

**SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR**

WEDNESDAY AUGUST 18, 2021

**10:00 a.m. PAUL KEARNEY, M.D. V. UNIVERSITY OF KENTUCKY
(2020-SC-0010-DG)
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)**

Whistleblower Protection Act. KRS 61.102. Protected Disclosure. Issues include whether a University-employed doctor made a protected disclosure of suspected wrongdoing by a public entity when the doctor: (1) informed the dean of a potential violation of University regulations; (2) told the dean, general counsel, a member of the board of trustees, and the executive vice president of medical affairs that the Kentucky Medical Services Foundation needed to be independently audited; (3) emailed general counsel to allege that the executive vice president of medical affairs was attempting to gain unfettered control of the Foundation's funds; and (4) filed a whistleblower lawsuit repeating his allegations.

Discretionary Review Granted: 10/22/2020

Fayette Circuit Court, Judge Ernesto Scorsone

Counsel for Appellant: Bernard Pafunda

Counsel for Appellee: Bryan H. Beauman & Donald C. Morgan

**11:00 a.m. J.S.B. V. S.R.V.
(2021-SC-0008-DGE)
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)**

Child Custody. Issues involve attempted adoption of two children, not involving a stepparent, without termination of both biological parents' parental rights; and application and viability of parental waiver as discussed in *Mullins v. Picklesimer*, 317 S.W.3d 569 (Ky. 2010) in light of *Obergefell v. Hodges*, 576 U.S. 644 (2015).

Discretionary Review Granted: 4/20/2021

Livingston Circuit Court, Judge Clarence A. Woodall, III

Counsel for Appellant: Jennifer Sacharnoski Nelson

Counsel for Appellee: Alisha Kay Bobo, Brad A. Miller

**ALL ARGUMENTS WILL BE STREAMED ONLINE AT
WWW.KET.ORG/SUPREMECOURT.**

**SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR**

THURSDAY, AUGUST 19, 2021

10:00 a.m. LINDSEY CHILDERS, AS ADMINISTRATRIX OF THE ESTATE OF CAMERON PEARSON, ET AL. V. WILLIAM S. ALBRIGHT, ET AL. (2019-SC-0226-DG)

[APPELLANT BRIEF](#)

[APPELLEE BRIEF \(WILLIAM S. ALBRIGHT\)](#)

[APPELLEE BRIEF \(BASU PROPERTIES, LLC.\)](#)

[APPELLEE BRIEF \(HARDSHELL TACTICAL, LLC\)](#)

[APPELLANT REPLY BRIEF](#)

[AMICUS CURIAE \(KENTUCKY DEFENSE COUNSEL, INC.\)](#)

[AMICUS CURIAE \(KENTUCKY LEAGUE OF CITIES\)](#)

Tort Law. KRS 503.085. Self-Defense Immunity. Collateral Estoppel. Issues presented include whether a court's ruling that a defendant in a criminal case is entitled to self-defense immunity bars re-litigation of the immunity issue in a subsequent civil action.

Discretionary Review Granted: 4/22/20

Jefferson Circuit Court, Judge Mitchell Perry

Attorneys for Appellants: Kevin C. Burke, Jamie K. Neal, Martin A. Pohl and Richard A. Hessing

Attorneys for Appellees: Gregg E. Thornton, Maxwell D. Smith, Alexandra DeMoss-Campbell, Aida Almasalkhi, Charles H. Cassis, Melissa Thompson Richardson, Ryan W. Becker

Lambert, Nickell, JJ., not sitting. Special Justices Julie A. Tennyson and Cheryl U. Lewis, sitting.

**SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR**

THURSDAY, AUGUST 19, 2021
(CONTINUED)

- 11:00 a.m. CITY OF FORT WRIGHT, KENTUCKY, ET AL. V. BOARD OF TRUSTEES OF THE KENTUCKY RETIREMENT SYSTEMS & BOARD OF TRUSTEES OF THE KENTUCKY RETIREMENT SYSTEMS V. CITY OF FORT WRIGHT, KENTUCKY, ET AL.**
(2020-SC-0053-DG)
(2020-SC-0477-DG)
[APPELLANTS/CROSS-APPELLEES BRIEF](#)
[APPELLEE/CROSS-APPELLANT BRIEF](#)
[APPELLANTS/CROSS-APPELLEES RESPONSE & REPLY BRIEF](#)
Public Pensions. County Employees Retirement System (CERS). Statutory Interpretation. Issues include whether KRS 78.790(1), which requires CERS to invest in securities which are “permitted for the investment of funds by fiduciaries in this state[,]” prohibits CERS from investing in financial products that are not included in KRS 386.020, which includes a list of authorized investments for trust funds.
Discretionary Review Granted: 9/16/20 & 12/09/20
Franklin Circuit Court, Judge Thomas D. Wingate
Attorney for Appellants/Cross-Appellees: Amy L. Hunt, Todd V. McMurtry, Timothy B. Theissen, Ronald R. Parry, Robert R. Sparks, Michael Bartlett, Jack S. Gatlin, Frank A. Wichmann
Attorney for Appellees/Cross-Appellants: Robert W. Kellerman
Nickell, J., not sitting.

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