

**SUPREME COURT OF KENTUCKY**

**ORAL ARGUMENT CALENDAR**

**WEDNESDAY, MARCH 15, 2017**

- 9:00 a.m. **MAJESTIC OAKS HOMEOWNERS ASSOCIATION, INC. V. MAJESTIC OAKS FARMS, INC., ET AL. (2016-SC-000213-DG)**  
[APPELLANT BRIEF](#)  
[APPELLEE BRIEF](#) - JOSEPH D. O'BRIEN, JR. AND ASHLYN P. O'BRIEN  
[APPELLEE BRIEF](#) - MAJESTIC OAKS FARMS, INC.  
[REPLY BRIEF](#)  
"Easements. Expiration of easement. The issue in this case is whether the original roadway easement given to the developer of property was extinguished automatically after conveyance of developer's lots and after conveyance of the common areas to the homeowners' association, such that the developer was denied access to another property owned by the developer via roadways in the original development."  
Discretionary Review granted 8/17/2016  
Shelby Circuit Court, Judge Charles R. Hickman  
Attorneys for Appellant: William M. Lear, Jr., John C. Robinson, Brad Keeton and Matthew Kuhn  
Attorneys for Joseph and Ashlyn O'Brien: John B. Baughman and Austin Hays  
Attorney for Majestic Oaks Farms, Inc.: Paul Anton Zimlich  
(Justice VanMeter recused)
- 10:00 a.m. **GREGORY TRAFF V. COMMONWEALTH OF KENTUCKY (2015-SC-000470-DG)**  
[APPELLANT BRIEF](#)  
[APPELLEE BRIEF](#)  
"Criminal Law. 4th Amendment. Traffic Stop. License Plate Reader. Issues include whether the police have reasonable suspicion to conduct a traffic stop based solely on a license plate reader alert indicating that the owner of a vehicle has a pending warrant."  
Discretionary Review granted 6/8/2016  
Boone Circuit Court, Judge Anthony Frohlich  
Attorney for Appellant: Steven Joseph Megerle  
Attorney for Appellee: Jennifer Kathleen Wright-Hatfield  
(Justice VanMeter recused)

**THURSDAY, MARCH 16, 2017**

- 9:00 a.m. **STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY V. RONIESHA ADAMS, F/K/A RONIESHA SANDERS, ET AL. (2015-SC-000366-DG)**  
[APPELLANT BRIEF](#)  
[APPELLEE BRIEF](#)

[REPLY BRIEF](#)  
[AMICUS CURIAE BRIEF](#)

"Auto Accidents. Insurance. MVRA. Examination Under Oath. Issues include whether an injured passenger is obligated to comply with a driver's insurance policy provision requiring an examination under oath as a prerequisite to uninsured motorist or basic reparations benefits."

Discretionary Review granted 4/27/2016

Jefferson Circuit Court, Judge Mitch Perry

Attorneys for Appellant: Raymond G. Smith, Richard W. Edwards, Jared Lee Downs, and John Lott Hardesty

Attorney for Appellees: Aaron Michael Murphy

**(RESCHEDULED FROM FEBRUARY 9, 2017)**

**10:00 a.m. LARRY LAMONT WHITE V. COMMONWEALTH OF KENTUCKY  
(2014-SC-000725-MR)**

[APPELLANT BRIEF](#)  
[APPELLANT SUPPLEMENTAL BRIEF](#)  
[APPELLEE BRIEF](#)  
[REPLY BRIEF](#)

"Murder and rape. Death Penalty."

