

**SUPREME COURT OF KENTUCKY  
ORAL ARGUMENT CALENDAR**

**WEDNESDAY, JUNE 11, 2014**

- 9:00 a.m. HUGHES V. COMMONWEALTH OF KENTUCKY (2013-SC-291-DG)**  
[Appellant's Brief](#)  
[Appellee's Brief](#)  
[Appellant's Reply Brief](#)  
"Criminal Law. Second-Degree Rape-10 years. Issues include whether a defendant has the burden to prove his lack of knowledge of a victim's incapacity to consent, the defense included in KRS 510.030."  
Discretionary Review granted 11/13/2013  
Crittenden Circuit Court, Judge C. Rene Williams  
Attorney for Appellant: V. Gene Lewter  
Attorney for Appellee: Perry Thomas Ryan
- 10:00 a.m. TOLER V. SUD-CHEMIE, INC., ET AL. (2013-SC-002-DG) AND SUD-CHEMIE, INC. V. TOLER (2013-SC-007-DG)**  
[Appellant's Brief](#) (2013-SC-002-DG)  
[Appellees' Brief](#)  
[Appellant's Reply Brief](#)  
[Appellant's Brief](#) (2013-SC-007-DG)  
[Appellee's Brief](#)  
[Appellant's Reply Brief](#)  
"Employment Law. Defamation. Qualified Privilege. Issues include whether an employee's testimony that his co-workers' defamatory allegations are false is sufficient to create a jury question on abuse of the qualified privilege."  
Discretionary Review granted 10/16/2013  
Jefferson Circuit Court, Judge Judith E. McDonald-Burkman  
Attorney for Appellant Toler: Philip Clyde Kimball  
Attorneys for Appellees Sud-Chemie, Inc., Et Al.: Oliver Barrett Rutherford, James U. Smith, III and Robert Matthew Colone  
Attorney for Appellant Sud-Chemie, Inc.: Oliver Barrett Rutherford and James U. Smith, III  
Attorney for Appellee Toler: Philip Clyde Kimball
- 11:00 a.m. PARKER V. COMMONWEALTH OF KENTUCKY (2011-SC-662-DG)**  
[Appellant's Brief](#)  
[Appellee's Brief](#)  
[Appellant's Reply Brief](#)  
"Criminal Law. Evidence Law. Issues include how the decision in *Davis v. U.S.*, 131 S.Ct. 2419 (2011) applies to a motion to suppress evidence found during a vehicle search conducted pursuant to a defendant's arrest."  
Discretionary Review granted 11/13/2013  
Jefferson Circuit Court, Judge Mary M. Shaw  
Attorneys for Appellant: Bruce P. Hackett and Daniel T. Goyette  
Attorney for Appellee: Dorislee J. Gilbert

SUPREME COURT OF KENTUCKY  
ORAL ARGUMENT CALENDAR

THURSDAY, JUNE 12, 2014

9:00 a.m.    **NO ORAL ARGUMENT**

10:00 a.m.    **LORETTA SARGENT V. DR. WILLIAM SHAFFER, M.D. (2013-SC-111-DG)**

[Appellant's Brief](#)

[Appellee's Brief](#)

[Appellant's Reply Brief](#)

"Evidence Law. Jury Instructions. Medical Malpractice. Informed Consent. KRS 304.40-320(2). Issue is whether a jury instruction on informed consent in a medical negligence action must contain the duty enumerated in KRS 304.40-320(2)."

Discretionary Review granted 12/11/2013

Fayette Circuit Court, Judge Pamela Goodwine

Attorney for Appellant: Joe C. Savage

Attorneys for Appellee: Bradley A. Case and Stephen Joseph Mattingly

11:00 a.m.    **Q.M., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY (2013-SC-210-DG)**

[Appellant's Brief](#)

[Appellee's Brief](#)

[Appellant's Reply Brief](#)

"*Juvenile Law*. Informal Adjustment. Issues include what are the proper steps a district court must undertake when giving a juvenile an informal adjustment; and whether a juvenile is entitled to certain due process rights when a court revokes an informal adjustment?"

Discretionary Review granted 10/16/2013

Christian Circuit Court, Judge John L. Atkins

Attorney for Appellant: Renee Sara Vandenwallbake

Attorneys for Appellee: Patricia Lynn Pryor and Jeanne Deborah Anderson

**(Note: Justice Keller is recused.)**

FRIDAY, JUNE 13, 2014

**NO ORAL ARGUMENTS**