

**SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR**

WEDNESDAY, AUGUST 21, 2013

10:00 a.m. APPALACHIAN RACING, LLC, ET AL. V. THE FAMILY TRUST FOUNDATION OF KENTUCKY, INC., ETC., ET AL. (2012-SC-414-DG) AND THE KENTUCKY DEPARTMENT OF REVENUE V. THE FAMILY TRUST FOUNDATION OF KENTUCKY, INC., ETC., ET AL. (2012-SC-415-DG) AND THE KENTUCKY HORSE RACING COMMISSION V. THE FAMILY TRUST FOUNDATION OF KENTUCKY, INC., ETC., ET AL. (2012-SC-416-DG)

[Appellants' Brief \(2012-SC-414\)](#)
[Appellee's Brief \(2012-SC-414\)](#)
[Appellants' Reply Brief \(2012-SC-414\)](#)
[Appellant's Brief \(2012-SC-415\)](#)
[Appellee's Brief \(2012-SC-415\)](#)
[Appellant's Reply Brief \(2012-SC-415\)](#)
[Appellant's Brief \(2012-SC-416\)](#)
[Appellee's Brief \(2012-SC-416\)](#)
[Appellant's Reply Brief \(2012-SC-416\)](#)

"Declaration of rights. Wagering on historical horse races. Issues include: (1) whether the filing of administrative regulations authorizing pari-mutuel wagering on historical horse races is a valid and lawful exercise of the Commission's statutory authority to regulate pari-mutuel wagering on horse racing; (2) whether the licensed operation of pari-mutuel wagering on historical races, as authorized by the amended regulations, violates the statutory prohibitions on gambling contained in Kentucky's Penal Code (Kentucky Revised Statutes (KRS) Chapter 528; and (3) whether the Department of Revenue correctly determined that revenue generated by pari-mutuel wagering on historical horse races is subject to the pari-mutuel tax (as set forth in KRS 138.510) pursuant to its statutory authority to interpret and enforce the tax laws of the Commonwealth."

Discretionary Review granted 1/11/2013
Franklin Circuit Court, Judge Thomas D. Wingate
Attorneys for Appalachian Racing LLC, Ellis Park Race Course, Inc., Kentucky Downs LLC, Lexington Trots Breeders Assoc. LLC: William A. Hoskins III and Jay Edward Ingle
Attorneys for Churchill Downs, Inc.: Sheryl G. Snyder and Jason Patrick Renzelmann
Attorneys for Keeneland Association, Inc., Players Bluegrass Downs, Inc., Turfway Park, LLC etc.: William M. Lear, Jr., Shannon Bishop Arvin and Christopher L. Thacker
Attorneys for The Kentucky Horse Racing Commission: Peter Frank Ervin, Susan Bryson Speckert, Gordon Ray Slone and La Tasha Arnae Buckner
Douglas M. Dowell, Eugene Jeffrey Mosley and Laura Marie Ferguson
Attorneys for Kentucky Department of Revenue: Douglas M. Dowell, Eugene Jeffrey Mosley and Laura Marie Ferguson
Attorney for The Family Trust Foundation: Stanton L. Cave

**SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR**

THURSDAY, AUGUST 22, 2013

9:00 a.m. BRUMLEY V. COMMONWEALTH OF KENTUCKY (2012-SC-189-DG)

[Appellant's Brief](#)

[Appellee's Brief](#)

[Appellant's Reply Brief](#)

"Criminal Law. Constitutional Law. Search and Seizure. Issues include the circumstances which would justify police officers in conducting a warrantless "protective sweep" after the suspect has been removed from the premises."

Discretionary Review granted 10/17/2012

Clinton Circuit Court, Judge Eddie C. Lovelace

Attorney for Appellant: Emily Holt Rhorer

Attorney for Appellee: Christian Kenneth Ray Miller

(Note: Justice Keller is recused)

10:00 a.m. BARTLEY V. COMMONWEALTH OF KENTUCKY (2012-SC-219-DG)

[Appellant's Brief](#)

[Appellee's Brief](#)

[Appellant's Reply Brief](#)

"Criminal Law. U.S. Constitution. Fifth Amendment. Issues include whether defendant implicitly waived the right to remain silent and whether the Commonwealth improperly commented upon the defendant's pre-arrest silence."

Discretionary Review granted 12/12/2012

Rowan Circuit Court, Judge Janet P. Coleman

Attorney for Appellant: W. Robert Lotz, Jr.

Attorney for Appellee: John Paul Varo

11:00 a.m. COMMONWEALTH OF KENTUCKY V. PARKER (2012-SC-164-DG)

[Appellant's Brief](#)

[Appellee's Brief](#)

[Appellant's Reply Brief](#)

"Criminal Law. Criminal Procedure. Evidence. Issues include whether a defendant has standing to object to "show-up" identification of a co-defendant as unconstitutionally suggestive."

Discretionary Review granted 11/14/2012

Fayette Circuit Court, Judge James D. Ishmael, Jr.

Attorney for Appellant: William Bryan Jones

Attorney for Appellee: Linda Roberts Horsman

**SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR**

FRIDAY, AUGUST 23, 2013

9:30 a.m. KIRBY V. LEXINGTON THEOLOGICAL SEMINARY (2012-SC-519-DG)

[Appellant's Brief](#)

[Appellee's Brief](#)

[Amicus Curiae Brief](#)

"Employment Contracts. Tenured Seminary Professors. Issues involve "ecclesiastical abstention" as well as the "ministerial exception" and "neutral principles" in two cases involving termination of tenured seminary professors, one Jewish and one Christian Methodist Episcopal although teaching at a Christian Church (Disciples of Christ) seminary."

Discretionary Review granted 2/13/2013

Fayette Circuit Court, Judge Thomas L. Clark

Attorneys for Appellant: Douglas Clifton Howard and Amos N. Jones

Attorneys for Appellee: Richard Garrett Griffith and Elizabeth S. Muyskens

11:00 a.m. KANT V. LEXINGTON THEOLOGICAL SEMINARY (2012-SC-502-DG)

[Appellant's Brief](#)

[Appellee's Brief](#)

[Appellant's Reply Brief](#)

[Amicus Curiae Brief 1](#)

[Amicus Curiae Brief 2](#)

[Amicus Curiae Brief 3](#)

[Amicus Curiae Brief 4](#)

"Employment Contracts. Tenured Seminary Professors. Issues involve "ecclesiastical abstention" as well as the "ministerial exception" and "neutral principles" in two cases involving termination of tenured seminary professors, one Jewish and one Christian Methodist Episcopal although teaching at a Christian Church (Disciples of Christ) seminary."

Discretionary Review granted 2/13/2013

Fayette Circuit Court, Judge Kimberly N. Bunnell

Attorney for Appellant: Christopher D. Miller

Attorneys for Appellee: Richard Garrett Griffith and Elizabeth S. Muyskens

(Note: Justice Keller is recused.)