

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

WEDNESDAY, AUGUST 21, 2019

- 9:00 a.m. DARYL ISAACS, ET AL. V. SENTINEL INSURANCE COMPANY LIMITED, D/B/A THE HARTFORD (2018-SC-000078-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Insurance. Commercial Automobile. UIM. "Covered Autos." Issues involve whether an automobile insurance policy issued to a PSC as sole named insured of listed covered vehicles owned by the PSC provides first class coverage to the PSC owner injured while riding a bicycle."
Discretionary Review granted 9/9/2018
Jefferson Circuit Court, Judge Audra Jean Eckerle
Attorneys for Appellants: Leroy E. Sitlinger, Jr. and Carolyn Ely
Attorneys for Appellee: Douglas Loy Hoots and Samuel Smith Porter
(Lambert, J., recused)
- 10:00 a.m. DIANA METZGER, ET AL. V. AUTO-OWNERS INSURANCE COMPANY, ET AL. (2018-SC-000070-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Insurance. Commercial Automobile. UIM. "Covered Autos". Issues involve whether an automobile insurance policy issued to an LLC as sole named insured of listed covered vehicles owned by the LLC provides first class or only second-class coverage to an LLC member injured as a pedestrian."
Discretionary Review granted 8/8/2018
Jefferson Circuit Court, Judge Angela McCormick Bisig
Attorneys for Appellants: Kevin Crosby Burke, Kevin B. Sciantarelli, and Jamie Kristin Neal
Attorneys for Appellees: Catherine Marie Cundiff Sewell, Peter J. Sewell and Thomas Nathan Peters
- 11:00 a.m. RICK BENNINGFIELD, IN HIS OFFICIAL CAPACITY AS TAYLOR COUNTY JAILER, ET AL. V. JERRY FILEDS (2018-SC-0000292-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"KRS 342.197. Wrongful Discharge. Governmental Immunity. The issue in this matter is whether a governmental entity or its employees are immune from liability for a claim filed pursuant to KRS 342.197, for wrongful discharge for filing of a worker's compensation claim. And if a governmental entity and its

employees are subject to such a claim, were there genuine issues of fact in this case sufficient to overcome a motion for summary judgment."

Discretionary Review granted 9/19/2018

Taylor Circuit Court, Judge Allan Ray Bertram

Attorney for Appellants: Arden Winter Robertson Huff

Attorney for Appellee: Larry Duane Ashlock

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

THURSDAY, AUGUST 22, 2019

- 9:00 a.m. BRYAN SCOT SUTTLES V. KIMBERLY SUTTLES, NOW GROVES (2019-SC-000019-DGE)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
"Family Law. Timesharing. Whether the family court's findings regarding abuse in a concurrent dependency/neglect/abuse proceeding precluded the same court's subsequent award of timesharing in the marital dissolution proceeding."
Discretionary Review granted 3/6/2019
Carter Circuit Court, Judge David Doran Flatt
Attorneys for Appellant: W. Jeffrey Scott and Whitley Hill Bailey
Attorneys for Appellee: Tracy Denise Frye and Marie Elizabeth Troxler
- 10:00 a.m. PAUL MOSTERT V. THE MOSTERT GROUP, LLC (2017-SC-000600-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Secured Transactions. Breach of Contract. Software and Source Code. Issues include whether the creator of a thoroughbred biometrics computer program was entitled to retain the program's "source code" when: (1) the creator sold the program to a company in exchange for \$500,000 and a security interest in specified program components; (2) as part of the sale, the creator signed an agreement requiring him to transfer the program's software and source code to the company; and (3) the security agreement between the creator and the company listed software, but not source code, as collateral."
Discretionary Review granted 8/8/2018
Fayette Circuit Court, Judge Thomas L. Clark
Attorney for Appellant: Frank T. Becker
Attorneys for Appellee: Richard A. Getty and Danielle Harlan
(Lambert, J., recused)
- 11:00 a.m. SUZANNE WAUGH V. CAROL PARKER, ET AL. (2018-SC-000405-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Uniform Residential Landlord Tenant Act. Building/Housing Codes. Remedies. The issue in this case is whether under the URLTA landlords owe a statutory duty to tenants to deliver premises in compliance with building/housing codes which materially affect safety. And if not, is the tenant injured by such a failure entitled to recover damages beyond the cost of repairing the premises."
Discretionary Review granted 12/5/2018
Jefferson Circuit Court, Judge Ann Bailey Smith

6/26/2019

Attorneys for Appellant: John C. Dodson and Nicholas Gaffney Evans
Attorneys for Appellees: Berlin Tsai and Joseph Patrick Hummel
(Lambert, J., recused)

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

FRIDAY, AUGUST 23, 2019

10:00 a.m. LEXINGTON-FAYETTE URBAN COUNTY HUMAN RIGHTS COMMISSION V. HANDS-ON ORIGINALS (2017-SC-000278-DG)

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[APPELLANT SUPPLEMENTAL BRIEF](#)

[APPELLEE SUPPLEMENTAL BRIEF](#)

"Administrative Law. Human Rights Commission. Fairness Ordinance. Issues involve the alleged violation of a local fairness ordinance flowing from refusal of a private business to print customized T-shirts for the "Lexington Pride Festival."

Discretionary Review granted 10/25/2017

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

Attorney for Appellant: Edward E. Dove

Attorneys for Appellee: Bryan Howard Beauman, Kenneth J. Connelly, Jeana Hallock, James A. Campbell and Kristen K. Waggoner

(Lambert, J., recused)