

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
August 21, 2008

*Welcome to new
Chair, James
Sullivan*

The Board of Claims received 94 new claims during the month of July, 2008. A total of 98 new claims were set up, according to Assistant Clerk Paula Woolums. Investigators Jackie Lynch and Wanda Luttrell decided 102 claims (under \$1000.00) in July. The Board awarded seven (7) claims for a total of \$203,404.62 at its July 17, 2008 meeting. Fourteen (14) claims were dismissed by the Board at that meeting. Combined with the claims decided in-house, the Board dismissed 53 claims and awarded 72 claims for a total amount of \$224,924.28 in July, 2008.

For Instructions From the Board

*Motion to
Adopt 07/08
Minutes*

3C-2007-00868

Joshua Reynolds vs. Commonwealth of Kentucky

Notes: December 17, 2007 Order for More Information
May 6, 2008 Order to Comply or Show Cause

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

3C-2007-00875

Angel Wood vs. Cabinet for Health and Family Services / Cabinet for Health and Family Services

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 ✓

3C-2008-00022

Jennifer Akers vs. Department of Parks / Commerce Cabinet

Notes: January 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 claim. ✓

3C-2008-00094

Alma Felton vs. UK Medical Center / University of Kentucky

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 claim. ✓

3C-2008-00096

Jessica Moulder vs. Commonwealth of Kentucky

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 claim. ✓

3C-2008-00110

lays Whiteside vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

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

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

3C-2008-00144

Thomas Borda vs. UK Medical Center / University of Kentucky

Notes: February 29, 2008 Order for More Information
Mqy 6, 2008 Order to Comply or Show Cause

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

Full Board Review

3C-2008-00290

Paul Harper vs. Department of Highways / Transportation

Notes: 7/3/08 Findings of Fact, Opinion and Order - dismissing ✓
7/16/08 Claimant requests FBR (\$500)

uphold original dismissal

3C-2008-00567

Kevin Bates vs. Department of Highways / Transportation

Notes: 7/23/08 Findings of Fact, Opinion and Order - awarding \$238.45 (1/4 of estimate for 4 rims). Only one was damaged, but rims have
been discontinued.
7/24/08 Claimant requests FBR (\$953.79) for 4 rims. ✓

uphold original decision

Motions

3C-2004-00720

Robert Kline vs. Department of Highways / Transportation Cabinet

Notes: Respondent's Renewed Motion to Dismiss filed 7/1/08. No response received from Claimant.

Counsel's Recommendation: Overrule Renewed Motion to Dismiss and Reassign to a Hearing Officer. ✓

3C-2006-00587

Ronald Rabon vs. Clark County Detention Center

Notes: Respondent's Answer alleging expiration of Statutue of Limitations.

Counsel's Recommendation: Dismiss claim for lack of jurisdiction over county entities. ✓

3C-2006-00682

Charles Stovall vs. Transportation Cabinet

Notes: Joint Motion to Authorize Settlement of \$7,200.00.

Counsel's Recommendation: Enter Order Authorizing Settlement of \$7,200.00 and dismiss claim. ✓

3C-2007-00376

Joe Browder vs. Justice and Public Safety Cabinet, Department of Corrections, et al.

Notes: Respondent's Motion for Summary Judgment and Claimant's various pro se motions alleging fraud by the Board.

Counsel's Recommendation: Sustain Motion for Summary Judgment and dismiss claim. ✓

3C-2008-00121

Dora Stamper vs. University of Kentucky Medical Center

Notes: Respondent's Answer and Motion to Dismiss due to expiration of Statute of Limitations.

Counsel's Recommendation: Sustain Motion to Dismiss and enter Final Order dismissing claim. ✓

3C-2008-00340

William McGinnis; Ann McGinnis vs. University of Kentucky Medical Center

Notes: Respondent's Motion to Dismiss for expiration of Statute of Limitations.

Counsel's Recommendation: Sustain Motion to Dismiss and enter Final Order dismissing claim.

Hold to next mtg.

3C-2008-00396

Jennifer Tarullo vs. Transportation Cabinet

Notes: Respondent's Motion to Compel Discovery filed 7/17/08. No response received from Claimant.

Counsel's Recommendation: Sustain Motion to Compel and enter Order giving Claimant thirty (30) days to answer discovery or risk dismissal of claim. ✓

3C-2008-00541

James May vs. University of Kentucky

Notes: Respondent Answer and Motion to Dismiss.

Counsel's Recommendation: Overrule Motion to Dismiss and Assign to a Hearing Officer. ✓

3C-2008-00543

Roaden and Company, d/b/a/ La-Z-Boy Furniture Galleries vs. Department of Military Affairs

Notes: Answer and Motion to Dismiss.

Counsel's Recommendation: Sustain the Motion to Dismiss in recognition of the language in the lease agreement between the parties wherein the Claimant assumed the risk of loss and enter a Final Order dismissing claim. ✓

3C-2008-00601

Lyman Haroun vs. University of Kentucky

Notes: Respondent's Answer and Motion to Dismiss.

Counsel's Recommendation: Sustain the Motion to Dismiss and enter a Final Order dismissing claim. ✓

3C-2008-00626

James Ford vs. Transportation Cabinet, Dept. of Highways

Notes: Respondent's Motion to Dismiss for lack of jurisdiction over the contractor involved.

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

3C-2008-00684

Susan Williams vs. Finance and Administration Cabinet

Notes: Respondent's Motion to Dismiss.

Counsel's Recommendation: Sustain the Motion to Dismiss the Finance and Administration Cabinet, add the Transportation Cabinet as Respondent to this claim, and order Transportation Cabinet to answer claim within thirty (30) days of the date of the Order. ✓

3C-2008-00761

Hope Dempsey vs. Transportation Cabinet

Notes: Respondent's Answer and Motion to Dismiss because Contractor settled claim for \$2,000.00.

Counsel's Recommendation: Enter Final Order dismissing claim. ✓

Recommended Order

3C-2003-00977

Estate of Dale Patrick vs. Department of Highways / Transportation Cabinet

Notes: Agreed Order of Dismissal with Prejudice.

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

3C-2005-00634

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

Notes: Hearing Officer Braxton Crenshaw's Recommended Order dismissing claim and Claimant's Exceptions (held over from July 2008 meeting).

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

3C-2006-00245

Layne Booth vs. Department of Parks / Tourism, Arts & Heritage Cabinet

Notes: Hearing Officer Todd Farmer's Recommended Order Awarding \$2,193.00 to Claimant and Claimant's Exceptions filed thereto (held over from July 2008 meeting).

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

3C-2008-00030

Shirley Baxter vs. Transportation Cabinet

Notes: Agreed Order of Settlement.

Counsel's Recommendation: Enter Agreed Order of Settlement and Award Claimant \$5,200.00. ✓

3C-2008-00222

Fidelity Automotive Clark County Auto Auction vs. Transportation Cabinet

Notes: Agreed Order of Dismissal.

Counsel's Recommendation: Enter Agreed Order and Dismiss claim. ✓

3C-2008-00655

Theresa Dodge vs. Transportation Cabinet

Notes: Agreed Order of Settlement and Release.

Counsel's Recommendation: Enter Agreed Order and award Claimant \$1,000.00 in settlement of this claim. ✓

3C-2008-00660

Josuan Strange vs. University of Kentucky Medical Center

Notes: University of Kentucky's Answer Admitting Liability.

Counsel's Recommendation: Enter Final Order Awarding \$1,460.00 to Claimant. ✓

Total number of Claims: 29