

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

WEDNESDAY, OCTOBER 12, 2016

NO ORAL ARGUMENTS

THURSDAY, OCTOBER 13, 2016

- 9:00 a.m. ALEX ARGOTTE, M.D. V. JACQULYN G. HARRINGTON (2015-SC-000465-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Medical Malpractice. Informed Consent. Expert Testimony. Directed Verdict. The first issue is whether a directed verdict dismissing the case is appropriate in a medical malpractice claim when the plaintiff states during opening argument that she will introduce no expert testimony regarding the adequacy of the informed consent provided to her prior to the procedure. The second issue is whether expert testimony is necessary for the plaintiff to sustain her burden of proof with regard to the adequacy of the informed consent."
Discretionary Review granted 2/10/2016
McCracken Circuit Court, Judge Craig Z. Clymer
Attorneys for Appellant: James Allen Sigler and Jonathan Rodgers Oliver
Attorneys for Appellee: Charles S. Wible and Clifton Aaron Boswell
- 10:00 a.m. JUDE WEBER V. THOMAS FRANCIS LAMBE (2015-SC-000173-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Family Law. Maintenance. Unemployed Spouse. Reasonable Expenses. Whether the family court correctly included expenses that are fully or partially attributable to the parties' children in the unemployed spouse's reasonable expenses when calculating maintenance."
Discretionary Review granted 2/10/2016
Jefferson Circuit Court, Judge Stephen M. George
Attorneys for Appellant: Allen McKee Dodd and Jacob Wayne Crouse
Attorneys for Appellee: Eugene L. Mosley and Michael Thomas Underwood

- 11:00 a.m. WANDA JEAN THIELE, ET AL. V. KENTUCKY GROWERS INSURANCE COMPANY (2015-SC-000158-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
[AMICUS CURIAE BRIEF](#)
"Contract. Homeowner's Insurance. Collapse. Issues include whether the structural damage to the insured's home was sufficient to meet the policy's definition of collapse."
Discretionary Review granted 2/10/2016
Rockcastle Circuit Court, Judge David A. Tapp
Attorney for Appellants: Robert R. Baker
Attorneys for Appellee: Don Arlie Pisacano and Elizabeth C. Woodford

FRIDAY, OCTOBER 14, 2016

- 9:00 a.m. DENNIS CHAMPION V. COMMONWEALTH OF KENTUCKY (2015-SC-000570-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
[AMICUS CURIAE](#)
"Freedom of Speech. Criminal Penalties. City Ordinances. Whether a city ordinance banning the practice of begging or soliciting upon the public streets or at the intersection of public streets constitutes a violation of free speech and whether such an ordinance can impose criminal penalties for its violation."
Discretionary Review granted 2/11/2016
Fayette Circuit Court, Judge Joseph T. Bouvier
Attorney for Appellant: Linda Roberts Horsman
Attorneys for Appellee: Raymond M. Larson and John Jason Rothrock
- 10:00 a.m. PADUCAH INDEPENDENT SCHOOL DISTRICT V. PUTNAM & SONS, LLC (2015-SC-000711-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Eminent Domain. Fair Market Value. Stand Alone Use of Property. Highest and Best Use. Expert Testimony. The issue is whether the Court of Appeals erred in its application of the highest and best use test in this eminent domain proceeding, and in doing so, whether the Court of Appeals usurped the role of the trial court as the finder of fact in such proceedings."
Discretionary Review granted 4/27/2016
McCracken Circuit Court, Judge Craig Z. Clymer
Attorneys for Appellant: Mark C. Whitlow and Nicholas M. Holland
Attorneys for Appellee: Samuel Wright and Dan Biersdorf

11:00 a.m. **HUGHES AND COLEMAN, PLLC V. ANN CLARK CHAMBERS, EXECUTRIX
OF THE ESTATE OF JAMES W. CHAMBERS, DECEASED
(2015-SC-000435-DG)**

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

"Attorney Fees. Issues involve whether, despite the circuit court's award (following a bench trial and supported by expert testimony) of a partial fee on a quantum meruit basis to a law firm terminated by a personal injury plaintiff, that firm's handling of basic and added reparation benefits created "good cause" for the termination and therefore defeated the claim for any portion of the fee."

Discretionary Review granted 3/9/2016

Hardin Circuit Court, Judge Ken Howard

Attorney for Appellant: Peter Lucas Ostermiller

Attorneys for Appellee: Charles E. Theiler, II and Ashby Angell