

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

WEDNESDAY, MAY 6, 2015

- 9:00 a.m. JEFFREY PETTINGILL V. SARA YOUNT PETTINGILL (2014-SC-000456-DGE)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Domestic Violence. Appellate Procedure. Issues involve the use of "lethality factors" in a domestic violence determination and the interplay between CR 75.07(4) and CR 98 when the trial videotape is omitted from the record on appeal."
Discretionary Review granted 10/15/2014
Jefferson Circuit Court, Judge Jerry J. Bowles
Attorney for Appellant: William David Tingley
Attorneys for Appellee: Dina Abby Bartlett and Bryan Daniel Gatewood
- 10:00 a.m. RUTH ANN SADLER V. BARBARA LOIS VAN BUSKIRK (2013-SC-000809-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Family Law. Property Settlement Agreements. Retirement Accounts. Issues include whether the property settlement agreement provision stating that the ex-wife disclaimed her interest in the retirement account owned by the ex-husband was sufficient to rescind the form he filed with the investment company during the marriage naming her as beneficiary upon his death."
Discretionary Review granted 9/10/2014
Fayette Circuit Court, Judge Jo Ann Wise
Attorneys for Appellant: Thomas W. Miller, Greg Arnold Hunter, Michelle Lynn Hurley and Anna Leisa Dominick
Attorneys for Appellee: Amy E. Dougherty, Carolyn L. Kenton and Mary C. E. Patton
- 11:00 a.m. KEVIN ADDISON V. LYDIA ADDISON (2014-SC-000309-DGE) AND LYDIA ADDISON V. KEVIN ADDISON (2014-SC-000582-DGE) (CROSS-MOTION)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Child Custody. Issues include the propriety of limiting proof to one day and restricting witnesses on a motion to change custody."
Discretionary Review granted 9/10/2014 and Cross Motion 12/10/2014
Hardin Circuit Court, Judge Pamela Addington
Attorneys for Appellant/Cross-Appellee: Jeremy Scott Aldridge and Carey H. Aldridge
Attorney for Appellee/Cross-Appellant: Allen McKee Dodd

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

THURSDAY, MAY 7, 2015

- 9:00 a.m.** **C. D. G. V. N. J. S. (2014-SC-000329-DGE) AND
N. J. S. V. C. D. G. (2014-SC-000495-DGE) (CROSS MOTION)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Child Support. Issues include whether KRS 403.211 or other Kentucky law requires that Social Security dependent retirement benefits received by a child must be credited against the child support obligation, and whether a lump-sum payment of dependent benefits creates an "overpayment" which must be reimbursed by the child's representative payee to the obligor."
Discretionary Review granted 8/13/2014 and Cross Motion 10/15/2014
Jefferson Circuit Court, Judge Joseph W. O'Reilly
Attorney for Appellant/Cross-Appellee: Callie Elizabeth Walton
Attorney for Appellee/Cross-Appellant: Nancy J. Shook
- 10:00 a.m.** **COMMONWEALTH OF KENTUCKY V. CHRISTOPHER J. MCGORMAN, JR.
(2013-SC-000149-DG) AND CHRISTOPHER J. MCGORMAN, JR. V.
COMMONWEALTH OF KENTUCKY (2013-SC-000818-DG) (CROSS MOTION)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF OF THE COMMONWEALTH](#)
[REPLY BRIEF OF MCGORMAN](#)
"Criminal Law. RCr 11.42. Issues include defense counsel's strategy in permitting a juvenile to be interviewed by police in counsel's presence in February of 2000."
Discretionary Review granted 12/11/2013 and Cross Motion 2/12/2014
Madison Circuit Court, Judge William T. Jennings and Judge Jean Chenault Logue
Attorney for Appellant/Cross-Appellee: Todd Dryden Ferguson
Attorneys for Appellee/Cross-Appellant: Dennis James Burke and Meggan Elizabeth Smith
(JUSTICE MICHELLE M. KELLER IS RECUSED)
- 11:00 a.m.** **NISSAN MOTOR COMPANY, LTD, ET AL V. AMANDA MADDOX
(2013-SC-000685-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[AMICUS CURIAE BRIEF](#)
[AMICUS CURIAE BRIEF](#)
[REPLY BRIEF](#)
"Torts. Products Liability. Design Defect. Punitive Damages. Issues include whether the plaintiff presented sufficient evidence to warrant a punitive damages instruction where the defendant car manufacturer complied with federal safety standards."
Discretionary Review granted 8/13/2014
Lincoln Circuit Court, Judge David A. Tapp
Attorneys for Appellants: John Lewis Tate, David T. Schaefer, Bethany A. Breetz and Anne Katherine Guillory
Attorneys for Appellee: Richard Wayne Hay, James Paul Long, Jr. and Sarah Hay Knight

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

FRIDAY, MAY 8, 2015

- 9:00 a.m. SAINT JOSEPH HEALTHCARE, INC. D/B/A SAINT JOSEPH HOSPITAL V. LARRY O'NEIL THOMAS, AS ADMINISTRATOR OF THE ESTATE OF JAMES "MILFORD" GRAY, DECEASED, ET AL (2014-SC-000008-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Punitive Damages. KRS 411.184. Issues include whether or not physicians whom the hospital alleges are independent contractors are considered as employees of the hospital for the purpose of assessing punitive damages under the provisions of the federal Emergency Medical Treatment and Active Labor Act (EMTALA), whether an award of punitive damages was so excessive as to constitute a denial of federal Constitutional due process, and the interplay between the EMTALA and KRS 411.184."
Discretionary Review granted 9/10/2014
Fayette Circuit Court, Judge Pamela Goodwine
Attorneys for Appellant: Robert Franklin Duncan, Jay Edward Ingle and Patrick F. Estill
Attorneys for Appellees: William R. Garmer, Darryl Lamont Lewis, Charles Albert Grundy, Jr. and Elizabeth R. Seif
- 10:00 a.m. JOSEPH JEWELL V. FORD MOTOR COMPANY, ET AL (2014-SC-000234-WC)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
"Workers' Compensation. Whether unemployment benefits and supplemental unemployment benefits (SUB) should be considered wages for purposes of the workers' compensation statute."
Attorney for Appellant: Charles E. Jennings
Attorneys for Ford Motor Company: Peter J. Glauber and Elizabeth M. Hahn
Attorney for Workers Compensation Board: Dwight Taylor Lovan
- 11:00 a.m. THE BOARD OF REGENTS OF NORTHERN KENTUCKY UNIVERSITY V. ANDREA WEICKGENANT (2013-SC-000820-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[AMICUS CURIAE BRIEF](#)
[REPLY BRIEF](#)
"Gender Discrimination. KRS 344.040. Issues include whether or not the Court of Appeals correctly followed Kentucky and federal employment discrimination precedent."
Discretionary Review granted 8/13/2014
Campbell Circuit Court, Judge Fred A. Stine, V
Attorneys for Appellant: Michael Wesley Hawkins, Andrew Bret Millar and Kathleen A. Carnes
Attorneys for Appellee: Randolph H. Freking and Kelly Mulloy Myers