

**SUPREME COURT OF KENTUCKY**  
**ORAL ARGUMENT CALENDAR**

**WEDNESDAY, AUGUST 14, 2024**

**9:00 a.m.      BLAKE JEFFREYS V. COMMONWEALTH OF KENTUCKY  
(2023-SC-0086-DG)**

**[APPELLANT BRIEF](#)**

**[APPELLEE BRIEF](#)**

**[REPLY BRIEF](#)**

Criminal Law. Promoting Human Trafficking. KRS 529.130. Service Fee. Indigency. Issues include whether a court may waive the fee required by KRS 529.130 for an indigent defendant, or, rather, is the fee akin to a driving under the influence service fee which is an “administrative function” not subject to waiver.

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Discretionary Review Granted:

June 7, 2023

Trial Court(s):

Jefferson Circuit Court

Presiding Judge(s):

Hon. Mitchell Perry

Counsel for Appellant,

*Blake Jeffreys:*

Christopher Thurman

*Louisville Metro Public*

*Defender’s Office*

Counsel for Appellee,

*Commonwealth of*

*Kentucky:*

Matthew Kuhn

*Solicitor General*

Daniel Grabowski

*Assistant Solicitor General*

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**WEDNESDAY, AUGUST 14, 2024**  
**(CONTINUED)**

10:00 a.m. **RUSSELL COLEMAN, IN HIS OFFICIAL CAPACITY AS ATTORNEY  
GENERAL OF THE COMMONWEALTH OF KENTUCKY V. JEFFERSON  
COUNTY BOARD OF EDUCATION, ET AL.**  
(2023-SC-0498-DG)

**APPELLANT BRIEF**

**APPELLEE BRIEF (JEFFERSON COUNTY BOARD OF EDUCATION)**

**APPELLEE BRIEF (COMMISSIONER OF EDUCATION)**

**REPLY BRIEF**

**AMICUS BRIEF (SENATOR ROBERT STIVERS, SENATE PRESIDENT)**

**AMICUS BRIEF (GREATER LOUISVILLE, ET AL.)**

**AMICUS BRIEF (THE NICKLIES FOUNDATION, INC.)**

Declaratory Judgment. Special and Local Legislation. Equal Protection. Standing. Necessary Party. CR 19.01. Issues include: (1) whether certain provisions of Senate Bill 1, codified as KRS 160.370, violate the Kentucky Constitution's prohibition against special and local legislation under the test set forth in *Calloway County Sheriff's Department v. Woodall*, 607 S.W.3d 557 (Ky. 2020); (2) whether the Jefferson County Board of Education had standing to bring suit; and (3) whether the Superintendent was a necessary party.

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Discretionary Review Granted:  
Trial Court(s):  
Presiding Judge(s):

March 6, 2024  
Jefferson Circuit Court  
Hon. Charles L. Cunningham, Jr.

Counsel for Appellant,  
*Russell Coleman:*

Matthew Kuhn  
*Solicitor General*

Jacob Abrahamson  
*Assistant Solicitor General*

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Counsel for Appellee,  
*Jefferson County Board  
of Education:*

David Tachau  
Katherine Lacy Crosby  
Amy D. Cubbage  
*Tachau Meek PLLC*

Counsel for Appellee,  
*Robbie Fletcher,  
Commissioner of Education:*

*Donald J. Haas  
Kentucky Department of  
Education*

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**WEDNESDAY, AUGUST 14, 2024**  
**(CONTINUED)**

1:30 p.m.     **SHIVELY POLICE DEPARTMENT V. COURIER JOURNAL, INC.**  
**(2023-SC-0033-DG)**

**APPELLANT BRIEF**

**APPELLEE BRIEF**

**REPLY BRIEF**

**AMICUS BRIEF (KENTUCKY OPEN GOVERNMENT COALITION, INC.)**

**AMICUS BRIEF (COMMONWEALTH OF KENTUCKY)**

Open Records. KRS 17.150(2) and 61.878(1)(a)(h) & (l). Issues presented involve applicability of open records exemptions for “personal privacy” and law enforcement investigatory materials.

