

**SUPREME COURT OF KENTUCKY  
ORAL ARGUMENT CALENDAR**

**WEDNESDAY, OCTOBER 21, 2020**

**9:30 a.m. ABBOTT, INC. V. SAMUEL GUIRGUIS, ET AL.**

**(2018-SC-0577-DG)**

**[APPELLANT BRIEF](#)**

**[APPELLEE BRIEF](#)**

**[APPELLEE BRIEF](#)**

**[APPELLEE BRIEF](#)**

**[REPLY BRIEF](#)**

Real Property. Champerty. Judicial Recusal. Issues include whether the circuit court abused its discretion by refusing to recuse from consideration of a land ownership dispute where the judge, prior to taking the bench, and prior to the dispute before the circuit court, was involved in an alleged trespass on nearby land owned by one of the parties.

LAMBERT, J., NOT SITTING.

Discretionary Review Granted: 6/05/2019

Hopkins Circuit Court, Honorable James Claud Brantley, Judge

Attorneys for Appellant: Sheryl G. Snyder, Thomas E. Springer, III

Attorneys for Appellees: William Deatherage, Jr., Mark Alexander Gilbert,

Todd Andrew Farmer, Richard E. Peyton

**11:00 a.m. EUGENE PHILLIPS, ET AL. V. JOHN ROSQUIST, ET AL.**

**(2018-SC-0671-DG)**

**[APPELLANT BRIEF](#)**

**[APPELLEE BRIEF](#)**

**[REPLY BRIEF](#)**

Real Property. Judicial Recusal. Issues include review of an appellate court panel member's refusal to recuse from a property dispute concerning the appellate judge's residential subdivision.

Discretionary Review Granted: 8/21/2019

Scott Circuit Court, Honorable Paul F. Isaacs, Judge

Attorneys for Appellant: Neil Edward Duncliffe

Attorneys for Appellees: Derise Duane Cook, John Milton Sosbe

**SUPREME COURT OF KENTUCKY  
ORAL ARGUMENT CALENDAR**

**THURSDAY, OCTOBER 22, 2020**

**9:30 a.m. MARK SMITH, ET AL. V. WYNETTA FLETCHER, APRN, ET AL.  
(2019-SC-0503-T)  
[APPELLANT BRIEF](#)  
[APPELLEE BRIEF](#)  
[APPELLEE BRIEF](#)  
[REPLY BRIEF](#)**

Medical Review Panel Act. Statute of Limitations. Equitable Tolling Doctrine. Issues include whether the tolling provisions of the Medical Review Panel Act (MRPA), KRS 216C.005 *et seq.*, were retroactively nullified by the Supreme Court of Kentucky's decision in *Commonwealth of Kentucky v. Claycomb*, 566 S.W.3d 202 (Ky. 2018), which declared the MRPA unconstitutional in its entirety.

VANMETER, J., NOT SITTING.

Transfer Granted: 10/31/2019  
Fayette Circuit Court, Honorable Lucy Anne VanMeter, Judge  
Attorneys for Appellants: Kevin Crosby Burke, Jamie Kristin Neal,  
Kevin B. Sciantarelli  
Attorneys for Appellees: Joshua F. Barnette, Bethany A. Breetz, Robin  
Elaine McGuffin, Ashley Willis Ward, Jeffery Todd Barnett, Holly Renee  
Iaccarino, Jessie Leigh Mullaney

**11:00 a.m. COMMONWEALTH OF KENTUCKY V. KEITH JENNINGS  
(2019-SC-0248-DG)  
[APPELLANT BRIEF](#)  
[APPELLEE BRIEF](#)  
[REPLY BRIEF](#)**

Criminal Law. Sex Offense. Probation. Access to Internet. First Amendment. Issues include whether a probation restriction on a registered sex offender's internet access is warranted when the original crime did not involve the use of the internet; and, whether such a restriction is violative of the First Amendment.

Discretionary Review Granted: 10/24/2019  
Kenton Circuit Court, Honorable Gregory M. Bartlett, Judge  
Attorneys for Appellant: Daniel J. Cameron, Stephen Chad Meredith, James  
Coleman Shackelford  
Attorneys for Appellee: Shannon Renee Dupree

**SUPREME COURT OF KENTUCKY  
ORAL ARGUMENT CALENDAR**

**FRIDAY, OCTOBER 23, 2020**

**9:30 a.m. UNIVERSITY OF KENTUCKY V. KERNEL PRESS, INC. D/B/A THE KENTUCKY KERNEL (2019-SC-0468-DG)**  
[APPELLANT BRIEF](#)  
[AMICUS BRIEF – KENTUCKY PRESS ASSOCIATION, ET AL.](#)  
[AMICUS BRIEF – WESTERN KENTUCKY UNIVERSITY, ET AL.](#)  
[AMICUS BRIEF – JANE DOE 1 AND JANE DOE 2](#)  
[APPELLEE BRIEF](#)  
[REPLY BRIEF](#)

Kentucky Open Records Act. Title IX Investigation. Education Law. Family Education Rights and Privacy Act (FERPA). Issues include whether materials compiled as part of a state university's Title IX investigation, concerning student allegations of sexual assault by a university professor, requested pursuant to Kentucky's Open Records Act, KRS 61.870 *et seq.*, are exempt from disclosure under FERPA.

Discretionary Review Granted: 12/13/2019  
Fayette Circuit Court, Honorable Thomas L. Clark, Judge (Ret.)  
Attorneys for Appellants: Bryan Howard Beaman , Donald Callaway Morgan, Joshua Michael Salsburey, William Eugene Thro  
Attorneys for Appellees: Thomas Walcutt Miller, Elizabeth Catesby Woodford

**11:00 a.m. RONALD EXANTUS V. COMMONWEALTH OF KENTUCKY (2018-SC-0241-MR)**  
[APPELLANT BRIEF](#)  
[APPELLEE BRIEF](#)  
[REPLY BRIEF](#)  
[APPELLANT'S SUPPLEMENTAL BRIEF](#)  
[APPELLEE'S SUPPLEMENTAL BRIEF](#)

Criminal Law. Mental Illness. Constitutional Law. Issues include whether the verdicts of not guilty by reason of insanity and guilty but mentally ill are returned by the jury were logically inconsistent and, therefore, violative of Exantus's constitutional rights; and, whether sufficient evidence existed to support the jury's differing findings of culpable mental states.

Oral Argument Granted: 3/25/2020  
Woodford Circuit Court, Honorable Phillip R. Patton, Special Judge  
Attorneys for Appellant: Roy Alyette Durham, II and Karen Shuff Maurer  
Attorneys for Appellees: Daniel J. Cameron, Thomas Allen Van De Rostyne