

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

TO: Justices and Court Staff
FROM: Chief Justice John D. Minton, Jr.
DATE: June 12, 2012

WEDNESDAY, AUGUST 15, 2012

- 9:00 a.m. DICK'S SPORTING GOODS, INC., V. WEBB (2011-SC-518-DG)**
"Torts. Open and Obvious Doctrine. At issue is whether summary judgment for the defendant was granted properly under *Kentucky River Medical Center v. McIntosh*, 319 S.W.3d 385 (Ky. 2010)."
Discretionary Review granted 12/14/2011
Fayette Circuit Court, Judge Kimberly N. Bunnell
Attorneys for Movant: Phillip A. Sammons and Jason Michael Nemes
Attorneys for Respondent: Kelly P. Spencer and Bradly F. Slutskin
- 10:00 a.m. SHELTON V. KENTUCKY EASTER SEALS SOCIETY, INC. (2011-SC-554-DG)**
"Torts. Open and Obvious Doctrine. At issue is whether summary judgment for the defendant was granted properly under *Kentucky River Medical Center v. McIntosh*, 319 S.W.3d 385 (Ky. 2010)."
Discretionary Review granted 12/14/2011
Fayette Circuit Court, Judge Thomas L. Clark
Attorneys for Movant: Joseph T. Pepper and George Stephen Schuhmann
Attorneys for Respondent: Gregory Kerr Jenkins, Melissa Ann Wilson and Allison Marie Helsinger
- 11:00 a.m. BALLARD V. 1400 WILLOW COUNCIL OF CO-OWNERS, INC. (2010-SC-533-DG) AND (CROSS-MOTION) 1400 WILLOW COUNCIL OF CO-OWNERS, INC. V. BALLARD (2011-SC-584-DG)**
"Torts. Slander of Title and Negligence. Issues involve the timeliness of the slander of title claim and the extent of duty owed by a condominium council with regard to an owner's alleged responsibility to replace a multi-story bay window structure."
Discretionary Review granted 9/14/2011 and 11/16/2011
Jefferson Circuit Court, Judge Kathleen Voor Montano
Attorneys for Movant/Cross-Respondent: Sheryl G. Snyder, Susan Lynn Williams, Griffin Terry Sumner and John Kendrick Wells IV
Attorneys for Respondent/Cross-Movant: Jon L. Fleischaker, Bradley A. Case and James Lee Adams
(Justice Abramson is recused)

THURSDAY, AUGUST 16, 2012

- 9:00 a.m. TAX EASE LIEN INVESTMENTS 1, LLC V. COMMONWEALTH BANK & TRUST CO., ET AL. (2011-SC-277-DG)**
"Standing of a mortgage lienholder to object to an agreed judgment between the property owner and the purchaser of the property owner's delinquent property tax liens. Attorneys fees."
Discretionary Review granted 12/15/2011
Shelby Circuit Court, Judge Charles R. Hickman
Attorneys for Movant: William Edward Skees, P. Blaine Grant and Richard Eric Craig
Attorneys for Respondents: Donald Thomas Prather and M. Thurman Senn
- 10:00 a.m. DUNLAP V. COMMONWEALTH OF KENTUCKY (2010-SC-226-MR)**
"Death sentence. Murder, attempted murder. Kidnapping, rape, arson, burglary and tampering with physical evidence."
Livingston Circuit Court, Judge Clarence A. Woodall III
Attorneys for Movant: Kathleen Kallaher Schmidt, Shannon Renee Dupree and Roy Alyette Durham II
Attorneys for Respondent: David Bryan Abner
(Justice Cunningham is recused)

FRIDAY, AUGUST 17, 2012

- 9:00 a.m. WALKER V. BLAIR (2012-SC-004-DGE)**
"Grandparent Visitation. Issues involve evidentiary sufficiency and application of cases including *Troxel v. Granville*, 530 U.S. 57 (2000) and *Vibbert v. Vibbert*, 144 S.W.3d 292 (Ky. App. 2004)."
Discretionary Review granted 3/14/2012
Jefferson Circuit Court, Judge Dolly Jean W. Berry
Attorneys for Movant: Mitchell A. Charney, Stephanie Lynn Morgan-White and Allison Spencer Russell
Attorney for Respondent: Denise Malone Helline
- 10:00 a.m. HALE V. COMMONWEALTH OF KENTUCKY (2011-SC-115-DG)**
"Criminal Law. Sex Offenses. Unlawful Transaction with a Minor. The issues include whether a defendant who commits a sex offense with a minor can be convicted of Unlawful Transaction with a Minor rather than the substantive sexual offense. The Court is invited to re-visit its ruling in *Young v. Commonwealth*, 968 S.W.2d 670 (Ky. 1998)."
Discretionary Review granted 11/16/2011
Christian Circuit Court, Judge John L. Atkins
Attorneys for Movant: William G. Deatherage, Jr. and Mark Alexander Gilbert
Attorneys for Respondent: John Paul Varo and Michael John Marsch
(Justice Cunningham is recused)