

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

WEDNESDAY, APRIL 19, 2017

**9:00 a.m. BIG SANDY REGIONAL JAIL AUTHORITY V. LEXINGTON FAYETTE
URBAN COUNTY GOVERNMENT
(2016-SC-000008-DG)**

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

"Sovereign Immunity. KRS 441.025. At issue in this matter is whether sovereign immunity bars an action by a regional jail against a county to recover the costs of housing that county's prisoners, after they were arrested and held pursuant to a warrant from courts of that county. In addition, at issue is whether KRS 441.025 obligates a county to pay for the incarceration of prisoners arrested and held on warrants issued by the courts of that county which are served in the county where the prisoner is incarcerated."

Discretionary Review granted 9/15/2016

Fayette Circuit Court, Judge Kim M. Wilkie and Judge Ernesto Scorsone

Attorney for Appellant: Nelson Theodore Sparks

Attorneys for Appellee: Michael Keith Horn and Charles Edwards, III

**10:00 a.m. KENTUCKYONE HEALTH, INC. V. BENJAMIN REID, JR., M.D.
(2016-SC-000321-DG)**

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

[AMICUS CURIAE](#)

"Health Care Quality Improvement Act. Rebuttable Presumption of Immunity. At issue in this case is whether the hospital's actions against the physician constitute "professional review action" to which the rebuttable presumption of immunity provisions of the Health Care Quality Improvement Act apply. Additionally, if immunity did not apply to the physician's claims against the hospital, was there sufficient evidence to support a summary judgment on the claims for breach of contract, tortious interference with a business relationship and slander."

Discretionary Review granted 10/13/2016

Jefferson Circuit Court, Judge Audra Jean Eckerle

Attorneys for Appellant: Kathryn Ann Quesenberry and Michael P. Abate

Attorneys for Appellee: Larry B. Franklin, Kelly Jo Brownfield and Patrick John Smith

11:00 a.m. **ST. AUGUSTINE SCHOOL, ET AL. V. JANET CROPPER
(2016-SC-000243-DG)**

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

"Contracts. Ecclesiastical Abstention. Whether a breach of contract claim by a parochial school administrator involves a matter of internal church governance requiring judicial abstention."

Discretionary Review granted 10/13/2016

Bracken Circuit Court, Judge Stockton B. Wood

Attorneys for Appellants: Richard G. Meyer and Nicholas Charles Birkenhauer

Attorney for Appellee: Gail Marie Langendorf

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

THURSDAY, APRIL 20, 2017

10:00 a.m. **COMMONWEALTH OF KENTUCKY, FINANCE AND ADMINISTRATION
CABINET, DEPARTMENT OF REVENUE V. INTERSTATE GAS SUPPLY,
INC., FOR THE USE AND BENEFIT OF TRI-STATE HEALTHCARE
LAUNDRY, INC. (2016-SC-000281-DG)**

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

"Kentucky Constitution § 170. Tax Exemption. Institution of Purely Public Charity. The issue in this case is whether an institution of purely public charity should be exempt from payment of a use tax under § 170 of the Kentucky Constitution."

Discretionary Review granted 10/13/2016

Franklin Circuit Court, Judge Thomas D. Wingate

Attorney for Appellant: Douglas M. Dowell

Attorneys for Appellee: Timothy Joseph Eifler and Stephen A. Sherman

11:00 a.m. **NAMI RESOURCES COMPANY, L.L.C., ET AL. V. ASHER LAND AND
MINERAL, LTD, ET AL. (2015-SC-000489-DG) AND
ASHER LAND AND MINERAL, LTD V. NAMI RESOURCES COMPANY,
L.L.C. (2016-SC-000235-DG)**

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

[REPLY BRIEF](#)

"Oil and Gas. Contracts. Fraud. Punitive Damages. Issues involve alleged fraud and/or breach of contract in underpayment of oil and gas royalties pursuant to lease plus the propriety of imposing punitive damages."

Discretionary Review granted 4/27/2016 and 8/17/2016

Bell Circuit Court, Judge Robert Costanzo

Attorneys for Appellants/Cross-Appellee: Michael D. Bowling, Virginia Hamilton Snell, Donald Joseph Kelly and Benjamin Todd Keller

Attorneys for Appellee/Cross-Appellant, Asher Land and Mineral, LTD: James C. Helton, Darrell L. Saunders and Michael J. Gartland

Attorney for Appellees, Vanguard Natural Resources, LLC and Vanguard Natural Gas, LLC: Mason L. Miller