

COMMONWEALTH OF KENTUCKY
Board of Claims
Agenda
June 21, 2012

Sullivan Absent

The Board of Claims received 53 new claims during the month of May, 2012. A total of 38 claims were set up, according to Assistant Clerk Paula Woolums. Paula also returned four (4) claims for lack of jurisdiction.

Investigators Jackie Lynch and Wanda Luttrell decided 29 claims under \$1,000.00 in May, 2012. Jackie reports that 22 of these claims were dismissed and nine (9) were awarded, for a total amount awarded of \$3,366.00.

At its Board meeting on May 17, 2012, the Board dismissed 16 claims and awarded five (5) claims totaling \$19,152.42. Together with the claims investigated in-house, the Board dismissed a total of 38 claims and awarded a total of 14 claims for a total amount awarded of \$22,518.42 in May, 2012.

Wanda's last Board mtg.

For Instructions From the Board

BC-2008-01108

Katy Trout vs. University of Kentucky

Notes: Agreed Order of Settlement filed.

Counsel's Recommendation: Enter the Agreed Order of Settlement awarding the Claimant \$300.00 in settlement of this claim. ✓

BC-2009-00041

Angela Crable vs. University of Louisville

Notes: Board's Order to Claimant to Comply or Show Cause why she hasn't responded to previous orders for information; no response was filed by the Claimant.

Counsel's Recommendation: Enter a Final Order dismissing the claim with prejudice for the Claimant's failure to prosecute. ✓

BC-2011-00590

Cheryl Chaney; Fred Rose vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Voluntary Dismissal filed by the Claimant.

Counsel's Recommendation: Enter the Agreed Order of Voluntary Dismissal dismissing the claim with prejudice. ✓

BC-2011-00791

Michael Schilling vs. Transportation Cabinet / Dept. of Highways

Notes: Show Cause Order rendered by the Board 4/3/12; no response filed thereto by the Claimant.

Counsel's Recommendation: Enter a Final Order dismissing the claim for Claimant's failure to prosecute. ✓

BC-2011-01033

Sheila Cowles vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Dan Rudloff's recommended Order of Dismissal.

Counsel's Recommendation: Adopt the recommendation of the hearing officer and dismiss the claim with prejudice. ✓

BC-2011-01167

Michael Hodge vs. Transportation Cabinet / Dept. of Highways

Notes: June 21, 2012- Default Order

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

BC-2011-01188

Donna Tudor vs. University of Kentucky

Notes: June 21, 2012- Default Order

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

BC-2012-00001

James Pendergraft vs. Commonwealth of Kentucky

Notes: June 21, 2012- Default Order

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

BC-2012-00009

James Partin vs. Transportation Cabinet / Dept. of Highways

Notes: June 21, 2012- Default Order

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

BC-2012-00013

Robert R. Webb vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Agreed Order awarding Claimant \$2,578.17 filed.

Counsel's Recommendation: Enter the Agreed Order awarding Claimant \$2,578.17 in settlement of this matter. ✓

BC-2012-00040

Paul Sturgeon vs. Transportation Cabinet / Dept. of Highways

Notes: June 21, 2012- Default Order

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

BC-2012-00186

Robert Langston vs. Transportation Cabinet / Dept. of Highways

Notes: Agreed Order of Dismissal awarding the Claimant \$750.00 in settlement of this claim.

Counsel's Recommendation: Enter the Agreed Order of Dismissal awarding the Claimant \$750.00 in settlement of this claim. ✓

BC-2012-00218

Brandon Elam vs. Dept. of Military Affairs

Notes: Respondent's Answer admitting liability filed.

Counsel's Recommendation: Enter a Final Order awarding the Claimant \$9,487.00 in damages. ✓

BC-2012-00231

Fredrick Lund vs. University of Kentucky

Notes: Respondent's Answer recommending payment of the claim in full.

Counsel's Recommendation: Enter a Final Order awarding the Claimant \$1,044.00 claimed for lost dentures. ✓

Full Board Review

BC-2012-00049

Matthew Johnson vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: 4/27/12 Board ordered dismissed
5/3/12 Claimant requests FBR
5/9/12 FBR Memo to Claimant and Respondent
5/18/12 Respondent filed additional information

*Uphold.
Dismissal*

BC-2012-00194

Justin Reed vs. Transportation Cabinet / Dept. of Highways

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Notes: 6/4/12 Board ordered dismissed
6/7/12 Claimant requests FBR (\$454.66)

Motions

BC-2007-00049

Phillip Perkins; Andrew Perkins vs. Tourism, Arts & Heritage Cabinet / Department of Parks

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

Counsel's Recommendation: Overrule motion and assign to a hearing officer in the new fiscal year. ✓

BC-2010-00015

Roland Cureton #118944 vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Motion to Dismiss; no response filed thereto by the Claimant.

Counsel's Recommendation: Sustain the Respondent's Motion to Dismiss, as the claim is barred by res judicata, and dismiss the claim with prejudice. ✓

BC-2010-00724

RPR Contractor and Equipment Co., LLC. vs. Transportation Cabinet / Dept. of Highways

Notes: Claimant's Motion to Compel, Respondent's Motion to Hold Claim in Abeyance filed in response thereto, and Claimant's Response to Motion to Hold Claim in Abeyance.

Counsel's Recommendation: Overrule Motion to Hold Claim in Abeyance and reassign claim to a hearing officer in the new fiscal year. ✓

BC-2011-00269

Debra Isaac vs. Transportation Cabinet / Dept. of Highways

Notes: Respondent's Motion to Dismiss at Claimant's request.

