

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

WEDNESDAY, AUGUST 17, 2016

- 9:00 a.m. COMMONWEALTH OF KENTUCKY V. RITA MITCHELL (2015-SC-000021-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Criminal Law. First-Degree Assault. Non-Relative Caregiver. Issues include whether a non-relative caregiver can be found guilty of first-degree assault when she allowed the disabled adult, for whom she was the primary caregiver, to live in life-threatening squalor."
Discretionary Review granted 10/21/2015
Monroe Circuit Court, Judge Eddie C. Lovelace
Attorney for Appellant: Leilani K.M. Martin
Attorney for Appellee: Roy Alyette Durham, II
- 10:00 a.m. KENTUCKY OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION V. ESTILL COUNTY FISCAL COURT, (2015-SC-000256-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF - ESTILL COUNTY FISCAL COURT](#)
[APPELLEE BRIEF - SECRETARY OF LABOR](#)
[REPLY BRIEF](#)
"Administrative Law. Occupational Safety and Health. Whether KRS 338.121 provides protection against discrimination regarding employee complaints to employers absent a specific state regulation characterizing such complaints as protected activity."
Discretionary Review granted 12/10/2015
Franklin Circuit Court, Judge Thomas D. Wingate
Attorney for Appellant: Frederick G. Huggins
Attorneys for Estill County Fiscal Court: Daniel Barry Stilz, Rodney G. Davis, Adrian M. Mendiondo, Kimberly Jean O'Donnell and Jonathan Fannin
Attorneys for Secretary of Labor, Commonwealth of Kentucky: David Nelson Shattuck and Michael Gary Swansburg, Jr.
- 11:00 a.m. AEP INDUSTRIES INC. V. B.G. PROPERTIES, INC. (2014-SC-000512-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Contracts. Specific Performance. Option to Purchase. Non-Binding Appraisal. Material Breach. The first issue is whether appeal of an order granting specific performance on an option to purchase property is moot where the party ordered to specifically perform transfers the property in exchange for payment, does not seek a stay while on appeal of the order granting specific performance, or does not post a supersedeas bond. A second issue is whether a non-binding

appraisal may constitute a "material breach" of an option to purchase agreement which would suspend performance of the agreement for sale of property."

Discretionary Review granted 6/3/2015

Warren Circuit Court, Judge Steve Alan Wilson

Attorneys for Appellant: Glenn Alan Cohen, Paul Joseph Hershberg and Jason Conti

Attorneys for Appellee: David W. Anderson and Michael Scott Vitale

THURSDAY, AUGUST 18, 2016

10:00 a.m. COMMONWEALTH OF KENTUCKY, EX REL. ANDY BESHEAR, ATTORNEY GENERAL V. COMMONWEALTH OF KENTUCKY OFFICE OF THE GOVERNOR EX REL. MATTHEW BEVIN, IN HIS OFFICIAL CAPACITY AS GOVERNOR, ET AL. (2016-SC-000272-TG)
AND
JIM WAYNE, IN HIS OFFICIAL CAPACITY AS STATE REPRESENTATIVE, ET AL. V. COMMONWEALTH OF KENTUCKY OFFICE OF THE GOVERNOR MATTHEW BEVIN, IN HIS OFFICIAL CAPACITY AS GOVERNOR, ET AL. (2016-SC-000273-TG)
[2016-SC-272 APPELLANT BRIEF](#)
[2016-SC-273 APPELLANT BRIEF](#)
[APPELLEE BRIEF - GOVERNOR, ET AL.](#)
[APPELLEE BRIEF - TREASURER](#)
[2016-SC-272 REPLY BRIEF](#)
[2016-SC-273 REPLY BRIEF](#)
"Summary Judgment. Separation of Powers. Budgeting and Appropriations."
Franklin Circuit Court, Judge Thomas D. Wingate
Attorneys for Commonwealth of Kentucky, Ex Rel. Andy Beshear, Attorney General: John Michael Brown, La Tasha Arnae Buckner, Mitchel Terence Denham and Joseph Newberg
Attorneys for Commonwealth of Kentucky, Ex Rel. Matthew Bevin, in his official capacity as Governor; Commonwealth of Kentucky Finance and Administration Cabinet, Ex Rel. William M. Landrum, in his official capacity as Secretary; and Commonwealth of Kentucky Office of the State Budget Director, Ex Rel. John Chilton, in his official capacity as State Budget Director: Michael T. Alexander, Mark Stephen Pitt and Stephen Chad Meredith
Attorney for Commonwealth of Kentucky Department of the Treasury, Ex Rel. Allison Ball, in her official capacity as Treasurer: Noah Robert Friend
Attorney for Jim Wayne, in his official capacity as State Representative; Darryl Owens, in his official capacity as State Representative; and Mary Lou Marzian, in her official capacity as State Representative: Pierce Butler Whites

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ORAL ARGUMENT CALENDAR

FRIDAY, AUGUST 19, 2016

- 9:00 a.m.** **FAMILY DOLLAR V. MAMIE BAYTOS, WIDOW OF STEPHEN BAYTOS, ET AL. (2015-SC-000194-WC) AND MAMIE BAYTOS, WIDOW OF STEPHEN BAYTOS, DECEASED V. FAMILY DOLLAR, ET AL. (2015-SC-000208-WC)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
[AMICUS CURIAE BRIEF](#)
"Workers' Compensation. Widow's right to benefits under KRS 342.750, following a full and final settlement by the injured worker prior to his death."
Attorneys for Appellant: Lewis Paisley and Melanie Brooke Gabbard
Attorney for Appellee: Carl Edward Grayson
Attorney for Workers' Compensation Board: Dwight Taylor Lovan
- 10:00 a.m.** **ELMER RIEHLE V. CAROLYN RIEHLE (2015-SC-000679-DGE)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
"Marital Dissolution. The issue is whether a party adjudicated incompetent may petition for dissolution of a marriage to a spouse also serving as the petitioner's guardian and conservator."
Discretionary Review granted 2/10/2016
Boone Circuit Court, Judge Linda Bramlage
Attorney for Appellant: Steven Joseph Megerle
Attorney for Appellee: Michael Taylor McKinney