

**SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR**

TO: Justices and Court Staff
FROM: Chief Justice John D. Minton, Jr.
DATE: March 7, 2012

WEDNESDAY, APRIL 18, 2012

9:00 a.m. NO ORAL ARGUMENT

**10:00 a.m. JEFFERSON COUNTY BOARD OF EDUCATION, ET AL. V. FELL, ETC.,
ET AL. (2011-SC-658-DGE)**
"KRS 159.070. Challenge to Jefferson County Public School's student
assignment plan."
Discretionary Review granted 11/30/2011
Jefferson Circuit Court, Judge Irvin G. Maze
For Movants: Byron Edward Leet, Lisa Catherine Dejaco and Anne Reed
Maclean
For Respondents: Teddy Bernard Gordon, James Bruce Miller, Norma Carter
Osborne Miller and Sheila P. Hiestrand.

11:00 a.m. NO ORAL ARGUMENT

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

TO: Justices and Court Staff
FROM: Chief Justice John D. Minton, Jr.
DATE: March 7, 2012

THURSDAY, APRIL 19, 2012

- 9:00 a.m. NORTON HOSPITALS, INC., ETC. V. PEYTON (2010-SC-818-DG) AND NEONATAL INTENSIVE CARE EXPERTS II, PLLC, ET AL. V. PEYTON 2010-SC-819-DG**
"Statutory Immunity. Negligence. The primary issue is whether a hospital and its employees have statutory immunity under KRS 620.030 and 620.050 where a mother's blood alcohol level may have been misreported to Child Protective Services. "
Discretionary Review granted 8/17/2011
Jefferson Circuit Court, Judge Susan Lynn Schultz
For Movant Norton Hospitals: William P. Swain, Joseph M. Effinger and Patricia Colleen Le Meur
For Movant Neonatal Intensive Care: Beth Hendrickson McMasters and Sara Clark Davis
For Respondent Peyton: Jeremy Jon Nelson
- 10:00 a.m. GUZMAN V. COMMONWEALTH OF KENTUCKY (2010-SC-415-DG)**
"Search and Seizure. Issue is the breadth of the "protective sweep" exception to the search warrant requirement."
Discretionary Review granted 6/8/2011
Fayette Circuit Court, Judge Pamela Goodwine
For Movant: Erin Hoffman Yang
For Respondent: John Paul Varo
- 11:00 a.m. RUSSELL D. ALRED, CIRCUIT JUDGE OF THE 26TH JUDICIAL CIRCUIT V. COMMONWEALTH OF KENTUCKY JUDICIAL CONDUCT COMMISSION (2011-SC-558-RR)**
"Judicial Discipline—Removal from office."
For Movant: Marcus Stephen Carey
For Respondent: Jeffrey C. Mando, George F. Rabe, Scott Dennison Majors and Louis Kelly

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

TO: Justices and Court Staff
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DATE: March 7, 2012

FRIDAY, APRIL 20, 2012

- 9:00 a.m. WRIGHT V. HOUSE OF IMPORTS, INC., ETC. (2011-SC-264-DG)**
"Premises Liability. Expert Testimony. Unpreserved issue on appeal."
Discretionary Review granted 9/15/2011
Jefferson Circuit Court, Judge Mary M. Shaw
For Movant: Kevin Crosby Burke and Damon Blake Willis
For Respondent: Joseph D. Raine, Jr.
- 10:00 a.m. ABEL, ET AL., V. AUSTIN, ET AL. (2010-SC-426-DG)**
"Legal Malpractice. Statute of Limitations. Choice of Laws. Summary Judgment. This case involves alleged malpractice by attorneys involved in Fen-Phen litigation. The issues include whether the Alabama or Kentucky statute of limitations applies; whether the claims are legal malpractice or fraud, and whether the trial court properly granted summary judgment against all Plaintiffs."
Discretionary Review granted 10/19/2011
Fayette Circuit Court, Judge Pamela Goodwine
For Movants: William C. Rambicure, Angela Margaret Ford and Trevor Wayne Wells
For Respondents: Perry Mack Bentley, Lucy Anne Pett, Carl Norman Frazier, Melissa Subit, Matthew John Bakota, Jeffrey R. Teeters and David Clyde Trimble
- 11:00 a.m. SAWYERS, ET AL. V. BELLER, ET AL. (2010-SC-678-DG)**
"Restrictions on the use and maintenance of an easement."
Discretionary Review granted 10/20/2011
Allen Circuit Court, Judge Janet Crocker
For Movants: James T. Kelley
For Respondents: Steven Owen Thornton