

**SUPREME COURT OF KENTUCKY  
ORAL ARGUMENT CALENDAR**

**WEDNESDAY, OCTOBER 16, 2013**

**10:00 a.m. FRIEDMAN V. LEA (2013-SC-010-DG)**

[Appellant's Brief](#)

[Appellee's Brief](#)

[Appellant's Reply Brief](#)

"Child Support. Modification. "Above Guidelines." When the parties' combined income exceeds the statutory child support guidelines, can trial courts increase child support based upon substantial and continuing increase in the other parent's income without showing increased needs of the child?"

Discretionary Review granted 3/13/2013

Jefferson Circuit Court, Judge Stephen M. George

Attorneys for Appellant: Kevin Crosby Burke and Wendi Swinson Wagner

Attorney for Appellee: William Lacy Hoge III

**(Note: Justice Keller is recused.)**

**11:00 a.m. NISSAN NORTH AMERICA, INC., ET AL. V. MESSERLY, ET AL.  
(2012-SC-109-DG) AND (CROSS-MOTION) MESSERLY, ET AL. V. NISSAN  
NORTH AMERICA, INC., ET AL. (2012-SC-615-DG)**

[Appellants' Brief](#)

[Appellees/Cross-Appellants' Brief](#)

[Appellants' Reply/Cross-Appellee Brief](#)

[Appellees/Cross-Appellants' Reply Brief](#)

[Amicus Curiae Brief 1](#)

[Amicus Curiae Brief 2](#)

"Products Liability. Defective Design. Issues involve the propriety of summary judgment for the defense in litigation arising out of a fatal back-up accident in which a child was struck in 2004 by a 2002 SUV designed without a rearview camera or back-up sensor."

Discretionary Review granted 9/12/2012 and 11/14/2012

Boone Circuit Court, Judge Robert McGinnis

Attorneys for Appellants: David T. Schaefer and Anne Katherine Guillory

Attorneys for Appellees: Robert Edward Sanders, Eric Peter Von Wiegen,

Justin Aaron Sanders and Wesley Matthew Nakajima

**THURSDAY, OCTOBER 17, 2013**

- 9:00 a.m. GAITHER, ETC. V. JUSTICE & PUBLIC SAFETY CABINET, ETC., ET AL. (2012-SC-324-DG) AND (CROSS-MOTION) JUSTICE & PUBLIC SAFETY CABINET, ETC., ET AL. V. GAITHER, ETC., ET AL. (2012-SC-835-DG)**  
[Appellant's Brief](#)  
[Appellees/Cross-Appellants' Brief](#)  
[Appellant's Reply/Cross Appellee's Brief](#)  
"Board of Claims. Immunity. Wrongful Death. Issues include whether state police are immune from a wrongful death claim based on their failure to protect a confidential informant."  
Discretionary Review granted 12/12/2012 and 2/13/2013  
Franklin Circuit Court, Judge Thomas D. Wingate  
Attorneys for Appellant: Philip Clyde Kimball and Daniel T. Taylor III  
Attorneys for Appellees: Lyndol Scott Miller, Christian M. Feltner, and George Mitchell Mattingly  
**(Note: Justice Keller is recused.)**
- 10:00 a.m. COMMONWEALTH OF KENTUCKY V. FARMER (2013-SC-120-DGE)**  
[Appellant's Brief](#)  
[Appellee's Brief](#)  
[Appellant's Reply Brief](#)  
"Criminal Law. KRS 503.085. Immunity from Prosecution. Interlocutory Appealability. The issue is whether a defendant in a criminal prosecution may pursue an interlocutory appeal from denial of a defense motion to dismiss grounded upon alleged self-defense immunity."  
Discretionary Review granted 5/15/2013  
Russell Circuit Court, Judge Vernon Miniard, Jr.  
Attorney for Appellant: Jason Bradley Moore  
Attorneys for Appellee: R. Burl McCoy, Jr., George Edward Nicholson III, Ralph E. Meczyk, and Robert J. White
- 11:00 a.m. COMMONWEALTH OF KENTUCKY V. LEMONS (2012-SC-431-DG)**  
[Appellant's Brief](#)  
[Appellee's Brief](#)  
[Appellant's Reply Brief](#)  
"Criminal Law. KRS 503.085. Immunity from Prosecution. Issues involve the requisite pretrial showing of probable cause that use of force in defense was unlawful."  
Discretionary Review granted 2/13/2013  
Campbell Circuit Court, Judge Fred A. Stine V  
Attorney for Appellant: Jason Bradley Moore  
Attorney for Appellee: Susan Jackson Balliet