

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

WEDNESDAY, MARCH 14, 2018

10:00 a.m. LETTIE SEXTON, BY AND THROUGH HER AUTHORIZED REPRESENTATIVE, APPALACHIAN REGIONAL HEALTHCARE, INC. V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. (2016-SC-0540-DG); COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, DEPARTMENT FOR MEDICAID SERVICES V. LETTIE SEXTON, BY AND THROUGH HER AUTHORIZED REPRESENTATIVE, APPALACHIAN REGIONAL HEALTHCARE, INC., ET AL. (2016-SC-0529-DG); COVENTRY HEALTH AND LIFE INSURANCE COMPANY V. LETTIE SEXTON, BY AND THROUGH HER AUTHORIZED REPRESENTATIVE, APPALACHIAN REGIONAL HEALTHCARE, INC., ET AL. (2016-SC-0534-DG) AND COVENTRY HEALTH AND LIFE INSURANCE COMPANY V. LETTIE SEXTON, BY AND THROUGH HER AUTHORIZED REPRESENTATIVE, APPALACHIAN REGIONAL HEALTHCARE, INC. (2017-SC-000095-DG)

[APPELLANT BRIEF 2016-SC-0540](#)

[APPELLEE BRIEF 2016-SC-0540](#)

[APPELLEE BRIEF 2016-SC-0540](#)

[REPLY BRIEF 2016-SC-0540](#)

[APPELLEE BRIEF 2017-SC-0095](#)

[REPLY BRIEF 2017-SC-0095](#)

[REPLY BRIEF 2017-SC-0095](#)

[APPELLANT BRIEF 2016-SC-0529](#)

[APPELLEE BRIEF 2016-SC-0529](#)

[APPELLEE BRIEF 2016-SC-0529](#)

[REPLY BRIEF 2016-SC-0529](#)

[APPELLANT BRIEF 2016-SC-0534](#)

[APPELLEE BRIEF 2016-SC-0534](#)

[REPLY BRIEF 2016-SC-0534](#)

"Medicaid. Denial of benefits. Appeals. Waiver of Sovereign Immunity. KRS 13B.140. KRS 45A.245. Issues include (1) whether a Medicaid recipient has standing to challenge a denial of benefits; (2) and if so, whether the venue should be determined by the residence of the properly designated real party in interest, the medical provider of services seeking the reimbursement; (3) and if not, what is the reason for KRS 13B.140, which allows an appeal from the final orders of an administrative agency such as the Dept. of Medicaid Services; (4) what is the reason for KRS 45A.245, which permits any person or corporation who has contracted with the Commonwealth to bring an action for breach of contract, or for enforcement, or both; and (5) which statute applies in this instance, since venue shall be determined by whichever statute applies."

Discretionary Review granted 2/9/2017 and 4/19/2017

Harlan Circuit Court, Judge Kent Hendrickson

Attorneys for Lettie Sexton, etc.: Virginia Hamilton Snell, Carole Douglas Christian and Amanda Warford Edge
Attorney for Commonwealth of Kentucky, Cabinet for Health and Family Services: Catherine Elaine York
Attorneys for Coventry Health and Life Insurance, etc.: Joyce Ann Merritt, Samantha Nance, Miguel Estrada and Lucas C. Townsend

THURSDAY, MARCH 15, 2018

- 9:00 a.m. COREY M. JETER V. COMMONWEALTH OF KENTUCKY (2017-SC-0232-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Criminal Law. Bond Increase Post-Indictment. Application of Bail Credit. The primary issue is whether the trial court may increase pretrial bond set in district court when only difference in circumstances is that the defendant has been indicted by the grand jury since bond was set."
Discretionary Review granted 8/16/2017
Jefferson Circuit Court, Judge A. C. McKay Chauvin
Attorneys for Appellant: Daniel T. Goyette, Cicely Jaracz Lambert and Adam Braunbeck
Attorney for Appellee: Dorislee J. Gilbert
- 10:00 a.m. DEPARTMENT OF REVENUE, FINANCE AND ADMINISTRATION CABINET V. MARK F. SOMMER, ET AL. (2017-SC-0071-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
[AMICUS CURIAE BRIEF](#)
"Open Records. Issues involve the interplay between provisions of the KRS 131 Taxpayer Bill of Rights and Open Records Act exclusion KRS 61.878(1)(l) regarding Department of Revenue rulings not appealed to the Kentucky Board of Tax Appeals."
Discretionary Review granted 8/16/2017
Franklin Circuit Court, Judge Phillip J. Shepherd
Attorneys for Appellant: Stephen Gerard Dickerson and Katherine Jane Fitzpatrick
Attorneys for Appellees: Jennifer Yue Barber and Cornish Hitchcock
(VanMeter, J., not sitting.)

11:00 a.m. **BIG SANDY COMPANY, LP V. EQT GATHERING, LLC, ET AL.**
(2016-SC-0561-DG)

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

"Contract. Oil Pipeline Easement. Issues include whether the pipeline easement agreement between the parties applies to the portion of the pipeline that EQT constructed before the agreement was signed."

Discretionary Review granted 8/16/2017

Pike Circuit Court, Judge Eddy Coleman

Attorneys for Appellant: Grahmn New Morgan, David Baird and Adrienne Strong

Attorneys for Appellees: John Kevin West and Candace Smith

(Wright, J., not sitting.)