

**SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR**

WEDNESDAY, NOVEMBER 13, 2013

9:00 a.m. COFFEY, ET AL. V. WETHINGTON (2012-SC-721-DGE)

[Appellants' Brief](#)

[Appellee's Brief](#)

"Child Custody. Standing. KRS 403.822. Issues involve whether relatives, having procured an emergency custody order upon the death of the mother and "primary residential custodian" of teenaged twins, have standing under KRS 403.822(1)(b) to be considered within the KRS 403.800(13) definition of "person acting as a parent" in custody litigation against the biological father who had joint custody but had not seen the children for over a year."

Discretionary Review granted 3/13/2013

Green Circuit Court, Judge Janet P. Coleman

Attorney for Appellants: James Lee Avritt, Jr.

Attorney for Appellee: Elmer J. George

(Note: Justice Keller is recused)

10:00 a.m. MV TRANSPORTATION, INC. V. ALLGEIER, ETC. (2012-SC-462-DG)

[Appellant's Brief](#)

[Appellee's Brief](#)

[Appellant's Reply Brief](#)

[Amicus Curiae Brief](#)

"Tort Law. Punitive Damages. Respondeat Superior. Issues include whether an employer's admission of *respondeat superior* liability requires dismissal of other theories of secondary liability, like negligent hiring; whether a claim for negligent hiring can be based on evidence of an employee-tortfeasor's past alcoholism, addiction, or mental health treatment when there is no evidence the accident was causally related to those factors; and whether an employer may be found to have ratified or authorized an employee's conduct for purposes of KRS 411.184(3) based on post-incident investigation policies."

Discretionary Review granted 5/15/2013

Jefferson Circuit Court, Judge Mary M. Shaw

Attorneys for Appellant: Gene Frederick Zipperle, Jr., Griffin Terry Sumner, and Jason Patrick Renzelmann

Attorneys for Appellee: Bryan Todd Thompson, Scott Coleman Cox, Millicent Ann Tanner, Brian Scott Brownfield, and Chad Owens Propst

WEDNESDAY, NOVEMBER 13, 2013 (Continued)

- 11:00 a.m. CHARLES T. CREECH, INC. V. BROWN, ET AL. (2012-SC-651-DG) AND BROWN, ET AL. V. CHARLES T. CREECH, INC. (2012-SC-693-DG)**
[Appellant's Brief \(2012-SC-651\)](#)
[Appellees' Brief \(2012-SC-651\)](#)
[Appellant's Reply Brief \(2012-SC-651\)](#)
[Appellants' Brief \(2012-SC-693\)](#)
[Appellee's Brief \(2012-SC-693\)](#)
[Appellants' Reply Brief \(2012-SC-693\)](#)
[Amicus Curiae Brief \(2012-SC-693\)](#)
 "Employment Relations. Noncompetition Agreement. Issues include whether the "blue pencil" rule was applied appropriately to add a geographical limitation to the noncompetition clause and whether continuing employment was sufficient consideration for the noncompetition agreement."
 Discretionary Review granted 4/17/2013
 Fayette Circuit Court, Judge Kimberly N. Bunnell
 Attorneys for Charles T. Creech, Inc.: Don Arlie Pisacano, Carroll Morris Redford III, and Elizabeth C. Woodford
 Attorneys for Brown: Jon Allen Woodall, Brendan Reynolds Yates, and Ryan Colleen Daugherty
 Attorneys for Standlee Hay Co., Inc.: David R. Irvin and James M. Mooney

THURSDAY, NOVEMBER 14, 2013

**Votruba Student Union
 Ballroom 107A
 Northern Kentucky University
 Kenton Drive
 Highlands Heights, Kentucky**

- 9:00 a.m. VIRGIN MOBILE U.S.A, L.P. V. COMMONWEALTH OF KENTUCKY ON BEHALF OF COMMERCIAL MOBILE RADIO SERVICE TELECOMMUNICATIONS BOARD (2012-SC-621-DG) AND COMMONWEALTH OF KENTUCKY ON BEHALF OF COMMERCIAL MOBILE RADIO SERVICE TELECOMMUNICATIONS BOARD V. VIRGIN MOBILE U.S.A., L.P. (2012-SC-626-DG)**
[Appellant's Brief \(2012-SC-621\)](#)
[Appellee's Brief \(2012-SC-621\)](#)
[Appellant's Reply Brief \(2012-SC-621\)](#)
[Amicus Curiae Brief \(2012-SC-621\)](#)
[Appellant's Brief \(2012-SC-626\)](#)
[Appellee's Brief \(2012-SC-626\)](#)
[Appellant's Reply Brief \(2012-SC-626\)](#)
 "Tax. Statutory Construction. Attorney's Fees. KRS 65.7635. Issues include the proper application of Kentucky's tax on pre-paid wireless telecommunication services and whether an award of attorney's fees was improperly reversed."
 Discretionary Review granted 5/15/2013
 Jefferson Circuit Court, Judge James M. Shake
 Attorneys for Virgin Mobile: Douglas Frank Brent, Timothy Joseph Eifler, Mark Terrell Hurst, and Charles W. Schwartz
 Attorneys for Commonwealth of Ky.: Jonathan Goldberg, Jan Michele West, and Jennifer Kaelin Luhrs

THURSDAY, NOVEMBER 14, 2013 (Continued)

Votruba Student Union
Ballroom 107A
Northern Kentucky University
Kenton Drive
Highlands Heights, Kentucky

10:00 a.m. MORGAN V. GETTER, ET AL. (2013-SC-196-DGE)

[Appellant's Brief](#)

[Appellees' Brief](#)

[Appellant's Reply Brief](#)

[Amicus Curiae Brief 1](#)

[Amicus Curiae Brief 2](#)

"Family Law. Child Custody. Guardian Ad Litem. Issue is whether a guardian ad litem may serve as both an advocate for a child and as a witness or advisor to the court in child custody cases."

Discretionary Review granted 6/12/2013

Campbell Circuit Court, Judge Richard A. Woeste

Attorney for Appellant: Cynthia Ann Millary

Attorneys for Appellees: Blaine Jefferson Edmonds III, Joshua Bryan Crabtree, and Richard Alex Konkoly-Thege

11:00 a.m. COMMONWEALTH OF KENTUCKY V. JOHNSON (2012-SC-402-DG)

[Appellant's Brief](#)

[Appellee's Brief](#)

[Appellant's Reply Brief](#)

[Amici Curiae Brief 1](#)

[Amici Curiae Brief 2](#)

"Criminal Law. KRS 15.200. Attorney General. Issues include whether the Office of the Attorney General has the jurisdiction to investigate drug related offenses within the Commonwealth."

Discretionary Review granted 2/13/2013

Powell Circuit Court, Judge Frank A. Fletcher

Attorney for Appellant: Jack Conway and James Coleman Shackelford

Attorney for Appellee: Emily Holt Rhorer

FRIDAY, NOVEMBER 15, 2013

NO ORAL ARGUMENTS