

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

WEDNESDAY, FEBRUARY 12, 2020

- 10:00 a.m. EDWARD ELDER V. KENTUCKY RETIREMENT SYSTEMS
2017-SC-000258-DG (CIVIL)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
Disability Retirement Benefits. Preexisting Conditions. Genetic Disorders. Issues include: (1) whether the disability claimant's genetic blood disorder predated his membership in the Kentucky Retirement Systems; and (2) whether KRS provided the disability claimant with sufficient opportunity to supplement his evidence with pre-employment medical records following KRS's order remanding the case to the hearing officer for further consideration in light of Kentucky Retirement Systems v. West, 413 S.W.3d 578 (Ky. 2013).
Discretionary Review Granted 4/11/19
Franklin Circuit Court, Judge Thomas Wingate
Attorney for Appellant: Donna Thornton-Green
Attorney for Appellee: Anne Caroline Bass
- 11:00 a.m. DEPARTMENT FOR COMMUNITY BASED SERVICES, CABINET FOR
HEALTH AND FAMILY SERVICES V. REBECCA BAKER
(2018-SC-000610-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
KRS 600.020(1)(h). Exercise of Custodial Control or Supervision of a Child. KRS 532.045. Person in a Position of Authority or Special Trust. The issue in this case is whether the Movant was a person defined by the statute as having custodial control or supervision of a child to justify an investigation and sanctions against her. In the alternative, was the Movant a person in a position of authority or special trust under KRS 532.045 sufficient to justify an investigation where another child is allegedly abusive to children under her care and/or supervision.
Discretionary Review granted 3/6/2019
McLean Circuit Court, Judge Brian Wiggins
Attorneys for Appellant: Kristina Abel Fulkerson, Matthew Kleinert, Mona Sabie Womack and Tiffany Lorraine Yahr
Attorney for Appellee: Daniel Joseph Sherman, Jr.

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

THURSDAY, FEBRUARY 13, 2020

- 9:00 a.m.** **SEILLER WATERMAN, LLC, ET AL. V. RLB PROPERTIES, LTD.
(2018-SC-000538-DG) AND RLB PROPERTIES, LTD. V. SEILLER WATERMAN,
LLC, ET AL. (2018-SC-000558-DG)**
[APPELLANT BRIEF](#)
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
Cause of Action. Professional Malpractice. Negligence. Statute of Limitations. Malice. Whether a negligence claim may be brought by a party to a prior lawsuit against the attorney for the opposing party when the suit was a frivolous claim and an unlawful lien was filed in favor of the opposing party. Whether the one-year statute of limitations for professional negligence is extended to five years when there is evidence of malice.
Discretionary Review granted 2/7/19
Jefferson Circuit Court, Judge Audra Jean Eckerle
Attorney for Seiller Waterman, LLC, Pamela M. Greenwell, Gordon C. Rose and Paul J. Hershberg: James Patrick Grohmann
Attorneys for RLB Properties, LTD: David Bradley Mour and Joshua D. Farley
- 10:00 a.m.** **JASSICA SNEED V. UNIVERSITY OF LOUISVILLE HOSPITAL, ET AL.
(2019-SC-000048-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
Medical Malpractice. Summary Judgment. Statute of Limitations. Continuous Treatment Rule. Ostensible Agency. The issue is whether the “continuous treatment” rule tolls the statute of limitations only for the period of treatment by the physician who was allegedly negligent, or whether it may be extended for the period of treatment by other physicians in the same practice group as the allegedly negligent physician. A second issue is whether the trial court erred in concluding that the allegedly negligent treating physicians were not ostensible agents of the hospital.
Discretionary Review granted 4/11/2019
Jefferson Circuit Court, Judge Judith E. McDonald-Burkman
Attorney for Appellant: Nader George Shunnarah
Attorneys for Appellees: Daniel Garland Brown, David Bryan Gazak and Madeline Moss

11:00 a.m. **SEAN M. MAGUIRE, M.D. V. JAMES WILLIAM CROOK**
(2018-SC-000290-DG)

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

Emotional Distress Damages. Issues involve whether expert medical testimony is required to present a jury question of entitlement to emotional distress damages for a “stand-alone” claim of statutory violation addressed in KRS 411.120, specifically alleging victimization of identity theft proscribed by KRS 514.160.

Discretionary Review granted 10/25/2018

Hopkins Circuit Court, Judge Brian Wiggins

Attorneys for Appellant: John Wm (Bill) Graves, Thomas Lee Osborne, Ronald Sheffer, Joseph Philip Mankovich and Jackie Clowers

Attorneys for Appellee: Kevin Crosby Burke, J Todd P’Pool, Jamie Kristin Neal and Karey Lenee’ Roy

NICKELL, J., NOT SITTING.