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

BC-2011-00964

Sondra Webb vs. Livingston County Board of Education

Notes: Respondent's Motion to Dismiss for Lack of Jurisdiction and the Claimant's response filed thereto.

Counsel's Recommendation: Overrule motion and reassign claim to a hearing officer in the new fiscal year. ✓

BC-2012-00088

Shirley Perkins vs. Tourism, Arts and Heritage Cabinet / Dept. of Fish and Wildlife

Notes: Respondent's Motion to Dismiss; no response filed by the Claimant.

Counsel's Recommendation: Overrule the Motion to Dismiss and assign the claim to a hearing officer in the new fiscal year. ✓

BC-2012-00127

Rodney Gardner vs. Tourism, Arts and Heritage Cabinet / Dept. of Parks

Notes: Respondent's Motion to Dismiss; no response was filed by the Claimant.

Counsel's Recommendation: Enter a Final Order dismissing this matter with prejudice for failure to state a claim upon which relief can be granted. ✓

BC-2012-00159

Lula Lake vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Respondent's Response and Motion to Dismiss; no response filed by the Claimant.

Counsel's Recommendation: Enter a Final Order dismissing this matter with prejudice for failure to state a claim upon which relief can be granted. ✓

BC-2012-00173

Mark Crossland #206442 vs. Justice and Public Safety Cabinet / Dept. of Corrections

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

Counsel's Recommendation: Enter a Final Order dismissing this matter with prejudice for failure to state a claim upon which relief can be granted. ✓

BC-2012-00184

James Bricken vs. University of Kentucky

Notes: Respondent's Motion to Dismiss; Claimant deceased.

Counsel's Recommendation: Enter a Final Order dismissing this matter with prejudice for failure to state a claim upon which relief can be granted. ✓

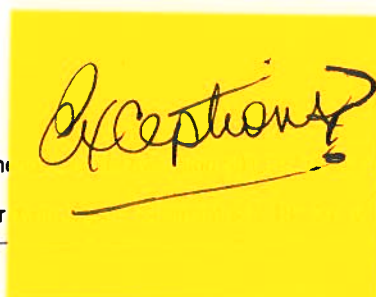
Recommended Order

BC-2010-00024

Estate of Jack Robertson vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommendation filed by Claimant.

Counsel's Recommendation: Adopt the recommendation of the hearing officer



Exceptions?

BC-2010-00554

Judy Pulliam vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order awarding \$1,049.28 to the Claimant.

Counsel's Recommendation: Adopt the recommendation of the hearing officer awarding the Claimant \$1,049.28. ✓

BC-2011-00451

Robert Norbert Wilcox #163891 vs. Justice and Public Safety Cabinet / Dept. of Corrections

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying payment of the claim. ✓

BC-2011-00753

Betty Dickerson vs. Tourism, Arts and Heritage Cabinet / Ky. State Fair Board

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying payment of the claim. ✓

BC-2011-00806

Thomas Maples vs. Transportation Cabinet / Dept. of Highways

Notes: Hearing Officer Jan West's Findings of Fact, Conclusions of Law and Recommended Order denying payment of the claim.

Counsel's Recommendation: Adopt the recommendation of the hearing officer denying payment of the claim. ✓

Total number of Claims: 31

COMMONWEALTH OF KENTUCKY
BOARD OF CLAIMS
Addendum

June 21, 2012

BC-2003-1060, BC-2003-1061, BC-2003-1062, BC-2003-1063, BC-2003-1064, BC-2003-1065, BC-2003-1066 and BC-2003-1067

Dean Wood, et al. v. Administrative Office of the Courts, et al.

Agreed Order Granting Extension of Time to file a reply in support of Motion for Partial Summary Judgment filed.

Counsel's Recommendation: Enter the Agreed Order granting Claimant an extension of time to June 28, 2012 to file a reply in support of their Motion for Partial Summary Judgment. ✓

BC-2011-267

Darren Moore v. Justice & Public Safety Cabinet / Ky. State Police

Agreed Order of Dismissal filed.

Counsel's Recommendation: Enter the Agreed Order of Dismissal dismissing the claim with prejudice as agreed to by the parties. ✓

BC-2011-1102

J. Dylan Kennedy v. Transportation Cabinet / Dept. of Highways

Notification from the State Risk & Insurance Services Division that KSAP paid the total amount claimed.

Counsel's Recommendation: Enter a Final Order dismissing the claim as settled by the Commonwealth's Self-Insured Auto Program. ✓

BC-2012-155

Therese E. Riesbeck v. University of Kentucky

Respondent filed Answer recommending payment of the claim.

Counsel's Recommendation: Enter a Final Order reimbursing the Claimant \$2,204.00 for lost dentures. ✓

BC-2012-193

Joshua Curtsinger v. Transportation Cabinet / Dept. of Highways

Notification from the State Risk & Insurance Services Division that KSAP paid the total amount claimed.

Counsel's Recommendation: Enter a Final Order dismissing the claim as settled by the Commonwealth's Self-Insured Auto Program. ✓

BC-2012-240

Kevin L. Mitchell v. Justice & Public Safety Cabinet / Dept. of Corrections

Agreed Order for Extension of Time to file a response to Respondent's Motion to Dismiss.

Counsel's Recommendation: Enter the Agreed Order for Extension of Time as agreed to by the parties. ✓

BC-2012-274

Daniel Stephens v. Transportation Cabinet / Dept. of Highways

Notification from the State Risk & Insurance Services Division that KSAP paid the total amount claimed.

Counsel's Recommendation: Enter a Final Order dismissing the claim as settled by the Commonwealth's Self-Insured Auto Program. ✓
