

**SUPREME COURT OF KENTUCKY**  
**ORAL ARGUMENT CALENDAR**

**TO:** Justices and Court Staff  
**FROM:** Chief Justice John D. Minton, Jr.  
**DATE:** February 9, 2011

**WEDNESDAY, MARCH 16, 2011**

**9:00 a.m. NO ORAL ARGUMENT SCHEDULED**

**10:00 a.m. JONES V. COMMONWEALTH OF KENTUCKY (2009-SC-221-MR)**  
"Murder – guilty, but mentally ill—25 year sentence—'No duty to retreat'  
instruction given pursuant to KRS 503.055(3)."  
Carlisle Circuit Court, Judge Timothy A. Langford  
For Movant: Erin Hoffman Yang  
For Respondent: Jason Bradley Moore

**11:00 a.m. ST. LUKE HOSPITAL, INC., ET AL. V. STRAUB (2009-SC-027-DG)**  
"Violation of State Due Process Rights. Statute of Limitations. Issue preclusion.  
Torts. Issues include: 1. whether KRS 446.070 creates a cause of action for a  
violation of state constitutional rights; 2. whether federal litigation in a §1983  
action precludes state litigation; 3. whether the statute of limitations was  
observed; 4. whether KRS 413.270 applies; 5. whether the trial court erred by  
failing to answer jury questions during deliberations; 6. whether the trial court  
incorrectly admitted evidence of the plaintiffs prior drug and profanity use, and  
7. whether the plaintiff is entitled to punitive damages."  
Discretionary Review granted 8/18/2010  
Campbell Circuit Court, Judge Fred A. Stine, V  
For Movant: Scott M. Powers  
For Respondent: Michael Jay O'Hara and Mary Suzanne Cassidy

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**THURSDAY, MARCH 17, 2011**

**9:00 a.m. NO ORAL ARGUMENT SCHEDULED**

**10:00 a.m. THE DREAMERS, LLC., ET AL. V. DON'S LUMBER & HARDWARE, INC. (2010-SC-227-DG)**

"Materialman's Lien. Appellate Procedure. The issue is whether an appeal is properly dismissed when the defendant pays in full the amount owed under the final judgment instead of getting a supersedeas bond."

Discretionary Review granted 10/13/2010

Hardin Circuit Court, Judge Charles C. Simms

For Movant: Robert C. Bishop

For Respondent: Jerry M. Coleman and Ryan Foster Quick

**11:00 a.m. ---CANCELLED---LAPOINTE, ETC., ET AL. V. HAWES (2010-SC-033-DG)**

"Immunity. Criminal Law. Civil Law. The issues include: 1. is a criminal trial court's finding a defendant is entitled to immunity under KRS 503.085 binding on the civil trial judge, and 2. if the appellate court decides the criminal judge was wrong, can the court reverse in the appeal of the civil case wherein the civil judge adopted the criminal judge's findings and reasonings?"

Discretionary Review granted 9/15/2010

Spencer Circuit Court, Judge Thomas McDonald

For Movant: Thomas B. Givhan, John E. Spainhour, Jr., and Michael Egan Krauser

For Respondent: Robert Kenyon Meyer and Stephen Daniel Thompson

**FRIDAY, MARCH 18, 2011**

**NO ORAL ARGUMENTS**