

**SUPREME COURT OF KENTUCKY**

**ORAL ARGUMENT CALENDAR**

**TO: Justices and Court Staff**  
**FROM: Chief Justice John D. Minton, Jr.**  
**DATE: JULY 1, 2011**

**WEDNESDAY, SEPTEMBER 14, 2011**

~~-----CANCELLED-----~~

~~9:00 a.m. **B. DAHLENBURG BONAR, PSC, ET AL. V. WAITE, SCHNEIDER, BAYLESS & CHESLEY CO., L.P.A., ET AL. (2010-SC-087-DG)**~~

~~"Class Action Litigation. Attorneys' Fees. The issues include whether and to what extent a former class action co-counsel is entitled to recover fees following settlement of the class action lawsuit."~~

~~Discretionary Review granted 1/14/2011~~

~~Boone Circuit Court, Judge Robert McGinnis~~

~~For Movants: William C. Rambicure, Stephen D. Wolnitzek and Christopher B. Rambicure~~

~~For Respondents: James M. Gary, Sheryl G. Snyder, Griffin Terry Sumner and John Kendrick Wells IV~~

~~(Note: Justice Schroder is recused)~~

**10:00 a.m. **DOCTORS' ASSOCIATES, INC. V. UNINSURED EMPLOYERS' FUND, ET AL. (2010-SC-658-WC)****

"Workers' Compensation. Whether KRS 342.610(2)(b) encompasses a franchisor/franchisee relationship and permits a franchisor to be considered the up-the-ladder employer of its uninsured franchisee's employee."

For Appellant: Walter L. Sales and Todd Smith Page

For Appellees: James Robert Carpenter, Kevin Russell Mullins, John Barry Coleman and Dwight Taylor Lovan

**11:00 a.m. **VISION MINING, INC., V. GARDNER, ET AL. (2010-SC-311-WC) AND PEABODY COAL COMPANY V. MARTINEZ, ET AL. (2010-SC-438-WC)****

"Workers' Compensation. Whether KRS 342.316's consensus procedure and "clear and convincing" evidentiary standard for overcoming an unfavorable consensus deny workers claiming benefits for coal workers' pneumoconiosis equal protection by treating them differently than workers who claim benefits for other occupational pneumoconioses or diseases."

For Vision Mining: Anthony Kenneth Finaldi and John Edward Ballerstedt, Jr.

For Gardner, et al.: Thomas E. Springer III, Douglas Wayne Gott and Dwight Taylor Lovan

For Peabody Coal: Peter J. Glauber

For Martinez, et al: Thomas E. Springer III, Russell Scott Borders, Christopher H. Smith and Dwight Taylor Lovan



**THURSDAY AND FRIDAY, SEPTEMBER 15-16, 2011**

**NO ORAL ARGUMENTS**