

**SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR**

WEDNESDAY, MARCH 25, 2015

- 9:00 a.m. TAMMY DILLARD V. COMMONWEALTH OF KENTUCKY
(2013-SC-000425-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Failure of owner to maintain required insurance. KRS 304.39-080. Conditional Guilty Plea. Restitution. Appeal."
Discretionary Review granted 6/11/14
Jefferson Circuit Court, Judge Frederic J. Cowan
Attorneys for Appellant: Daniel T. Goyette and Bruce P. Hackett
Attorneys for Appellee: Michael J. O'Connell and David A. Sexton
- 10:00 a.m. SHEILA PATTON, AS ADMINISTRATRIX OF THE ESTATE OF STEPHEN LAWRENCE PATTON V. DAVIDA BICKFORD, ET AL (2013-SC-000560-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Torts. Negligence. Causation. Qualified Immunity. Issues include whether summary judgment was properly granted based on qualified immunity of school officials and whether suicide is a superseding cause which extinguishes tort liability."
Discretionary Review granted 6/11/14
Floyd Circuit Court, Judge John David Caudill
Attorneys for Appellant: Vanessa B. Cantley and Megan Reese U'Sellis
Attorneys for Bickford, Fanning and Fentress: Michael J. Schmitt and Jonathan C. Shaw
Attorneys for Hall, Mullins, Handshoe and Nichols: Neal Smith and Todd P. Kennedy
- 11:00 a.m. SHERMAN KEYSOR V. COMMONWEALTH OF KENTUCKY
(2013-SC-000531-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Criminal Law. Police Questioning of a Defendant Represented by Counsel on Other Charges. Issues involve the impact of *Montejo v. Louisiana*, 556 U.S. 778 (2009) (overruling *Michigan v. Jackson*, 475 U.S. 625 (1986)) upon Kentucky cases dating back to *Linehan v. Commonwealth*, 878 S.W.2d 8 (Ky. 1994)."
Discretionary Review granted 4/9/14
Graves Circuit Court, Judge Timothy C. Stark
Attorney for Appellant: Erin Hoffman Yang
Attorneys for Appellee: William Bryan Jones and Leilani K.M. Martin

**SUPREME COURT OF KENTUCKY
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THURSDAY, MARCH 26, 2015

- 9:00 a.m. COMMONWEALTH OF KENTUCKY V. ADRIAN PARRISH
(2013-SC-000830-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
"Criminal Law. Evidence. KRS 189A.104. Brady v. Maryland, 373 U.S. 83 (1963). Issues include whether a police officer's failure to preserve evidence of the results of a Preliminary Breath Test (PBT) constituted a Brady violation, and the admissibility of a PBT below .08 as exculpatory evidence."
Discretionary Review granted 9/10/14
Jessamine Circuit Court, Judge C. Hunter Daugherty
Attorney for Appellant: Anna Marie Roberts-Smith
Attorney for Appellee: David W. Thomas
- 10:00 a.m. COMMONWEALTH OF KENTUCKY V. CHRISTOPHER DUNCAN
(2013-SC-000742-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Criminal Law. DUI. Issues include whether a police officer violated a DUI suspect's Fourth Amendment rights when he only offered to give him a blood test to detect alcohol in his blood stream after he failed a series of field sobriety tests."
Discretionary Review granted 4/9/14
Webster Circuit Court, Judge C. Rene Williams
Attorney for Appellant: Jeffrey Allan Cross
Attorney for Appellee: Amealia R. Zachary
- 11:00 a.m. PURDUE PHARMA, L.P., INDIVIDUALLY, ET AL V. HON. STEVEN D. COMBS,
JUDGE, PIKE CIRCUIT COURT, ET AL
(2014-SC-000168-MR)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Writ of Prohibition. Discovery. Requests for Admissions deemed to be admitted."
Pike Circuit Court, Judge Steven D. Combs
Attorneys for Appellants: John M. Famularo, James E. Keller, Pamela T. May, Daniel Ernest Danford and Trevor Wayne Wells
Attorneys for Commonwealth of Kentucky: Michael Edward Brooks, C. David Johnstone, Wesley Warden Duke, Mitchel Terence Denham, Leeanne Edmonds Applegate, Steven Travis Mayo, Sean James Riley, Clay Anthony Barkley, Donald Lee Smith, Jr., and Robyn Renee Bender

**SUPREME COURT OF KENTUCKY
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FRIDAY, MARCH 27, 2015

- 9:00 a.m. JAMES OVERSTREET, ADMINISTRATOR OF THE ESTATE OF LULA BELLE GORDON, DECEASED V. KINDRED NURSING CENTERS LIMITED PARTNERSHIP, D/B/A HARRODSBURG HEALTH CARE CENTER, ET AL (2013-SC-000620-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Limitation of Actions. KRS 216.515. Issues include whether KRS 216.515 created a new cause of action or whether the cause of action was one for personal injury, and whether the statute of limitations for personal injury or for a newly established statutory action applies."
Discretionary Review granted 8/13/14
Mercer Circuit Court, Judge Darren Peckler
Attorneys for Appellant: Robert Earl Salyer and Corey Tomas Fannin
Attorneys for Appellees: Donald Lee Miller, II, Kristin M. Lomond, and James Peter Cassidy, III
- 10:00 a.m. NORTON HEALTHCARE, INC. V. LUAL A. DENG, FORMERLY JACOB L. AKER (2013-SC-000526-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Employment Law. Discrimination. Retaliation. Issues include whether summary judgment was properly granted dismissing a retaliation claim, whether certain statements were made during settlement negotiations and whether the claimant established that it would have been futile for him to apply or re-apply for employment."
Discretionary Review granted 6/11/14
Jefferson Circuit Court, Judge Audra Jean Eckerle
Attorneys for Appellant: Donna K. Perry, Jeremy Stuart Rogers, and Alina Klimkina
Attorney for Appellee: Everett Clay Hoffman
- 11:00 a.m. WAGNER'S PHARMACY, INC. V. MELISSA K. PENNINGTON (2013-SC-000541-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
"Kentucky Civil Rights Act. KRS 344.040. Disability Discrimination. Issues include whether, under the KCRA, a claimant alleging disability discrimination based on morbid obesity required to prove that his or her condition is attributable to an underlying physiology."
Discretionary Review granted 8/13/14
Jefferson Circuit Court, Judge Susan Schultz Gibson
Attorney for Appellant: Brian Edward Clare
Attorney for Appellee: Philip Clyde Kimball