

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

TO: Justices and Court Staff
FROM: Chief Justice John D. Minton, Jr.
DATE: November 9, 2012

WEDNESDAY, DECEMBER 12, 2012

9:00 a.m. EDWARDS V. HARROD, ETC., ET AL. (2010-SC-770-DG)

[Appellant Brief](#)

[Appellee Brief](#)

[Appellant Reply Brief](#)

"Juvenile. Youthful Offenders. Violent Offender Statute. The question presented is whether Violent Offender Statute KRS 439.3401 applies to a "youthful offender" upon probation revocation so as to bar the requirement of serving 85% of a sentence prior to parole consideration."

Discretionary Review granted 11/16/2011

Franklin Circuit Court, Judge Phillip J. Shepherd

Attorneys for Appellant: La Mer Kyle-Griffiths and Renee Sara Vandenwallbake

Attorney for Appellees: Joseph Todd Henning

10:00 a.m. PATEL V. TUTTLE PROPERTIES, LLC, ET AL. (2011-SC-415-DG)

[Appellant Brief](#)

[Appellee Brief](#)

[Appellant Reply Brief](#)

"Contracts. Damages. Issues involve the reasonableness of the forfeiture of the \$125,000 earnest money deposit for the buyer's breach of a \$450,000 contract for sale of a convenience store."

Discretionary Review granted 5/16/2012

Montgomery Circuit Court, Judge Beth Lewis Maze

Attorney for Appellant: Michael A. Rowady

Attorney for Appellees: Jesse Reid Hodgson

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

THURSDAY, DECEMBER 13, 2012

- 9:00 a.m. BOARD OF EDUCATION OF FAYETTE COUNTY, KENTUCKY, ET AL. V. HURLEY-RICHARDS (2011-SC-599-DG)**
[Appellant Brief](#)
[Appellee Brief](#)
[Appellant Reply Brief](#)
"School Law. Issues include whether KRS 161.790(1)(b) "conduct unbecoming a teacher" can include use of allegedly excessive physical force against a second-grader."
Discretionary Review granted 5/16/2012
Fayette Circuit Court, Judge Ernesto Scorsone
Attorneys for Appellants: Robert Lynn Chenoweth and Grant Robert Chenoweth
Attorneys for Appellee: Arthur L. Brooks and Joellen Sensenbach McComb
- 10:00 a.m. GRUBB, ET AL. V. NORTON HOSPITALS, INC., ET AL. (2010-SC-532-DG)**
[Appellant Brief](#)
[Appellee Brief 1](#)
[Appellee Brief 2](#)
[Appellee Brief 3](#)
[Appellant Reply Brief](#)
"Jury Selection. Agency. Evidence Admissibility. The issues include: whether the trial court erred by failing to strike three jurors for cause; whether the trial court erred by entering summary judgment on agency issues, and whether the trial court erred by failing to allow the plaintiffs to introduce evidence that the doctors and hospital were covered by the same liability insurance."
Discretionary Review granted 4/18/2012
Jefferson Circuit Court, Judge Susan Lynn Schultz
Attorneys for Appellants: Francis Thomas Conway, Chadwick Neal Gardner and Scott Thomas Roby
Attorneys for Appellees: Bradley R. Hume, Beth Hendrickson McMasters, Allison Olczak Wildman, Heather Renee Cash, Craig Louis Johnson, Brandon M. Howell, Daniel Garland Brown, David Bryan Gazak and Robert Joseph Shilts.

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

FRIDAY, DECEMBER 14, 2012

9:00 a.m. FLICK V. THE ESTATE OF CHRISTINA WITTICH (2010-SC-664-DG)

[Appellant Brief](#)

[Appellee Brief](#)

"Appellate Procedure. Notice of Appeal. Issues include whether the Court of Appeals properly dismissed a notice of appeal that named only the decedent's estate but was served on the co-executors."

Discretionary Review granted 2/15/12

Fayette Circuit Court, Judge Thomas L. Clark

Attorney for Appellant: Jennifer Francis Zeigler

Attorney for Appellee: Roger Newman Braden

Justice Noble and Justice Schroder are recused.

Special Justices Thomas W. Miller and Frank H. McCartney sitting.

Rescheduled from October 17, 2012.

**10:00 a.m. CITY OF FORT THOMAS V. CINCINNATI ENQUIRER, ETC.
(2011-SC-725-DG)**

[Appellant Brief](#)

[Appellee Brief](#)

[Appellant Reply Brief](#)

[Amicus Curiae Brief](#)

"Open records. Privacy exception. Issues include whether disclosure of a law enforcement agency's investigative file before a criminal prosecution is complete constitutes "harm" as a matter of law under KRS 61.878(1)(h) and whether the statute requires law enforcement agencies to monitor prosecutors' decisions to disclose information from an investigative file."

Discretionary Review granted 6/13/2012

Campbell Circuit Court, Judge Fred A. Stine V.

Attorneys for Appellant: Jeffrey C. Mando and Jennifer H. Langen

Attorneys for Appellee: Paul Alley and John C. Greiner