

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

WEDNESDAY, MARCH 13, 2013

- 9:00 a.m. UNITED BROTHERHOOD OF CARPENTERS V. BIRCHWOOD CONSERVANCY, ETC., ET AL. (2011-SC-659-DG)**
[Appellant's Brief](#)
[Appellees' Brief](#)
"Contract Law. Civil Procedure. Unincorporated Associations. Issues include whether an unincorporated union properly asserted the defense of lack of capacity to be sued and whether the plaintiffs identified an adequate representative of the union to maintain a class action suit."
Discretionary Review granted 8/15/2012
Scott Circuit Court, Judge Paul F. Isaacs
Attorneys for Appellant: William E. Johnson, Paul Terry Berkowitz and Samuel Ryan Newcomb
Attorney for Appellees: Thomas Bruce Simpson, Jr.
- 10:00 a.m. COMMONWEALTH OF KENTUCKY V. JONES (2012-SC-144-DG)**
[Appellant's Brief](#)
[Appellee's Brief](#)
[Appellant's Reply Brief](#)
[Amicus Curiae Brief](#)
"Criminal Law. Expungements. Issues involve the propriety of expungement of a completed felony sentence for a 1992 conviction voided in 2010 under KRS 218A.275."
Discretionary Review granted 9/12/2012
Jefferson Circuit Court, Judge Mary M. Shaw
Attorney for Appellant: Dorislee J. Gilbert
Attorneys for Appellee: Jeffrey Skora and Tricia Frances Lister
- 11:00 a.m. KENTUCKY BAR ASSOCIATION V. ROBERTS (2012-SC-266-KB)**
[Movant's Brief](#)
[Respondent's Brief](#)
[Respondent's Brief 2](#)
"Attorney Discipline"
Attorney for Movant: Jane Hampton Herrick
Attorney for Appellee: Lee Huddleston
Chief Justice Minton and Justice Schroder are recused.
Special Justices J. Christopher Hopgood and Dennis A. Reppening sitting.

THURSDAY, MARCH 14, 2013

- 9:00 a.m. **COMPREHENSIVE HOME HEALTH SERVICES, INC., ETC. V. PROFESSIONAL HOME HEALTH CARE AGENCY, INC., ET AL. (2012-SC-090-DG)****
[Appellant's Brief](#)
[Appellee's Brief](#)
[Appellee's Brief 2](#)
[Appellant's Reply Brief](#)
"Administrative Law. Health Care Providers. Certificate of Need. Issues include whether the State Health Plan (SHP) figures applicable on remand are the current SHP figures or the SHP figures in effect at the time of the agency's original decision."
Discretionary Review granted 9/12/2012
Franklin Circuit Court, Judge Thomas D. Wingate
Attorneys for Appellant: Marian J. Hayden and Holly Turner Curry
Attorneys for Appellees: Carole Douglas Christian and Ann T. Hunsaker
- 10:00 a.m. **BAPTIST PHYSICIANS LEXINGTON, INC., ET AL. V. THE NEW LEXINGTON CLINIC, P.S.C. (2012-SC-242-DG)****
[Appellants' Brief](#)
[Appellee's Brief](#)
[Appellants' Reply Brief](#)
"Corporate Law. Duty of Loyalty. KRS 271B.8-300. Issues include whether KRS 271B.8-300 abrogates the common law in cases where a corporate director sets up a competing enterprise."
Discretionary Review granted 10/17/2012
Fayette Circuit Court, Judge Kimberly N. Bunnell
Attorneys for Appellants: Winifred Bryant Becker, Anne Adams Chesnut, Theodore R. Martin, Gregg E. Thornton, Licha Hannah Farah, Jr., Ashley Kristen Brown, Benjamin Kessinger III and Adrian M. Mendiondo
Attorneys for Appellee: Thomas W. Miller and David Thomas Faughn
- 11:00 a.m. **McFELIA V. McFELIA (2011-SC-610-DG)****
[Appellant's Brief](#)
[Appellee's Brief](#)
[Appellant's Reply Brief](#)
"Family Law. Child Support. Issues include whether child custody time sharing agreements should be considered as part of calculating an individual's child support contribution."
Discretionary Review granted 8/15/2012
LaRue Circuit Court, Judge John David Seay
Attorney for Appellant: Jason P. Floyd
Attorney for Appellee: Caleb Tyler Bland

FRIDAY, MARCH 15, 2013

NO ORAL ARGUMENTS