

**SUPREME COURT OF KENTUCKY**

**ORAL ARGUMENT CALENDAR**

**WEDNESDAY, MAY 20, 2020**

**10:00 a.m. CSX TRANSPORTATION, INC V. LARRY M. BOGGS (2018-SC-191-DG, 2018-SC-440-DG)**

**[APPELLANT BRIEF](#)**

**[APPELLEE BRIEF](#)**

**[REPLY BRIEF](#)**

**[REPLY BRIEF](#)**

FELA. Jury Instructions. Directed Verdict. Statute of Limitations. On the original motion for discretionary review, the issue was what is the proper instruction by which a jury should determine when the claimant in an FELA case knew or should have known that their injury was caused by their work. A second issue is whether an FELA claimant may recover for a worsening condition if a claim for the original injury is barred by the three-year statute of limitations. On this cross-motion for discretionary review, the issue is whether the claimant should have been entitled to a directed verdict at the close of the evidence regarding when he knew that his work activities had caused his physical complaints. A second issue was whether the trial court should have granted the claimant's motion in limine regarding the railroad's opposing argument in the damage phase of the trial, namely, that the railroad had not caused the claimant's injuries.

Discretionary Review granted 8/8/18

Jefferson Circuit Court, Judge Charles L. Cunningham

Attorney for Appellant: Evan Tager, Rodney Dale Payne

Attorneys for Appellee: Allen K. Gruner, Alva A. Hollon, Jr.

**NICKELL, J., NOT SITTING.**

**SUPREME COURT OF KENTUCKY**

**ORAL ARGUMENT CALENDAR**

**THURSDAY, MAY 21, 2020**

**10:00 a.m. BARNETT V. CENTRAL KENTUCKY HAULING (2019-SC-000064-DG)**

**[APPELLANT BRIEF](#)**

**[APPELLEE BRIEF](#)**

**[REPLY BRIEF](#)**

Kentucky Civil Rights Act. The issue is whether the KCRA provides a claim for relief for individuals due to their association with a person with disabilities.

Discretionary Review granted 6/5/19

Fayette Circuit Court, Judge James D. Ishmael, Jr.

Attorneys for Appellant: Soha Tajoddin Saiyed, Paul Stewart Abney, Kelly Marie Parry, Jeremiah Wesley Reece

Attorneys for Appellee: Robert E. Maclin III, Jaron Paul Blandford, Elizabeth Chestnut Barrera

**LAMBERT, J., NOT SITTING.**

**SUPREME COURT OF KENTUCKY**

**ORAL ARGUMENT CALENDAR**

**FRIDAY, MAY 22, 2020**

**10:00 a.m. KENTON COUNTY BOARD OF ADJUSTMENT, ET AL. V. IAN MEITZEN, ET AL. (2018-SC-00677-DG)**

**[APPELLANT BRIEF](#)**

**[APPELLEE BRIEF](#)**

Issues involve a jurisdictional dispute arising from failure to assert “injured or aggrieved” status in an attempted appeal from final action of a board of adjustment to circuit court.

Discretionary Review granted 6/5/19

Kenton Circuit Court, Judge Kathy Lape

Attorneys for Appellant: Garry L. Edmonson, Thomas R. Neinaber

Attorneys for Appellee: Sherill P. Hondorf, Donald L. Nageleisen, Thomas L. Rouse, Virginia Dupont

**LAMBERT, J., NOT SITTING.**