

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

WEDNESDAY, SEPTEMBER 19, 2018

- 9:00 a.m. AMERICAN GENERAL LIFE INSURANCE COMPANY, ET AL. V. DRB CAPITAL, LLC, ET AL. (2017-SC-000329-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
[AMICUS CURIAE BRIEF](#)
[AMICUS CURIAE BRIEF](#)
"Anti-assignment Provisions in Settlement Agreements. KRS 454.430. The issue is whether an anti-assignment provision in a settlement agreement was enforceable to prohibit the assignment of annuity payments to a third party."
Discretionary Review granted 10/25/2017
Boyd Circuit Court, Judge C. David Hagerman
Attorneys for Appellants: Michael Farrell, Samantha Thomas-Bush and Amy B. Boyea
Attorney for DRB Capital, LLC: Matthew Beatty Demarcus
Attorney for Ray Thomas, Jr.: Charles Thomas Ezzell
- 10:00 a.m. JEWISH HOSPITAL & ST. MARY'S HEALTHCARE, D/B/A JEWISH HOSPITAL MEDICAL CENTER SOUTH V. DARRELL HOUSE, CO-GUARDIAN OF KAYLEN ALEXANDER, A MINOR, ET AL. (2017-SC-000440-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Evidence. Directed Verdict at Close of Plaintiff's Case-in-Chief. Empty Chair Defendant. The issue in this case is whether the Court of Appeals correctly determined that a trial court should never grant a directed verdict against an empty-chair defendant at the close of the plaintiff's case-in-chief."
Discretionary Review granted 12/7/2017
Bullitt Circuit Court, Judge Rodney D. Burress
Attorneys for Appellant: William Kennedy Simpson and Joseph Wright
Attorneys for Appellees: Ronald Wilt, James David Ballinger and Stephen Klausling, Jr.
- 11:00 a.m. DON HENSLEY V. KEITH A. GADD, ET AL. (2017-SC-000189-DG) AND KEITH A GADD, ET AL. V. DON HENSLEY (2017-SC-000431-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
"Property. Deed Restrictions. Short-term rental of property. Harassment. The issue in the motion for discretionary review is whether the language of the deed regarding its use as a single-family residence permitted short term rentals of this lake property or whether it constituted the operation of a business which

violated certain deed restrictions. The issue on the cross motion for discretionary review is whether the surrounding homeowners in seeking to enforce deed restrictions on this property had a "legitimate purpose" when making complaints against the owner and others using the property, or whether their complaints about their use constituted harassment."

Discretionary Review granted 8/16/2017 and 10/25/2017

Garrard Circuit Court, Judge C. Hunter Daugherty

Attorney for Don Hensley: Frederick Short

Attorneys for Keith A. Gadd and JHT Properties, LLC: Carroll Morris Redford, III and Elizabeth C. Woodford

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

THURSDAY, SEPTEMBER 20, 2018

10:00 a.m. MATTHEW G. BEVIN, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE COMMONWEALTH OF KENTUCKY, ET AL. V. COMMONWEALTH OF KENTUCKY EX REL. ANDY BESHEAR, ATTORNEY GENERAL, ET AL. (2018-SC-000419-TGE) AND (2018-SC-000421-TGE)

APPELLANT BRIEF

APPELLEE BRIEF - COMMONWEALTH OF KENTUCKY

APPELLEE BRIEF - BOARD OF TRUSTEES OF THE TEACHERS' RETIREMENT SYSTEM OF THE STATE OF KENTUCKY

REPLY BRIEF

AMICUS CURIAE BRIEF

"Constitutionality of Senate Bill 151."
Franklin Circuit Court, Judge Phillip J. Shepherd
Attorneys for Appellants: Mark Stephen Pitt, Stephen Chad Meredith and Matthew Kuhn
Attorneys for Commonwealth of Kentucky Ex Rel. Andy Beshear, Attorney General: Andy Beshear, John Michael Brown, La Tasha Arnae Buckner, Steven Travis Mayo and Marc Farris
Attorneys for Andy Beshear, in his official capacity as Attorney General of the Commonwealth of Kentucky: Andy Beshear, John Michael Brown, La Tasha Arnae Buckner, Steven Travis Mayo, Samuel Robert Flynn and Marc Farris
Attorneys for Kentucky Education Association: Jeffrey Scott Walther and Victoria Frances Dickson
Attorneys for Kentucky State Lodge Fraternal Order of Police: David Lindsay Leightty and Alison M. Messex
Attorney for the Board of Trustees of the Teachers' Retirement System of the State of Kentucky: Robert B. Barnes
Attorneys for the Board of Trustees of the Kentucky Retirement Systems: Mark C. Blackwell , Katherine I. Rupinen and Joseph Patrick Bowman

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

FRIDAY, SEPTEMBER 21, 2018

- 9:00 a.m. CABINET FOR HEALTH AND FAMILY SERVICES, COMMONWEALTH OF KENTUCKY, ON BEHALF OF THE MINOR CHILDREN, E.S. AND K.S. V. R.S., ET AL. (2017-SC-000587-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[AMICUS CURIAE BRIEF](#)
"Sex Offender. Unsupervised Custody and Visitation with Minor Children. Dependency, Neglect and Abuse. The issue is whether a convicted sex offender may ever have custody of his own children without supervision. Also, may the court impose requirements of supervision without current allegations of abuse against the parent with a past history of sexual abuse against a minor family member?"
Discretionary Review granted 2/7/2018
Clark Circuit Court, Judge Nora J. Shepherd
Attorney for Appellant: Brian Neal Thomas
Attorney for Appellee: Dodd Douglas Dixon
- 10:00 a.m. COMMONWEALTH OF KENTUCKY V. JAMES E. RIKER, JR. (2017-SC-000483-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
"Criminal Law. DUI. Independent Blood Testing. Issues involve whether an individual arrested for DUI is deprived of due process by an independent blood testing facility requirement of prepayment of a \$450 fee for such testing after submission to intoxilyzer testing."
Discretionary Review granted 2/7/2018
Fayette Circuit Court, Judge T. Bruce Bell and Judge Pamela Goodwine
Attorney for Appellant: Carlos Aundra Ross
Attorney for Appellee: John Lindsay Tackett