

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

WEDNESDAY, FEBRUARY 11, 2015

- 9:00 a.m. BRIDGETTE WRIGHT V. ECOLAB, INC., ET AL (2013-SC-000653-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Appellate Procedure. Issues involve whether a premature notice of appeal from an interlocutory decision not containing the necessary CR 54.02 recitations of finality can be salvaged by the "relation forward" rule or entry of a *nunc pro tunc* order adding the CR 54.02 recitations."
Discretionary Review granted 6/11/14
Kenton Circuit Court, Judge Patricia M. Summe
Attorneys for Appellant: James Walden Morgan, Jr. and Steven Russell Dowell
Attorneys for Appellees, ECOLAB, Inc., Medical Company, Inc. and OR Solutions, Inc.: Richard Simon Cleary, Griffin Terry Sumner and Kathleen Biggs Wright
Attorneys for Appellee, Russell A. Swigart: Jon Alig and Elizabeth A. Bellamy
- 10:00 a.m. MARY BANKER, ET AL V. UNIVERSITY OF LOUISVILLE ATHLETIC ASSOCIATION, INC. 2013-SC-000108-DG and UNIVERSITY OF LOUISVILLE ATHLETIC ASSOCIATION, INC. V. MARY BANKER, ET AL 2013-SC-000778-DG (Cross Motion)**
[APPELLANT/CROSS-APPELLEE BRIEF](#)
[APPELLEE/CROSS-APPELLANT BRIEF](#)
[REPLY BRIEF](#)
"Employment Law. Retaliatory Discharge. Issues involve the sufficiency of the evidence of causation or pretext to support the jury verdict for the discharged plaintiff."
Discretionary Review granted 11/13/2013 and 02/12/2014 (Cross Motion)
Jefferson Circuit Court, Judge Charles Louis Cunningham, Jr.
Attorneys for Appellants/Cross-Appellees: Bryan Michael Cassis
Attorneys for Appellee/Cross-Appellant: Craig Christman Dilger and Jeffrey August Calabrese
(Rescheduled from December 10, 2014)
- 11:00 a.m. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY V. LONNIE DALE RIGGS (2013-SC-000555-DG)**
[APPELLANT BRIEF](#)
[AMICUS CURIAE BRIEF](#)
[AMICUS CURIAE BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Contract. Automobile Insurance. Underinsured Motorist Coverage. Issues include whether an automobile insurance policy provision requiring underinsured motorist claims to be brought within the same time period as tort claims under the Motor Vehicle Reparations Act—two years from the date of the accident or last basic reparations payment, whichever is later—is valid and enforceable."
Discretionary Review granted 6/11/14
Hardin Circuit Court, Judge Ken Howard
Attorney for Appellant: David T. Klapheke
Attorney for Appellee: Timothy R. McCarthy

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

THURSDAY, FEBRUARY 12, 2015

- 9:00 a.m. RON CADLE, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF JANE CADLE, ET AL V. WILMA CORNETT, ET AL (2013-SC-000538-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF, W. CORNETT](#)
[APPELLEE BRIEF, ALLSTATE INSURANCE](#)
[REPLY BRIEF](#)
"Torts. Negligence. Causation. Superseding Cause. Issues include whether Kentucky's acceptance of the law of comparative fault has changed the effect of the doctrine of superseding cause, and if so, to what extent."
Discretionary Review granted 6/11/14
Jefferson Circuit Court, Judge James M. Shake
Attorneys for Appellants: Joseph Charles Klausning and Benjamin Joseph Weigel
Attorney for Appellee, Wilma Cornett: James Dilbeck, Jr.
Attorney for Appellee, Allstate Insurance Company: William Clifton Travis
- 10:00 a.m. JAMES KIDD V. COMMONWEALTH OF KENTUCKY (2013-SC-000608-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Criminal Law. Probation Revocation. KRS 439.3106. Issues involve 2012 violation of a 2009 guilty plea probation condition that the defendant move out of Kentucky for five years."
Discretionary Review granted 4/9/14
Lee Circuit Court, Judge Thomas P. Jones
Attorney for Appellant: Brandon Neil Jewell
Attorney for Appellee: James Coleman Shackelford
- 11:00 a.m. B.H., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY (2013-SC-000254-DG)**
[APPELLANT BRIEF](#)
[AMICUS CURIAE BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Criminal Law. Juvenile Law. Constitutional Law. Issues include whether KRS 510.140 is unconstitutional as applied when both the victim and the accused are under the age of consent and there is no proof of forcible compulsion, and whether KRS 531.335 may constitutionally be applied when both the accused and the victim are minors."
Discretionary Review granted 3/12/14
Woodford Circuit Court, Judge Robert G. Johnson
Attorney for Appellant: Jonathan Lee Wampler
Attorney for Appellee: Gregory C. Fuchs

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

FRIDAY, FEBRUARY 13, 2015

- 9:00 a.m. NOBE BAKER, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF JOANN BAKER, ET AL V. MAGNUM HUNTER PRODUCTION, INC. (2013-SC-00497-DG)**
[APPELLANT BRIEF](#)
[AMICUS CURIAE BRIEF, KENTUCKY OIL AND GAS](#)
[AMICUS CURIAE BRIEF, NATIONAL ASSOCIATION OF ROYALTY OWNERS](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Mineral Law. Oil and Gas. Issue is what is the correct definition in Kentucky law of "market value at the well" and what costs natural gas lessees may deduct when calculating the royalty to be paid to lessors."
Discretionary Review granted 6/11/14
Harlan Circuit Court, Judge James L. Bowling, Jr.
Attorneys for Appellants: George E. Stigger III and John C. Whitfield
Attorneys for Appellee: Anne Adams Chesnut, Harry Don Callicotte and Richard Clayton Larkin
- 10:00 a.m. APPALACHIAN LAND COMPANY V. EQT PRODUCTION COMPANY (2013-SC-000598-CL)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[AMICUS CURIAE BRIEF](#)
"Does Kentucky's "at-the-well" rule allow a natural gas producer to deduct all severance taxes paid at market prior to calculating a contractual royalty payment based on "the market price of gas at the well," or does the resource's at-the-well price include a proportionate share of the severance taxes owed such that a processor may deduct only that portion of the severance taxes attributable to the gathering, compression and treatment of the resource prior to calculating the appropriate royalty payment?"
Certification of Law granted 6/19/14
Federal Court, Judge Karen Nelson Moore
Attorneys for Appellant: George E. Stigger III, John C. Whitfield, and Deborah S. Hunt
Attorneys for Appellee: Gregory Lee Monge, Kimberly McCann, Keri E. Lucas and Christina Ditty Hajjar
(Justice Will T. Scott is recused)
- 11:00 a.m. DAVID MILAM V. COMMONWEALTH OF KENTUCKY (2013-SC-000681-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Criminal Law. Warrantless Search. Issues include whether a fraternity house should be treated as a private residence or as an apartment building or hotel for purposes of searches and seizures."
Discretionary Review granted 4/9/14
Fayette Circuit Court, Judge James D. Ishmael, Jr.
Attorneys for Appellant: Fred E. Peters and Rhey Denniston Mills
Attorney for Appellee: Kenneth Wayne Riggs