Counsel's Recommendation: Sustain Motion to Dismiss due to lack of jurisdiction over subrogation claims. ✓

Recommended Order

BC-2004-00375

Wyatt Swartz vs. Transportation Cabinet / Dept. of Highways

Notes: Joint Entry of Dismissal with Prejudice.

Counsel's Recommendation: Enter Order dismissing claim with prejudice. ✓

BC-2004-00376

Waylon Swartz vs. Transportation Cabinet / Dept. of Highways

Notes: Joint Entry of Dismissal with Prejudice.

Counsel's Recommendation: Enter Order dismissing claim with prejudice. ✓

BC-2007-00778

Marletta West vs. Knox County Board of Education

Notes: Hearing Officer's Recommended Order of Dismissal.

Counsel's Recommendation: Enter Final Order dismissing this claim for lack of prosecution due to the death of the Claimant. ✓

BC-2008-00452

David Smoot vs. Tourism, Arts & Heritage Cabinet / Dept. of Parks

Notes: Agreed Order of Settlement.

Counsel's Recommendation: Enter Agreed Order of Settlement and award Claimant \$1,800.00 in settlement of this claim. ✓

BC-2008-00697

Samuel Dobson vs. Western Kentucky University

Notes: Agreed Order of Settlement.

Counsel's Recommendation: Enter Agreed Order and award Claimant \$5,000.00 in settlement of this claim. ✓

BC-2008-01057

James Letourneau vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Charles Miller's Recommended Order dismissing claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and enter a Final Order dismissing the claim for failure to comply with the orders of the hearing officer. ✓

BC-2008-01145

Carolyn Cundiff vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order Dismissing filed by the Hearing Officer, Jan West.

Counsel's Recommendation: Enter Final Order dismissing claim with prejudice at the request of the parties. ✓

BC-2009-00055

Robert Kinzer vs. University of Kentucky Medical Center

Notes: Respondent's Answer Admitting Liability and recommending settlement of claim.

Counsel's Recommendation: Enter Final Order Awarding \$3,616.87 to Claimant in settlement of this claim. ✓

BC-2009-00293

Gregory Nunn vs. Military Affairs

Notes: Respondent's Investigative Response and Answer Admitting Liability.

Counsel's Recommendation: Enter Final Order awarding \$500.00 (insurance deductible) to Claimant in settlement of this claim. ✓

BC-2009-00313

Eric Burgess vs. Department of Military Affairs

Notes: Respondent's Answer Admitting Liability.

Counsel's Recommendation: Enter Final Order awarding \$2,692.93 to Claimant. ✓

Total number of Claims: 69