

COMMONWEALTH OF KENTUCKY

Board of Claims

Agenda

December 20, 2007

1. Chair Billy Goodman convenes meeting.
2. Minutes of November Board Meeting (November 15, 2007).
3. Executive Director's Report.

NOVEMBER MONTHLY TOTALS

The Board of Claims received 76 new claims during the month of November.

54 claims could be processed. They are requesting a total of \$4,889,584.62.

The Board awarded 16 claims a total of \$31,358.98.

The Board dismissed a total of 49 claims that had requested \$25,964,740.05.

34 new claims were assigned to be investigated under \$1,000. Jackie and Wanda decided 32 claims during the month of November.

BACKLOG INFORMATION

As of the 3rd day of December Paula had 16 new claims waiting to be set up.

Jackie and Wanda had 11 claims that an answer had already been filed and needed a decision to be rendered. (However, none of the decisions are due out before December 15.)

Paula will have the claims set up by the end of this week and Jackie and Wanda are at least two weeks ahead. So it appears that the Board of Claims does not have a backlog.

For Instructions From the Board

BC-1995-00979

Regina Still vs. Department of Highways / Transportation

Notes: 10/12/07 Board Order

11/27/07 Board Order to Comply or Show Cause

Counsel's Recommendation - If no response received by December 12 - the Claimant is in Default - Dismiss

BC-2005-00574

William Guess vs. Department of Highways / Transportation

Notes: Settlement Agreement (\$92,000)

Counsel's Recommendation - Enter Settlement Agreement and Award \$92,000

BC-2005-01030

Sandra Forman; Brandon Spicer vs. Transportation Cabinet / Transportation Cabinet

Notes: Agreed Order of Dismissal; Case Settled (Sandra Forman as Admr. of Estate of Brandon Spicer \$5,000 and Cynthia Jennings as Admr. of Estate of John Spicer \$55,000)

Counsel's Recommendation - Enter Agreed Order and Award Sandra Forman as Admr. of Estate of Brandon Spicer \$5,000 and Award Cynthia Jennings as Admr. of Estate of John Spicer \$55,000

BC-2007-00216

Carrissa Turpin vs. Eastern Kentucky University / E.K.U.

Notes: 11/19/07 Claimant's letter voluntarily dismissing claim

Counsel's Recommendation - Dismiss

BC-2007-00405

Gerald Briffa vs. Transportation / Transportation Cabinet

Notes: 08/24/07 Respondent's Answer

09/04/07 Claimant's Letter

Counsel's Recommendation - Award \$1,000

BC-2007-00482

Shawna Newsome vs.

Notes: July 5, 2007 Order for More Information
August 5, 2007 Order
October 3, 2007 Order to Comply or Show Cause

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

BC-2007-00538

Melissa Bone; James Ellis; Lisa Ellis vs.

Notes: August 10, 2007 Order for More Information
October 3, 2007 Order to Comply or Show Cause

Counsel's Recommendation- Rule the Claimant Default and Dismiss

BC-2007-00637

Tuesday Helton; Marsha Helton vs. Office of Housing, Buildings and Construction / Office of Housing, Buildings and Construction; Environmental and Public Protection Cabinet / Environmental and Public Protection Cabinet

Notes: 09/28/07 Complaint
09/28/07 Claimant's Motion to Hold Claim in Abeyance
11/01/07 Respondent Jeffrey A. Cummins' Response to Claim
11/09/07 Respondent 's (Office of House, Buildings & Construction) Answer to Claim
11/14/07 Board Order to Comply or Show Cause (for Bath County)
Counsel's Recommendation - Sustain Claimant's motion and hold claim in abeyance

BC-2007-00689

Norma Hale vs. Transportation Cabinet / Transportation Cabinet

Notes: 10/11/07 Complaint
11/15/07 Respondent's Answer wishing to settle claim for \$1,088.76
Counsel's Recommendation - Award \$1,088.76

BC-2007-00798

Samuel Elliott vs. Louisville Metro Corrections / Louisville Metro Corrections

Notes: 11/09/07 Complaint
11/21/07 Respondent's Answer
Counsel's Recommendation - Dismiss claim because the Board lacks jurisdiction against a local government

BC-2007-00839

Ion Mitrache vs. UK Medical Center / University of Kentucky

Notes: Agred Order of Settlement (\$2,187)

Counsel's Recommendation - Award \$2,187

Full Board Review

BC-2007-00569

David Douglas vs. Department of Parks / Commerce Cabinet

Notes: 10/26/07 Board ordered dismissed
11/7/07 Claimant requests FBR

BC-2007-00670

Matthew Lyon vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: 11/14/07 Board awarded \$79.20
12/03/07 Claimant requests FBR on the amount of award
– (claim set up for \$270)

Hearing Officer's Opinions

BC-2004-00771

Hope Brooks; Anna Stede vs. Department of Highways / Transportation; Louisville and Jefferson County Metro Government

Notes: Hearing Officer Matthew Mooney's Recommended Order (Denying the motion for summary disposition in part and granting the motion for summary disposition in part; denying the motion in limine; and granting the Claimant leave to file the second amended complaint)