Jefferson Circuit Court, Judge James M. Shake

Attorneys for Appellant: Susan Jackson Balliet and Erin Hoffman Yang

Attorneys for Appellee: Jeffrey Allan Cross and Emily Lucas

**FRIDAY, MARCH 17, 2017**

**9:00 a.m. JOHN ADAMS, M.D., ET AL. V. MARK SIETSEMA (2015-SC-000483-DG)**

[APPELLANT BRIEF](#)  
[APPELLEE BRIEF](#)  
[REPLY BRIEF](#)

"Negligence. Medical Malpractice. Jail Healthcare. Expert Testimony. Issues include whether an inmate who claims that the jail's medical director and nurse practitioner caused his illness to become life threatening by inadequately supervising and communicating with the jail's nursing staff was required to present expert testimony to establish the standard of care for jail medical staff."

Discretionary Review granted 8/17/2016

Hardin Circuit Court, Judge Kelly M. Easton

Attorneys for Appellants: Daniel Garland Brown and Robert Joseph Shilts

Attorneys for Appellee: Gregory Allen Belzley and Daniel Jay Canon

**10:00 a.m. SUPERIOR STEEL, INC., ET AL. V. THE ASCENT AT ROEBLING'S BRIDGE, LLC.,  
ET AL. (2015-SC-000204-DG)**

[APPELLANT BRIEF](#)  
[APPELLEE BRIEF](#)  
[REPLY BRIEF](#)  
[REPLY BRIEF](#)

[AMICUS CURIAE](#) - THE AMERICAN INSTITUTE OF STEEL CONSTRUCTION

**AMICUS CURIAE - THE AMERICAN SUBCONTRACTORS ASSOCIATION**

"Contracts. Unjust Enrichment. Implied Contract. Attorney Fees. The issues are (1) whether a project owner who directs that extra work be performed on the project, and where the owner receives the benefit of that extra work, may a subcontractor, who performed the extra work but does not have a contract with the owner recover on a claim for the cost of the extra work under the theory of unjust enrichment; (2) whether the subcontractor may recover against the general contractor for the extra work performed on the theory of implied contract as a matter of law; (3) whether the Court of Appeals erred in vacating a judgment in favor of the subcontractor on its contract claim with the general contractor for the extra work performed; and (4) whether the subcontractor who had no contract with the owner or the general contractor is entitled to attorney fees."

Discretionary Review granted 10/21/2015

**DUGAN & MEYERS CONSTRUCTION COMPANY V. THE ASCENT AT ROEBLING'S BRIDGE, LLC, ET AL. (2015-SC-000635-DG) AND THE ASCENT AT ROEBLING'S BRIDGE, LLC, ET AL. V. SUPERIOR STEEL, INC., ET AL. (2015-SC-000636-DG)**

**APPELLEE BRIEF - THE ASCENT, ETC., ET AL.**

**REPLY BRIEF - DUGAN & MEYERS**

**APPELLEE BRIEF - THE ASCENT, ETC., ET AL.**

**REPLY BRIEF - THE ASCENT, ETC., ET AL.**

"Contracts. Indemnity. Extra Work. Attorney Fees. Unjust Enrichment. Jury Instructions. These cross-motions for discretionary review seek review of those portions of the Court of Appeals' decision which granted the general contractor indemnity against the owner and construction manager, and their insurer for amounts owed by the general contractor to the subcontractors for extra work performed and for attorney fees awarded. In addition, review is sought of the Court of Appeals' decision which vacated the jury verdict and judgment in favor of the construction manager against the general contractor. Review is also sought of the jury instructions under which the trial court found unjust enrichment against the owner of the property."

Discretionary Review Granted 4/27/2016

Kenton Circuit Court, Judge Gregory M. Bartlett

Attorneys for Superior Steel and Ben Hur Construction: Griffin Terry Sumner, John Kendrick Wells, IV and Donald Scott Gurney

Attorneys for The Ascent at Roebling's Bridge, LLC: Mark T. Hayden and John Nalbandian

Attorney for Corporex Development & Construction Management, LLC and Westchester Fire Insurance Company: Mark T. Hayden

Attorneys for Dugan & Meyers Construction Company: Thomas J. Kirkwood, Kimberly Ellen Ramundo and Heather Hawkins