**Bisig, and Thompson, JJ., not sitting. Special Justice Justin R. Key and Special Justice Norman E. Harned sitting.**

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Discretionary Review Granted:	August 16, 2023
Trial Court(s):	Jefferson Circuit Court
Presiding Judge(s):	Hon. Angela McCormick Bisig

Counsel for Appellant, <i>Shively Police Department:</i>	Finn Cato <i>Cato Law Office PLLC</i>
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Counsel for Appellee, <i>Courier Journal, Inc.</i>	Jon L. Fleischaker Michael P. Abate William R. Adams <i>Kaplan Johnson Abate &amp; Bird LLP</i>
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**THURSDAY, AUGUST 15, 2024**  
**(CONTINUED)**

9:00 a.m.     **DIANNA LYNN DAVENPORT, IN HER CAPACITY AS PERSONAL REPRESENTATIVE OF THE ESTATE OF PENNY ANN SIMMONS V. KINDRED HOSPITALS LIMITED PARTNERSHIP D/B/A KINDRED HOSPITAL - LOUISVILLE, ET AL.  
(2023-SC-0039-DG)**

**APPELLANT BRIEF**  
**APPELLEE BRIEF (COMMONWEALTH OF KENTUCKY)**  
**APPELLEE BRIEF (KINDRED HOSPITALS)**

Probate. Statute of Limitations. KRS 395.105. Kentucky Rules of Civil Procedure 58(1). Special Statutory Proceeding. Issues presented include: (1) whether probate is a “special statutory proceeding”; (2) whether an order became effective when it was entered by the court clerk or when it was signed by the judge; and (3) whether KRS 395.105 is an unconstitutional violation of the separation of powers doctrine.

**Thompson, J., not sitting.**

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Discretionary Review Granted:	June 12, 2023
Trial Court(s):	Jefferson Circuit Court
Presiding Judge(s):	Hon. Annie O’Connell

Counsel for Appellant, <i>Dianna Lynn Davenport:</i>	Harry O’Donnell, IV
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Counsel for Appellee, <i>Kindred Hospitals Limited Partnership:</i>	Paul Dzenitis Emily W. Newman Rebecca R. Schafer Jesse A. Farler <i>Dzenitis Newman PLLC</i>
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Counsel for Appellee, <i>Commonwealth of Kentucky:</i>	Matthew Kuhn <i>Solicitor General</i>
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**THURSDAY, AUGUST 15, 2024**

**10:00 a.m. TYLER STORY V. COMMONWEALTH OF KENTUCKY  
(2023-SC-0106-DG)**

**APPELLANT BRIEF**  
**APPELLEE BRIEF**  
**REPLY BRIEF**

Criminal Law. Driving Under the Influence. Evidence. KRS 189A.103(7). Issues presented include whether the Commonwealth may use the results of an independent blood test obtained pursuant to KRS 189A.103(7) as evidence the defendant was intoxicated.

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Discretionary Review Granted:  
Trial Court(s):  
Presiding Judge(s):

June 7, 2023  
Campbell Circuit Court  
Hon. Karen Thomas

Counsel for Appellant,  
*Tyler Story:*

Joshua M. McIntosh  
*Josh McIntosh Law*

Counsel for Appellee,  
*Commonwealth  
of Kentucky:*

Melissa Pile  
*Assistant Attorney General  
Office of the Solicitor  
General*

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**THURSDAY, AUGUST 15, 2024**  
**(CONTINUED)**

**11:00 a.m. JAY PICARD V. KATHERINE KNIGHT**  
**(2023-SC-0043-DG)**

**[APPELLANT BRIEF](#)**  
**[APPELLEE BRIEF](#)**  
**[REPLY BRIEF](#)**

Family Law. Attorney's Fees. CR 68. Offer of Judgment. KRS 403.220. Issues presented include whether Father can recover attorney's fees from Mother under CR 68 when: (1) Mother rejected Father's offer to settle her motion to modify child support motion by paying her \$150 per month; (2) after a hearing, the family court terminated Father's child support obligation to Mother; (3) at the same hearing, the family court considered several other motions regarding parenting issues; (4) Father made no offer of judgment on the parenting issues; (5) the family court resolved some of the parenting issues in Mother's favor and others in Father's favor.

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Discretionary Review Granted:	June 7, 2023
Trial Court(s):	Pulaski Circuit Court
Presiding Judge(s):	Hon. Marcus L. Vanover

Counsel for Appellant, <i>Jay Picard:</i>	William Tingley <i>William D. Tingley PLLC</i>
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Counsel for Appellee, <i>Katherine Knight:</i>	Andre Regard <i>Regard Law Group PLLC</i>
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