

**Kentucky Supreme Court**  
**Cases of Note**  
**November-[December](#), 2022**

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1. Hold down the control (“Ctrl”) key and click on the link.
2. Right-click on the link and select “Open Hyperlink”.

**Note: No Court in November**

## **INSURANCE**

**HALEY BELT V. CINCINNATI INSURANCE COMPANY**  
**[2019-SC-0426-DG](#) AND**  
**CINCINNATI INSURANCE COMPANY V. HALEY BELT**  
**[2020-SC-0310-DG](#) December 15, 2022**

Opinion of the Court by Chief Justice Minton. All sitting. Hughes, Lambert, and VanMeter, JJ., concur. Keller, J., dissents by separate opinion in which Conley and Nickell, JJ., join. In this case, the Court of Appeals reversed the jury verdict granted against Cincinnati Insurance Company, finding that the trial court erred in failing to grant a directed verdict in favor of CIC on Belt’s bad-faith claims.

The Supreme Court affirmed the Court of Appeals, clarifying that the test set out in *Wittmer v. Jones*, 864 S.W.2d 885 (Ky. 1993), is a prerequisite for submission of a common law or statutory bad faith claim to the jury. Finding that Belt failed to show that CIC lacked a reasonable basis in law or fact for challenging coverage—element two of the *Wittmer* test—the Court concluded that Belt did not meet the standard set out in *Wittmer*, and thus the trial court erred when it denied CIC’s motion for a directed verdict.

**Note: IKK filed an amicus brief in this case.**

## **WORKERS COMPENSATION**

**COMMONWEALTH OF KENTUCKY, PERSONNEL CABINET V. AIMEE TIMMONS,**  
**ET AL.**  
**[2021-SC-0271-WC](#) December 15, 2022\***

*\*Opinion modified on March 16, 2023 to be designated as not to be published.*

Opinion of the Court by Chief Justice Minton. All sitting. Conley, Hughes, and Van Meter, JJ., concur. Nickel, J., dissents by separate opinion in which Keller and Lambert, JJ., join. In this case, the Court of Appeals affirmed a decision of the Workers’ Compensation Board to overturn an Administrative Law Judge’s ruling that Timmons’s injury was not work-related for the purposes of workers’ compensation.

The Supreme Court reversed the Court of Appeals and affirmed the ALJ, albeit on different grounds. The Court held that, for the purposes of applying the “traveling-employee” exception to the coming-and-going doctrine, an employee’s work-related travel does not begin until that employee avails himself of the common risks of the public road. Because Timmons’s injury occurred while she was still on her property, her work-related travel had not begun and the injury she sustained was not work-related for the purposes of workers’ compensation.