Agreed Order entered on November 15, 2007

Counsel's Recommendation - Adopt the hearing officer's recommendation and deny the motion for summary disposition in part and grant the motion for summary disposition in part; deny the motion in limine; and grant the Claimant leave to file the second amended complaint

BC-2006-00007

Mary Regalado; Julian Regalado vs. UK Medical Center / University of Kentucky

Notes: Hearing Officer Braxton Crenshaw's Recommended Order (Holding claim in abeyance)

Counsel's Recommendation - Adopt the hearing officer's recommendation and hold the claim in abeyance

BC-2006-00302

Andra Allen vs. Department of Vocational Rehabilitation / Department of Education

Notes: Hearing Officer Todd Farmer's Recommended Order (Dismissing)

7/25/07 Claimant's Motion to Extend Time for Filing of Exceptions and Exceptions

08/16/07 Full Board Order

09/20/07 Full Board Order

10/18/07 Full Board Order

11/14/07 Claimant's Exceptions

11/15/07 Full Board held claim over until December meeting

Counsel's Recommendation - Adopt the hearing officer's recommendation and dismiss

BC-2006-00605

Frederick Jones vs. Justice and Public Safety Cabinet / Justice and Public Safety Cabinet

Notes: Hearing Officer Todd Farmer's Recommended Order (Granting the Respondent's motion for summary judgment)

Counsel's Recommendation - Adopt the hearing officer's recommendation and grant the Respondent's motion for summary judgment and dismiss

BC-2006-00620

Bonita Lay vs. Transportation / Transportation Cabinet

Notes: Hearing Officer Braxton Crenshaw's Recommended Order (Awarding \$4,297.90)

Counsel's Recommendation - Adopt the hearing officer's recommendation and award \$4,297.90

BC-2007-00101

Kelly Oliver vs. Transportation / Transportation Cabinet

Notes: Hearing Officer Braxton Crenshaw's Recommended Order (Holding claim in abeyance)

Counsel's Recommendation - Adopt the hearing officer's recommendation and hold the claim in abeyance

Notes: Hearing Officer Jan West's Recommended Order (Awarding \$765.66)

Full Board Order entered November 15, 2007

Claimant filed exceptions on November 28, 2007

Counsel's Recommendation - Adopt the hearing officer's recommendation and award \$765.66

Motions

BC-2007-00605

Mark Brown vs. Fayette Circuit Court / Fayette Circuit Court

Notes: 08/17/07 Complaint

10/23/07 Respondent's Motion to Dismiss and Memorandum in Support of Motion to Dismiss

11/15/07 Board Order

11/26/07 Claimant's Response or Reply to Respondent's Motion to Dismiss

Counsel's Recommendation - Dismiss the claim because of the statute of limitations and also because the Board has no jurisdiction to hear or adjudicate wrongful imprisonment claims

BC-2007-00654

Monte Henderson vs. Transportation / Transportation Cabinet

Notes: 09/10/07 Complaint

11/08/07 Respondent's Motion to Hold in Abeyance

Counsel's Recommendation - Sustain the Respondent's motion and hold the claim in abeyance

BC-2007-00681

Rosie Dyer; Paul Dyer vs. Board of Education of Marion County

Notes: 09/20/07 Complaint

10/25/07 Respondent's Motion to Dismiss and Memorandum in Support of Motion to Dismiss

11/13/07 Claimant's Response to Motion to Dismiss

11/14/07 Claimant's Motion to Hold in Abeyance

Counsel's Recommendation - Overrule the motion to dismiss because the issues addressed in the motion require special analysis and at this stage in the proceedings the motion is premature. If still unopposed on November 14, place the claim in abeyance.

Notes: 10/15/07 Complaint

10/29/07 Respondent's Motion for Partial Dismissal of Complaint on Claims for Loss of Parental Consortium

11/19/07 Respondent's Answer

Counsel's Recommendation - Sustain the Respondent's motion to dismiss for loss of companionship asserted by Tara and David Ford

Total number of Claims: 24

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Addendum

BC-2005-00842

Joseph Marshall vs. Green County Fiscal Court; Administrative Offices of the Court

Notes: Agreed Order of Dismissal

Counsel's Recommendation - Enter Agreed Order and Dismiss



BC-2007-00725

Louise Roach vs. UK Medical Center / University of Kentucky

Notes: 10/12/07 Complaint

12/10/07 Respondent's Answer admitting liability \$1,150

Counsel's Recommendation - Award \$1,150



BC-2007-00735

Bernice Pickard vs. UK Medical Center / University of Kentucky

Notes: 10/17/07 Complaint

12/12/07 Respondent's Answer admitting liability \$1,140

Counsel's Recommendation - Award \$1,140



BC-2007-00758

City of Campton vs. Transportation / Transportation Cabinet

Notes: Agreed Order of Dismissal

Counsel's Recommendation - Enter Agreed Order and Dismiss



BC-2007-00785

Joe Baber vs. UK Medical Center / University of Kentucky

Notes: 11/26/07 Complaint

12/14/07 Respondent's Answer admitting liability (\$2,700)

Counsel's Recommendation - Award \$2,700



*Adjourn
in honor of
Sandra Godbey*