

**SUPREME COURT OF KENTUCKY**

**ORAL ARGUMENT CALENDAR**

**TO:** Justices and Court Staff  
**FROM:** Chief Justice John D. Minton, Jr.  
**DATE:** March 11, 2011

**WEDNESDAY, APRIL 13, 2011**

- 9:00 a.m. SHAWNEE TELECOM RESOURCES, INC., ETC. V. BROWN (2009-SC-574-DG)**  
"Dissenter's Rights. Corporations. The issue is by what method the trial court should value the dissenting shareholder's stock shares."  
Discretionary Review granted 9/15/10  
Fayette Circuit Court, Judge Gary D. Payne  
For Movant: Derise Duane Cook  
For Respondent: Clark Philip Case and Jessica K. Case
- 10:00 a.m. JACKSON V. COMMONWEALTH OF KENTUCKY (2009-SC-115-DG)**  
"Criminal Law. Juvenile Code. Jurisdiction. Preservation. Issues include whether a guilty plea waives juvenile's right to later challenge transfer from juvenile court to circuit court or whether the issue is one of subject matter jurisdiction; and whether transfer based upon an "enhanced charge" because of juvenile's possession of firearm was improper."  
Discretionary Review granted 10/13/10  
McCracken Circuit Court, Judge Craig Z. Clymer  
For Movant: Rebecca Lynn Hobbs  
For Respondent: Joshua D. Farley
- 11:00 a.m. MADISON COUNTY FISCAL COURT, ET AL. V. KENTUCKY LABOR CABINET, ET AL. (2010-SC-322-TG)**  
"Declaratory Judgment. Sovereign Immunity. Firefighters' overtime wages."  
Franklin Circuit Court, Judge Thomas D. Wingate  
For Movant: Douglas L. McSwain, Derrick Thomas Wright, Steven Charles Martin, Matthew C. Smith, and William A. Dykeman  
For Respondent: David Nelson Shattuck, Melissa Jan Williamson, and David O'Brien Suetholz

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**THURSDAY, APRIL 14, 2011**

- 9:00 a.m. WOODSON V. WOODSON (2010-SC-053-DG)**  
"Domestic Relations. Maintenance. Issues include whether the rule set out in Dame v. Dame, 628 S.W.2d 625 (Ky. 1982), that lump sum maintenance is not modifiable should be revisited."  
Discretionary Review granted 11/10/10  
Jefferson Circuit Court, Judge Dolly Jean W. Berry  
For Movant: Michael Richard Slaughter  
For Respondent: James Paul McCrocklin
- 10:00 a.m. COMMONWEALTH OF KENTUCKY V. JOHNSON (2009-SC-589-DG)**  
"Criminal Law. Flagrant Nonsupport. Probation Revocation Hearing. At issue is whether a defendant's legitimate inability to make child support payments, required as a probation condition, may be considered prior to revoking probation for failure to make the payments."  
Discretionary Review granted 3/10/10  
Graves Circuit Court, Judge Timothy C. Stark  
For Movant: William Robert Long, Jr.  
For Respondent: V. Gene Lewter
- 11:00 a.m. COMMONWEALTH OF KENTUCKY V. MARSHALL (2009-SC-229-DG) AND (CROSS-MOTION) MARSHALL V. COMMONWEALTH OF KENTUCKY (2010-SC-348-DG)**  
"Criminal Law. Probation Revocation. Flagrant Nonsupport. Issues involve the adequacy of factual findings in support of probation revocation for flagrant nonsupport, a charge contested on the merits as grounded upon legitimate inability to make agreed child support payments as ordered as a probation condition."  
Discretionary Review granted 5/12/10 and 8/18/10  
Graves Circuit Court, Judge Timothy C. Stark  
For Movant: Joshua D. Farley  
For Respondent: Kathleen Kallaher Schmidt

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**FRIDAY, APRIL 15, 2011**

- 9:00 a.m. TURNER V. NELSON, ETC., ET AL. (2010-SC-356-DG)**  
"Torts. Negligent Supervision. Issues include whether a civil cause of action can be grounded upon a teacher's failure to report (pursuant to KRS 620.030) the alleged inappropriate touching of a five-year-old girl by another five-year-old girl at school."  
Discretionary Review granted 11/10/10  
Fayette Circuit Court, Judge Sheila R. Isaac  
For Movant: Mark S. Fenzel, Dana Lucas Collins and Kevin Lee Chlarson  
For Respondent: J. Dale Golden, Michael T. Davis, and Melissa Thompson
- 10:00 a.m. COMMONWEALTH OF KENTUCKY V. NASH (2010-SC-065-DG)**  
"Criminal Law. Sex Offender Registration Act (SORA). Ex post facto law. Issues include the effects of the 2006 Amendments to SORA on this Court's opinion in Peterson v. Shake, 120 S.W.3d 707 (Ky. 2003); and whether the increased penalty for failure to register as a sex offender is an ex post facto violation where the duty to register began prior to the 2000 Amendments to SORA and the violation occurred after 2006 Amendments to SORA."  
Discretionary Review granted 10/13/10  
Fayette Circuit Court, Judge Pamela Goodwine  
For Movant: James Coleman Shackelford  
For Respondent: Samuel N. Potter