

**SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR**

WEDNESDAY, APRIL 17, 2013

- 9:00 a.m. LOUISVILLE SOCCER ALLIANCE, INC., ET AL. V. BESHEAR, ETC., ET AL. (2012-SC-197-DG)**
[Appellants' Brief](#)
[Appellees' Brief](#)
[Appellants' Reply Brief](#)
"State Constitutional Law. KY CONST. §§ 51 and 180. Issues involve the propriety of the 2008 budget bill transfer to the General Fund of excess Charitable Gaming license fees."
Discretionary Review granted 10/17/2012
Franklin Circuit Court, Judge Phillip J. Shepherd
Attorneys for Appellants: Thomas James Banaszynski and Oliver H. Barber, Jr.
Attorneys for Appellees: Mark Stephen Pitt and Christopher Wilson Brooker
- 10:00 a.m. KLEIN, ET AL. V. FLANERY, ETC., ET AL. (2012-SC-071-DG)**
[Appellants' Brief](#)
[Appellees' Brief](#)
[Appellants' Reply Brief](#)
"State Constitutional Law. Taxation. Issues include the application of *Armstrong v. Collins*, 709 S.W.2d 437 (Ky. 1986) and *Beshear v. Haydon Bridge Co., Inc.*, 304 S.W.3d 682 (Ky. 2010), and the extent to which funds collected by the Commonwealth as license fees may be applied to the General Fund."
Discretionary Review granted 10/17/2012
Franklin Circuit Court, Judge Thomas D. Wingate
Attorneys for Appellants: Mark David Guilfoyle and H. Edward O'Daniel, Jr.
Attorneys for Appellees: Mark Stephen Pitt and Christopher Wilson Brooker
- 11:00 a.m. SMITH V. COMMONWEALTH OF KENTUCKY (2012-SC-034-DG)**
[Appellant's Brief](#)
[Appellee's Brief](#)
[Appellant's Reply Brief](#)
"Criminal Law. Sentencing. Pretrial Diversion. Reclassification of Crimes. What is the impact upon sentencing subsequent to an order voiding participation in pretrial diversion when, during that unsuccessful endeavor, the underlying crime has been reclassified from Class D felony to Class A misdemeanor? "
Discretionary Review granted 8/15/2012
Crittenden Circuit Court, Judge C. Rene Williams
Attorney for Appellant: Julia Karol Pearson
Attorney for Appellee: Gregory C. Fuchs

THURSDAY, APRIL 18, 2013

- 9:00 a.m. GARCIA, ETC. V. WHITAKER (2011-SC-550-DG)**
[Appellant's Brief](#)
[Appellee's Brief](#)
"Abuse of Process. KRS 376.270. Issues include whether a claim for abuse of process was properly dismissed, and whether such a claim can defeat the mechanics' lien created by KRS 376.270."
Discretionary Review granted 5/16/2012
Pulaski Circuit Court, Judge Jeffrey Thomas Burdette
Attorneys for Appellant: David Ora Smith and Marcia A. Smith
Attorney for Appellee: Nicholas C. A. Vaughn
(Rescheduled from February 13, 2013)
- 10:00 a.m. R.S., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY (2012-SC-116-DG)**
[Appellant's Brief](#)
[Appellee's Brief](#)
[Appellant's Reply Brief](#)
"Juvenile. Complicity to criminal mischief in the second degree. Restitution."
Discretionary Review granted 11/14/2012
Boone Circuit Court, Judge James Roger Schrand II
Attorney for Appellant: Jonathan Lee Wampler
Attorney for Appellee: Marcia Lee Thomas
- 11:00 a.m. KNOTT COUNTY BOARD OF EDUCATION, ET AL. V. PATTON (2012-SC-139-DG)**
[Appellants' Brief](#)
[Appellee's Brief](#)
[Appellants' Reply Brief](#)
"School Law. Wrongful Discharge. Individual Immunity. Issues, including the scope of individual immunity for site-based decision-making council and school board members, involve the propriety of the "suspension" of the employment of a high school French teacher after allegedly improper curriculum modification."
Discretionary Review granted 10/17/2012
Knott Circuit Court, Judge Johnny Ray Harris
Attorneys for Appellants: Michael J. Schmitt and Jonathan C. Shaw
Attorney for Appellee: Adam Peter Collins

FRIDAY, APRIL 19, 2013

NO ORAL ARGUMENTS