

**SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR**

WEDNESDAY, FEBRUARY 12, 2014

NO ORAL ARGUMENT

THURSDAY, FEBRUARY 13, 2014

- 9:00 a.m. COMMONWEALTH OF KENTUCKY V. TERRELL (2012-SC-550-DG)**
[Appellant's Brief](#)
[Appellee's Brief](#)
"Criminal Law. Criminal Procedure. RCr 2.14. Sixth Amendment to the United States Constitution. *West v. Commonwealth*, 887 S.W.2d 338 (Ky. 1994). Issues include whether RCr 2.14 conflicts with the Sixth Amendment, the continued vitality of *West v. Commonwealth* and the proper interpretation and application of RCr 2.14(2)."
Discretionary Review granted 4/17/2013
Nicholas Circuit Court, Judge Jay Delaney
Attorney for Appellant: Heather Michelle Fryman
Attorney for Appellee: Katie L. Benward
- 10:00 a.m. ST. CLAIR V. COMMONWEALTH OF KENTUCKY (2011-SC-774-MR)**
[Appellant's Brief \(part 1\)](#)
[Appellant's Brief \(part 2\)](#)
[Appellee's Brief](#)
[Appellant's Reply Brief](#)
"Death Penalty"
Bullitt Circuit Court, Judge Geoffrey P. Morris
Attorneys for Appellant: Susan Jackson, Balliet, Samuel N. Potter and Robert Chung-Hua Yang
Attorneys for Appellee: William Robert Long, Jr.
- 11:00 a.m. BRANHAM, ETC. V. ROCK, M.D., ET AL. (2012-SC-707-DG)**
[Appellant's Brief](#)
[Appellees' Brief](#)
[Appellant's Reply Brief](#)
"Negligence. Medical Malpractice. Jury Instructions. Issues include the proper jury instructions in a case where the doctors' failure to diagnose the patient's injuries lead to the patient's death."
Discretionary Review granted 6/12/2013
Fayette Circuit Court, Judge Pamela Goodwine
Attorneys for Appellant: Stephen M. O'Brien III and Cory Michael Erdmann
Attorneys for Appellees: William Thro, Bradley A. Case, and Stephen Joseph Mattingly

FRIDAY, FEBRUARY 14, 2014

9:00 a.m. KENTUCKY UNINSURED EMPLOYERS' FUND V. HOSKINS, ET AL. (2012-SC-008-WC)

[Appellant's Brief](#)

[Appellee's Brief](#)

[Appellant's Reply Brief](#)

[Appellant's Petition for Rehearing](#)

[Appellee's Response to Petition for Rehearing](#)

"Workers' Compensation. Employee Leasing. Discovery Sanctions."

Attorney for Appellant: Dennis Stutsman

Attorneys for Appellees: Alan Steven Rubin, Barry Lewis, and

Terrance J. Janes

10:00 a.m. FRASER, M.D. V. MILLER (2012-SC-829-DG)

[Appellant's Brief](#)

[Appellee's Brief](#)

[Appellant's Reply Brief](#)

"Negligence. Medical Malpractice. Informed Consent. Expert Testimony.

Issues include: (1) whether an informed consent claim may arise from a doctor's failure to advise a patient of the potential risks of a therapeutic medication; and (2) under what circumstances is the plaintiff required to present expert testimony regarding the need for informed consent."

Discretionary Review granted 9/18/2013

Warren Circuit Court, Judge Steve Alan Wilson

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

Attorney for Appellee: Brian Lee Schuette

FRIDAY, FEBRUARY 14, 2014 (Continued)

11:00 a.m. KIRCHEIMER, ET AL. V. CARRIER, ET AL. (2012-SC-716-DG)

[Appellant's Brief](#)

[Appellee's Brief](#)

[Appellant's Reply Brief](#)

"Real Property. Dedication by Estoppel Involving Plat. Evidence. Issues include whether a road or street is dedicated by estoppel as a public roadway where there is no notation on the subdivision plat or deed of restrictions indicating that the road is private, or whether the court may consider other evidence including testimony regarding the intention of the subdivision dedicators."

Discretionary Review granted 8/21/2013

Breckinridge Circuit Court, Judge Robert A. Miller

Attorneys for Appellants: Donald Wesley Cottrell and Kenneth Clay Ratley

Attorneys for Appellees: John E. Spainhour, Jr. and Rachel Tomara Caudel