

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

WEDNESDAY, AUGUST 16, 2017

9:00 a.m. BOARD OF COMMISSIONERS OF THE CITY OF DANVILLE, KENTUCKY V. ADVOCATE COMMUNICATIONS, INC. D/B/A THE ADVOCATE-MESSENGER (2016-SC-000280-DG)

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

[AMICUS CURIAE BRIEF](#)

[AMICUS CURIAE BRIEF](#)

"Open Meetings. Issues include applicability of the KRS 61.810(1)(b) exception regarding "deliberations on the future acquisition . . . of real property" in circumstances involving bidding at public auction."

Discretionary Review granted 12/8/2016

Boyle Circuit Court, Judge Darren Peckler

Attorney for Appellant: Stephen Dexter

Attorneys for Appellee: Jon L. Fleischaker, Jeremy Stuart Rogers and Michael P. Abate

10:00 a.m. AUSLANDER PROPERTIES, LLC V. JOSEPH HERMAN NALLEY, ET AL. (2016-SC-000099-DG)

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

"Negligence Per Se. KOSHA/OSHA. Property Management Companies. Issues include whether a small property rental company was required to comply with KOSHA/OSHA fall prevention regulations when it hired an independent contractor to trim trees at one of its properties."

Discretionary Review granted 12/8/2016

Nelson Circuit Court, Judge John David Seay

Attorneys for Appellant: John Douglas Hubbard, James Wendell Taylor, John Choate Roach and Ryan Richard Loghry

Attorneys for Joseph Herman Nalley, Mary Nalley and Stephanie Nalley: Kevin Crosby Burke, Michelle Buckley Sparks, Keith Allen Sparks and Jamie Kristin Neal

Attorneys for Jewish Hospital and St. Mary's Healthcare, Inc., D/B/A Frazier Rehab Institute: Brian Scott Katz and Jamie Kristin Neal

Attorneys for University Medical Center, Inc., D/B/A University of Louisville Hospital: John Byron Moore and Jamie Kristin Neal

11:00 a.m. MARTIN/ELIAS PROPERTIES, LLC V. ACUITY, A MUTUAL INSURANCE COMPANY (2016-SC-000195-DG)

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

"Insurance Law. Commercial General Liability Coverage. "Occurrence" or "Accident." Issues include whether a concrete contractor's CGL insurer was required to cover damage caused when the contractor, who was hired to dig a deeper basement under an existing building, failed to properly support the foundation and caused the entire structure to become unstable."

Discretionary Review granted 12/8/2016

Kenton Circuit Court, Judge Gregory M. Bartlett

Attorneys for Appellant: Paul R. Boggs, III and Jonathan Douglas Gray

Attorneys for Appellee: Judd Uhl, Katherine Kennedy and Laura Salzman

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

THURSDAY, AUGUST 17, 2017

9:00 a.m. BAUMANN PAPER CO., INC. V. KENNETH HOLLAND (2016-SC-000511-DG)

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

"Contracts. Statute of Frauds. Unjust enrichment. The issue involves the enforceability of an agreement to provide future benefits in lieu of a retirement plan, which though signed by the employee was never executed by the employer."

Discretionary Review granted 12/8/2016

Fayette Circuit Court, Judge Pamela Goodwine

Attorneys for Appellant: William A. Hoskins, III, Brent Robert Baughman,

Margaret Jane Brannon, and Jared Andrew Cox

Attorney for Appellee: Edwin Clark

**10:00 a.m. COMMONWEALTH OF KENTUCKY V. KYLE D. THOMPSON
(2016-SC-000365-DG)**

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

"Criminal Law. Ineffective assistance of counsel. Advice on a guilty plea. The issue for consideration is whether it is ineffective assistance of counsel when counsel fails to advise their client, who intends to plead guilty to the crime of attempted kidnapping of a minor, that they will also be required to register as a sex offender."

Discretionary Review granted 12/8/2017

Hardin Circuit Court, Judge Kelly M. Easton

Attorney for Appellant: Kenneth Wayne Riggs

Attorney for Appellee: Robert C. Bishop

**11:00 a.m. LAKE CUMBERLAND REGIONAL HOSPITAL, LLC V. HELEN ADAMS
(2016-SC-000181-DG)**

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

[AMICUS CURIAE BRIEF](#)

[AMICUS CURIAE BRIEF](#)

[AMICUS CURIAE BRIEF](#)

Discretionary Review granted 10/13/2016

Pulaski Circuit Court, Judge David A. Tapp

Attorneys for Appellant: Bryan Todd Thompson, Millicent Ann Tanner, Eleanor M. B. Davis, Chad Owens Propst and Joseph Wright

Attorneys for Appellee: Stephen M. O'Brien, III, Adam J. Stigall and David Coomer

**SPRING VIEW HOSPITAL, LLC V. KAREN JONES (NOW EPLEY)
(2016-SC-000189-DG)**

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

[AMICUS CURIAE BRIEF](#)

[AMICUS CURIAE BRIEF](#)

[AMICUS CURIAE BRIEF](#)

Discretionary Review granted 10/13/2016

Marion Circuit Court, Judge Allan Ray Bertram

Attorneys for Appellant: Bryan Todd Thompson, Millicent Ann Tanner, Eleanor M. B. Davis, Chad Owens Propst and Joseph Wright

Attorneys for Appellee: Joseph Hubert Mattingly, III, Kandice D. Engle-Gray, Kaelin Goheen Reed, John Elder, IV

**SPRING VIEW HOSPITAL, LLC V. JOYCE SPALDING, ET AL.
(2016-SC-000259-DG) AND JOYCE SPALDING, EXECUTRIX OF THE
ESTATE OF JOSEPH PAUL SPALDING, DECEASED, ET AL. V. SPRING
VIEW HOSPITAL, LLC (2016-SC-000277-DG)**

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

[REPLY BRIEF](#)

[AMICUS CURIAE BRIEF](#)

[AMICUS CURIAE BRIEF](#)

[AMICUS CURIAE BRIEF](#)

Discretionary Review granted 10/13/2016

Marion Circuit Court, Judge Dan Kelly

Attorneys for Spring View Hospital, LLC: Bryan Todd Thompson, Millicent Ann
Tanner, Eleanor M. B. Davis, Chad Owens Propst and Joseph Wright

Attorneys for Joyce Spalding, et al.: Joseph Hubert Mattingly, III, Kaelin
Goheen Reed, John Elder, IV

"Torts. Negligent Credentialing. Whether the tort of negligent hospital
credentialing should be recognized in Kentucky."

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

FRIDAY, AUGUST 18, 2017

**10:00 a.m. MATTHEW G. BEVIN, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF
THE COMMONWEALTH OF KENTUCKY V. ANDY BESHEAR, IN HIS
OFFICIAL CAPACITY AS ATTORNEY GENERAL OF THE
COMMONWEALTH OF KENTUCKY (2016-SC-000642-TG)**

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

"Governor's authority to reorganize state university boards, pursuant to KRS
12.028. Mootness."

Franklin Circuit Court, Judge Phillip J. Shepherd

Attorneys for Appellant: Michael T. Alexander, Mark Stephen Pitt and Stephen
Chad Meredith

Attorneys for Appellee: Andy Beshear, John Michael Brown, La Tasha Arnae
Buckner, Laura Tipton, Steven Travis Mayo