

**SUPREME COURT OF KENTUCKY  
ORAL ARGUMENT CALENDAR**

**WEDNESDAY, APRIL 9, 2014**

- 9:00 a.m. COMMONWEALTH OF KENTUCKY V. BEDWAY (2012-SC-771-DG)**  
[Appellant's Brief](#)  
[Appellee's Brief](#)  
"Criminal Law. DUI. KRS 189A.105(3). Issues include the scope of the right to counsel created by KRS 189A.105(3) and whether or not denial of the statutory right requires the exclusion of subsequently obtained evidence."  
Discretionary Review granted 8/21/2013  
Jefferson Circuit Court, Judge Charles Louis Cunningham, Jr.  
Attorneys for Appellant: Michael J. O'Connell and David A. Sexton  
Attorneys for Appellee: Paul S. Gold
- 10:00 a.m. DIXON, ET AL. V. DAYMAR COLLEGES GROUP, LLC, ET AL. (2012-SC-687-DG)**  
[Appellants' Brief](#)  
[Appellees' Brief](#)  
[Appellants' Reply Brief](#)  
[Amicus Curiae Brief](#)  
"Arbitration. Contract Law. Unconscionability. Issues include whether cost-prohibitiveness of arbitration can render an agreement to arbitrate unconscionable and unenforceable."  
Discretionary Review granted 8/21/2013  
McCracken Circuit Court, Judge Timothy Jon Kaltenbach  
Attorneys for Appellants: Mark P. Bryant, Kenneth L. Sales, Emily M. W. Roark, Leslie Metcalf Cronen, David G. Bryant, and Ben Elliott Stewart  
Attorneys for Appellees: Robert Kenyon Meyer, Stephen Joseph Mattingly, and Caroline Lynch Pieroni
- 11:00 a.m. CANIFF V. CSX TRANSPORTATION, INC. (2012-SC-750-DG)**  
[Appellant's Brief](#)  
[Appellee's Brief](#)  
[Appellant's Reply Brief](#)  
"Negligence. FELA. Expert Testimony. Issues include whether plaintiff's failure to present expert testimony regarding railroad practices was fatal to his FELA claim."  
Discretionary Review granted 8/21/2013  
Perry Circuit Court, Judge William Engle III  
Attorneys for Appellant: Alva A. Hollon, Jr., and Thomas Ira Eckert  
Attorneys for Appellee: Linsey Walker West, Kara MacCartie Stewart, Michael B. Kimberly, and Dan Himmelfarb

**SUPREME COURT OF KENTUCKY  
ORAL ARGUMENT CALENDAR**

**THURSDAY, APRIL 10, 2014**

**9:00 a.m. COMMONWEALTH OF KENTUCKY V. ANDREWS (2013-SC-004-DG)**

[Appellant's Brief](#)

[Appellee's Brief](#)

[Appellant's Reply Brief](#)

"Criminal Law. Probation Revocation. Public Safety and Offender Accountability Act (HB 463). KRS 439.3106. Issues include whether the trial court must find that the elements of KRS 439.3106 are met before revoking a defendant's probation."

Discretionary Review granted 9/18/2013

Pulaski Circuit Court, Judge David A. Tapp

Attorney for Appellant: Courtney J. Hightower

Attorney for Appellee: Shannon Renee Dupree

**10:00 a.m. BULLITT FISCAL COURT, ETC., ET AL. V. BULLITT COUNTY BOARD OF HEALTH (2013-SC-023-DG)**

[Appellants' Brief](#)

[Appellee's Brief](#)

[Appellants' Reply Brief](#)

[Amici Curiae Brief 1](#)

[Amicus Curiae Brief 2](#)

"Administrative Law. Constitutional Law. Separation of Powers. Statutory Interpretation. KRS § 212.230(1)(c). Issues include whether a county board of health has the authority to impose a county-wide ban on tobacco smoking without prior legislative action by a fiscal court or municipality, whether KRS § 212.230(1)(c) and *Commonwealth v. Do, Inc.*, 674 S.W.2d 519 (Ky. 1984) abolished legislative limits on the actions of boards of health and whether that statute violates the Kentucky Constitution."

Discretionary Review granted 10/16/2013

Bullitt Circuit Court, Judge Rodney D. Burress

Attorneys for Appellants: John E. Spainhour, Jr., Monica Meredith Robinson,

Tammy Renee Baker, Joseph Wantland, Norman Richard Lemme, Matthew R. Lemme, and Mark Edward Edison

Attorneys for Appellee: Margaret Ann Miller and Jason Trent Ams

**(Note: Justice Keller is recused)**

**11:00 a.m. NO ORAL ARGUMENT**

**FRIDAY, APRIL 11, 2014**

**NO ORAL ARGUMENTS**