

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

WEDNESDAY, FEBRUARY 13, 2013

9:00 a.m. NO ORAL ARGUMENT

CANCELLED

10:00 a.m. ~~GARCIA, ETC. V. WHITAKER (2011-SC-550-DG)~~

[Appellant Brief](#)

[Appellee 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

11:00 a.m. WESTERN KENTUCKY COCA-COLA BOTTLING COMPANY, INC. V. RUNYON, ET AL. (2011-SC-784-DG)

[Appellant Brief](#)

[Appellee Brief](#)

[Appellant Reply Brief](#)

"Unemployment Benefits. Civil Procedure. Issues include whether the Unemployment Insurance Commission abused its discretion by reversing a decision of a referee which denied benefits to an individual who had been dismissed from his prior job."

Discretionary Review granted 9/12/12

Warren Circuit Court, Judge Steve Alan Wilson

Attorneys for Appellant: Frank Hampton Moore, Jr. and Matthew Porter Cook

Attorney for Appellees: Amy F. Howard

THURSDAY, FEBRUARY 14, 2013

- 9:00 a.m. PANNELL V. SHANNON, ET AL. (2011-SC-587-DG)**
[Appellant Brief](#)
[Appellee Brief](#)
[Appellant Reply Brief](#)
"Contract Law. Corporations. Issues include whether an individual or an administratively dissolved LLC is responsible for damages arising from the breach of a lease agreement."
Discretionary Review granted 8/15/12
Fayette Circuit Court, Judge Kimberly N. Bunnell
Attorneys for Appellant: Carroll Morris Redford III, Susan Yuk Wo Chun and Michelle Lynn Hurley
Attorneys for Appellees: Dan M. Rose, Hanly Acton Ingram and Christopher L. Thacker
- 10:00 a.m. BELL V. BELL (2012-SC-026-DG)**
[Appellant Brief](#)
[Appellee Brief](#)
"Family Law. Child Support. KRS 403.212. Issue is whether a non-custodial parent may deduct unreimbursed business expenses to arrive at income for the purpose of determining the child support obligation pursuant to KRS 403.212."
Discretionary Review granted 8/15/12
Mercer Circuit Court, Judge Douglas Bruce Petrie
Attorney for Appellant: William R. Erwin
Attorney for Appellee: John Wesley Oakley II
- 11:00 a.m. ENERGY HOME, ETC. V. PEAY, ET AL. (2011-SC-462-DG)**
[Appellant Brief](#)
[Appellee Brief](#)
[Appellant Reply Brief](#)
"Arbitration. Contract Law. Issues include whether a "merger and integration clause" in a purchase agreement barred the parties from entering into a later warranty and arbitration agreement and whether an adhesion contract is automatically unconscionable."
Discretionary Review granted 8/15/12
Daviess Circuit Court, Judge Thomas O. Castlen
Attorneys for Appellant: Larry Colby Deener and Elizabeth Anna Deener
Attorney for Appellees: Zack N. Womack

FRIDAY, FEBRUARY 15, 2013

- 9:00 a.m. PETE, ET AL. V. ANDERSON, ET AL. (2011-SC-692-DG)**
[Appellant Brief](#)
[Appellee Brief](#)
[Appellant Reply Brief](#)
"Tort Law. Standing. Attorney Malpractice. Issues include whether the beneficiaries of an estate have standing to sue an attorney for negligently prosecuting a wrongful death claim brought by the executrix of the estate."
Discretionary Review granted 8/15/12
Jefferson Circuit Court, Judge Olu Alfredo Stevens
Attorneys for Appellants: Scott Allen Davidson and James David Ballinger
Attorneys for Appellees: David Bradley Mour and Zachary Leroy Taylor
- 10:00 a.m. PEARCE V. UNIVERSITY OF LOUISVILLE, ETC. (2011-SC-756-DG)**
[Appellant Brief](#)
[Appellee Brief](#)
[Appellant Reply Brief](#)
[Amicus Curiae Brief 1](#)
[Amicus Curiae Brief 2](#)
"Police Officer Bill of Rights. KRS 15.520. Do the statutory due process protections provided by KRS 15.520 apply generally to police disciplinary proceedings or only if such proceedings are commenced after citizens register complaints?"
Discretionary Review granted 8/15/12
Jefferson Circuit Court, Judge Irvin G. Maze
Attorneys for Appellant: David Lindsay Leightty and Benjamin S. Basil
Attorneys for Appellee: Craig Christman Dilger and Jeffrey August Calabrese
- 11:00 a.m. HILL V. CITY OF MT. WASHINGTON (2012-SC-104-DG)**
[Appellant Brief](#)
[Appellee Brief](#)
[Appellant Reply Brief](#)
[Amicus Curiae Brief 1](#)
[Amicus Curiae Brief 2](#)
"Police Officer Bill of Rights. KRS 15.520. Do the statutory due process protections provided by KRS 15.520 apply generally to police disciplinary proceedings or only if such proceedings are commenced after citizens register complaints?"
Discretionary Review granted 9/12/12
Bullitt Circuit Court, Judge Rodney D. Burress
Attorney for Appellant: David Duane Fuller
Attorneys for Appellee: Norman Richard Lemme, Patsey Ely Jacobs, Charles David Cole and Derrick Thomas Wright