

**SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR**

WEDNESDAY, MAY 15, 2013

- 9:00 a.m. RATLIFF, ETC. V. MERCK & COMPANY, INC. (2012-SC-162-DG)**
[Appellants' Brief](#)
[Appellee's Brief](#)
[Appellants' Reply Brief](#)
[Amicus Curiae Brief](#)
"Civil Procedure. Class Actions. CR 23.06. Issues include the requirements for certification of a class pursuant to CR 23.06 and whether Kentucky should adopt the "fraud on the market" theory in non-securities cases."
Discretionary Review granted 11/14/2012
Pike Circuit Court, Judge Steven D. Combs
Attorneys for Appellant: Richard A. Getty and Jessica K. Case
Attorneys for Appellee: Susan J. Pope, Jessica Miller and John H. Beisner
- 10:00 a.m. MASTERS V. MASTERS (2012-SC-420-DGE)**
[Appellant's Brief](#)
[Appellee's Brief](#)
[Appellant's Reply Brief](#)
"Domestic Relations. Child Custody Modification. KRS 403.340 and .350. Issues involve whether the statutory "two affidavit" requirement, if applicable in this case, prevents a trial court from acquiring subject matter jurisdiction over a motion to modify custody."
Discretionary Review granted 10/17/2012
Madison Circuit Court, Judge Douglas Bruce Petrie
Attorney for Appellant: Rebecca Novak Ashman
Attorney for Appellee: Crystal L. Osborne
- 11:00 a.m. J P MORGAN CHASE BANK, N.A. V. BLUEGRASS POWERBOATS, ET AL. (2011-SC-668-DG)**
[Appellant's Brief](#)
[Appellees' Brief](#)
[Appellant's Reply Brief](#)
"Arbitration. Issues include whether a trial court, having stayed a civil action and ordered arbitration, retains authority to vacate that order after the arbitrator has dismissed the claim "with prejudice."
Discretionary Review granted 4/18/2012
Jessamine Circuit Court, Judge C. Hunter Daugherty
Attorneys for Appellant: Dustin Elizabeth Meek and Katherine Ellen McKune
Attorney for Appellees: F. J. Anderson
Justice Scott is recused.
(Rescheduled from February 13, 2013)

THURSDAY and FRIDAY, MAY 16-17, 2013 - NO ORAL ARGUMENTS