

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
OFFICE OF CLAIMS AND APPEALS
BOARD OF CLAIMS

Meeting Agenda

Date: November 15, 2022

When moving into Executive Session, use the following language: [Move for the Board to enter executive session, pursuant to KRS 61.815 and KRS 61.810 (1) (c) and (j) to discuss proposed or pending litigation and deliberate on individual adjudications in “*please state the relevant case number of all cases to be discussed in closed session.*” Motion must be seconded.]

I. October 2022 Monthly Report:

During the month of October 2022, the Board of Claims received **82** negligence claims filed against the Commonwealth.

The Board rendered **41** decisions in claims *under \$2,500.00* in October 2022. Of those, **13** were dismissed and **28** were awarded for a total amount awarded of **\$18,393.49**.

At its October 2022 meeting, the Board approved **6** Agreed Orders of Dismissal and entered **2** Final Orders based on the agencies’ Answers, awarding an additional amount of **\$18,806.12**. With the claims under \$2,500.00, and those decided at the October 2022 Meeting, the Board decided **64** claims, dismissing a total of **27** claims, and awarding a total of **37** claims, the total amount awarded being **\$37,199.61**.

II. APPROVAL OF OCTOBER 2022 MINUTES:

1st: 2nd:

III. FULL BOARD REVIEW

BC-22-0272

KENNETH TAYLOR

v.

UNIVERSITY OF KENTUCKY

-Order Dismissing

BC-22-0469

ANDREW YOUNG

v.

JUSTICE & PUBLIC SAFETY CABINET
DEPARTMENT OF CORRECTIONS (DOC)
KENTUCKY STATE REFORMATORY

-Findings of Fact, Order, and Opinion
-Respondent’s Request for Full Board Review

BC-22-0532

DAVID JEWETT

v.

DOC

KENTUCKY STATE REFORMATORY

-Findings of Fact, Order and Opinion

-Respondent's Request for Full Board Review

BC-22-0782

ALEXIS QUIROGA

v.

TRANSPORTATION CABINET

DEPARTMENT OF HIGHWAYS (KYTC)

-Order Awarding Deductible Amount (\$250)

IV. MOTIONS

BC-22-0468

BENJAMIN JONES

v.

JUSTICE AND PUBLIC SAFETY CABINET

KENTUCKY STATE POLICE

-Respondent's Motion to Dismiss

-Claimant's Response

-Respondent's Reply (holdover from October meeting)

BC-22-0716

CHRISTY JO STACEY

v.

TOURISM, ARTS & HERITAGE CABINET

DEPARTMENT OF PARKS

-Respondent's Motion for Summary Disposition

-Claimant's Response

BC-22-0707

JEFFERY JOHNSON

v.

DOC, JOHN & JANE DOE

-Respondents' Motion to Dismiss

BC-22-0739

JEFFERY JOHNSON

v.

DOC, ET AL.

-Respondents' Motion to Dismiss

BC-22-0743

JEFFERY JOHNSON

v.

DOC, ET AL.

-Respondents' Motion to Dismiss

-Claimant's Response

BC-22-0744

JEFFERY JOHNSON

v.

DOC, ET AL.

-Respondents' Motion to Dismiss

BC-22-0749

JEFFERY JOHNSON

v.

DOC, ET AL.

-Respondents' Motion to Dismiss

BC-22-0750

JEFFERY JOHNSON

v.

DOC, ET AL.

-Respondents' Motion to Dismiss

BC-22-0752

JEFFERY JOHNSON

v.

DOC, ET AL.

-Respondent DOC's Motion to Dismiss

-Respondent Office of the Attorney General's Motion for Summary Disposition

BC-22-0724

MARCUS LAWRENCE, SR.

v.

DOC, ET AL.

-Respondents' Motion to Dismiss

-Claimant's Motion to Strike

-Respondents' Response to Motion to Strike

BC-22-0742

MARCUS LAWRENCE, SR.

v.

DOC, LAUREN MASSEY;

OFFICE OF THE GOVERNOR

GOVERNOR ANDY BESHEAR

- Respondents' Motion to Dismiss
- Claimant's Motion to Strike

BC-22-0746

MARCUS LAWRENCE, SR.

v.

DOC

KENTUCKY STATE REFORMATORY

- Respondent's Motion to Dismiss
- Claimant's Motion to Strike

BC-22-0748

MARCUS LAWRENCE, SR.

v.

DOC, ET AL.

- Respondents' Motion to Dismiss
- Claimant's Motion for Full Board Review and Motion to Strike
- Respondents' Response to Motion for Full Board Review and Motion to Strike

V. RECOMMENDED ORDERS

BC-16-0668

MICHELLE MCMILLEN, ADMINISTRATOR OF
ESTATE OF GYNNA MCMILLEN

v.

JUSTICE & PUBLIC SAFETY CABINET
DEPARTMENT OF JUVENILE JUSTICE

- Recommended Order of Award
- Respondent's Exceptions

BC-22-0441

DANIEL HEEB

v.

TRANSPORTATION CABINET
DEPARTMENT OF HIGHWAYS (KYTC)

- Recommended Order of Dismissal
- Claimant's Exceptions

VI. AGREED ORDERS or FOR INSTRUCTIONS

BC-22-0558

GARRISON PROPERTY CASUALTY INS. CO.
As Subrogee of Raeanne Nilson

v.

KYTC

- Order Dismissing due to State Risk
- Response from State Risk
- Dismissal due to lack of jurisdiction over Louisville-Metro and subrogation claims

BC-22-0836

STATE FARM

As Subrogee of Brian Newman

v.

KYTC

- Dismissal due to lack of jurisdiction over subrogation claims

BC-22-0520

DANIEL GEIS

v.

KYTC

- Agreed Order of Dismissal
- Settlement Release

BC-22-0766

BROOKE MASICK

v.

ADMINISTRATIVE OFFICE OF THE COURTS, ET AL.

- Agreed Order of Partial Dismissal