

**SUPREME COURT OF KENTUCKY  
ORAL ARGUMENT CALENDAR**

**WEDNESDAY, APRIL 10, 2024**

**10:00 a.m. SCOTT EDWARD BITTER V COMMONWEALTH OF KENTUCKY  
(2022-SC-0382-MR)**

**[APPELLANT BRIEF](#)**

**[APPELLEE BRIEF](#)**

**[REPLY BRIEF](#)**

Criminal Law. Warrantless Search. Plain View Exception. Protective Sweep. Issues include whether plain view and protective sweep exceptions to search warrant requirement applied to police's warrantless search of appellant's residence.

---

Oral Argument Granted:

March 6, 2024

Trial Court(s):

Kenton Circuit Court

Presiding Judge(s):

Hon. Kathleen Lape

Counsel for Appellant,

*Scott Edward Bitter:*

Jennifer L. Wade

*Assistant Public Advocate*

*Department of Public*

*Advocacy*

Counsel for Appellee,

*Commonwealth of*

*Kentucky:*

Thomas A. Van De Rostyne

*Assistant Attorney General*

*Office of the Attorney*

*General*

**ALL ARGUMENTS WILL BE STREAMED ONLINE AT**

**[WWW.KET.ORG/SUPREMECOURT](http://WWW.KET.ORG/SUPREMECOURT)**

**WEDNESDAY, APRIL 10, 2024**  
**(CONTINUED)**

11:00 a.m. **BILLY E. POWERS, AS ADMINISTRATOR OF THE ESTATE OF DONNA POWERS V. KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPAN, ET AL.  
(2022-SC-0309-DG)**

**APPELLANT BRIEF**  
**APPELLEE BRIEF (KENTUCKY FARM BUREAU)**  
**APPELLEE BRIEF (ESTATE OF FENDOL CARRUTHERS, JR.)**  
**REPLY BRIEF**

Insurance. Underinsured Motorists Coverage. Issues include whether all UIM claims are dependent upon the insured's timely lawsuit against a tortfeasor.

---

Discretionary Review Granted: February 8, 2023  
Trial Court(s): McCracken Circuit Court  
Presiding Judge(s): Hon. Timothy Kaltenbach

Counsel for Appellant,  
*Billy E. Powers:*

Jamie Kristin Neal  
Kevin Crosby Burke  
*Burke Neal PLLC*

Daryl T. Dixon  
*Morgan & Morgan*

Counsel for Appellee,  
*Kentucky Farm Bureau  
Mutual Insurance Co.:*

Mike Moore  
Jake Carter  
*Moore Law Firm*

Counsel for Appellee,  
*Estate of Fendol  
Carrothers, Jr.:*

James R. Coltharp, Jr.  
*Whitlow Roberts Houston  
& Straub, PLLC*

**ALL ARGUMENTS WILL BE STREAMED ONLINE AT**

**[WWW.KET.ORG/SUPREMECOURT](http://WWW.KET.ORG/SUPREMECOURT)**

**THURSDAY, APRIL 11, 2024**

**10:00 a.m. NORMANDY FARM, LLC V. KENNETH MCPEEK RACING STABLE, INC.  
(2022-SC-0552-DG)**

**[APPELLANT BRIEF](#)**

**[APPELLEE BRIEF](#)**

**[REPLY BRIEF](#)**

Equine Law. Contracts. Statute of Frauds. Oral Agreement. Implied Contract. KRS 230.357(11). Questions include whether KRS 230.357(11) applies only to buyers and sellers or, rather, to “any sale, purchase, or transfer of an equine.”

**VanMeter, C.J., not sitting.**

---

Discretionary Review Granted: April 19, 2023  
Trial Court(s): Fayette Circuit Court  
Presiding Judge(s): Hon. Lucy A. VanMeter

Counsel for Appellant,  
*Normandy Farm, LLC:* J. Mel Camenisch, Jr.  
H. Derek Hall, Jr.  
Howard P. Ball  
*Rose Grasch Camenisch  
Mains PLLC*

Counsel for Appellee,  
*Kenneth McPeek Racing  
Stable, Inc.:* John D. Cox  
*Lynch, Cox, Gilman &  
Goodman, PSC.*

**ALL ARGUMENTS WILL BE STREAMED ONLINE AT**

**[WWW.KET.ORG/SUPREMECOURT](http://WWW.KET.ORG/SUPREMECOURT)**

**THURSDAY, APRIL 11, 2024**  
**(CONTINUED)**

11:00 a.m. **BRADLEY RACING STABLES, LLC, ET AL. V. JOI DENISE ROBY, ET AL. (2022-SC-0508-DG)**

**[APPELLANT BRIEF](#)**

**AND**

**CHURCHILL DOWNS, INC., ET AL. V. JOI DENISE ROBY, ET AL. (2022-SC-0516-DG)**

**[APPELLANT BRIEF](#)**

**[APPELLEE BRIEF](#)**

**[REPLY BRIEF](#)**

**AND**

**JOI DENISE ROBY, ET AL. V. CHURCHILL DOWNS, INC., ET AL. (2022-SC-0523)**

**[APPELLANT BRIEF](#)**

**[APPELLEE BRIEF](#)**

**[APPELLEE BRIEF](#)**

Torts. Premises Liability. Farm Animal Activities Act. KRS 247.401 et seq. Horse-Racing Activities Exception. Issues include whether Churchill Downs and a horse's owner are liable for injuries resulting when: (1) the horse, which is stabled at Churchill Downs, bites a Backside visitor on Derby Day; (2) the horse, a stable pony used to escort racehorses to and from the track, is not involved in Derby Day races; (3) the visitor, who paid no admission to Churchill, is present as a social guest of another horse owner; and (4) Churchill posted signs warning of the inherently dangerous nature of farm animal activities on the Backside.

---

Discretionary Review Granted:  
Trial Court(s):  
Presiding Judge(s):

April 19, 2023  
Jefferson Circuit Court  
Hon. Judith E. McDonald-Burkman

**ALL ARGUMENTS WILL BE STREAMED ONLINE AT**

**[WWW.KET.ORG/SUPREMECOURT](http://WWW.KET.ORG/SUPREMECOURT)**

Counsel for Appellant/Appellee,  
*Bradley Racing  
Stables, LLC:*

Perry A. Adanick  
Neil P. Baine  
Matthew F.X. Craven  
James P. Nolan, II  
*Rolfes Henry Co., LPA*

Counsel for Appellant/Appellee,  
*Joi Denise Roby:*

Jennifer R. Hall  
*Hall Legal Group PLLC*

Counsel for Appellant/Appellee,  
*Churchill Downs, Inc.:*

Patricia C. LeMeur  
Katherine T. Watts  
John F. Parker, Jr.  
*Phillips Parker Orberson &  
Arnett, PLC.*

ALL ARGUMENTS WILL BE STREAMED ONLINE AT  
[WWW.KET.ORG/SUPREMECOURT](http://WWW.KET.ORG/SUPREMECOURT).