### SUPREME COURT OF KENTUCKY ORAL ARGUMENT CALENDAR

### WEDNESDAY, AUGUST 13, 2014

#### 9:00 a.m. COUNCIL ON DEVELOPMENTAL DISABILITIES, INC. V. CABINET FOR HEALTH AND FAMILY SERVICES (2013-SC-0357-DG) Appellants' Brief

Appellees' Brief

Appellants' Reply Brief

"Open Records. KRS 209.140. Issues include whether a private agency which serves as an advocate for adults with mental disabilities may receive certain records from the Cabinet for Health and Family Services via an open records request."

Discretionary Review granted 11/13/2013 Franklin Circuit Court, Judge Thomas D. Wingate Attorney for Appellant: David B. Tachau Attorneys for Appellee: Christina Heavrin, David Brent Irvin and Jon Robert Klein

## 10:00 a.m. RACHEL ADAMS-SMYRICHINSKY V. PETER SMYRICHINSKY (2013-SC-0812-DGE)

Appellants' Brief Appellees' Brief

Appellants' Reply Brief

"Family Law. Child Support. Emancipation. UIFSA. Issues include whether Kentucky or Indiana law regarding the age of emancipation applies when: (1) the initial child support order was entered in Indiana; (2) both parties subsequently moved to Kentucky; and (3) the Kentucky court has assumed continuing, exclusive jurisdiction to modify the support order."

Discretionary Review granted 03/12/2014

Oldham Circuit Court, Judge Timothy E. Feeley

Attorney for Appellant: Michael Richard Slaughter

Attorneys for Appellee: Thomas James Banaszynski, Oliver H. Barber, Jr. and Rebecca Ann Smither

### WEDNESDAY, AUGUST 13, 2014 (Continued)

### 11:00 a.m. RICHARD C. OLIPHANT, M.D., ET AL. V. RIES, ETC., ET AL. (2013-SC-059-DG)

Appellants' Brief Appellees' Brief Appellants' Reply Brief

"Evidence Law. Issues include the standard of reversal for evidentiary errors and the application of *Daubert v. Merrill Dow Pharmaceuticals*, 509 U.S. 579 (1993) to scientific testimony in a medical malpractice action." Discretionary Review granted 11/13/2013 Jefferson Circuit Court, Judge Barry Willett Attorneys for Appellants: Gerald R. Toner, Katherine K. Vesely, Brent Thomas Asseff and Whitney Roth Kramer Attorneys for Billy Jo Ries and Kevin Ries (Appellees): Ann B. Oldfather and

Robert Sean Deskins

Attorneys for Tonya Robinson, M.D. (Appellee): Donald W. Darby and James Eric Smith

# 9:00 a.m. JOHN J. SCOTT, ET AL. V. TIM DAVIS, ET AL. (2013-SC-0228-DG) AND TIM DAVIS, ET AL. V. JOHN J. SCOTT, ET AL. (2013-SC-0682-DG)

Appellants' Brief Appellees' Brief Reply Brief

Reply Brief

"Statute of Limitations. Law of the Case Doctrine. Issues include whether the statute of limitations is tolled when the underlying action was dismissed due to the improper assignment of a legal malpractice claim, so as to allow the plaintiff to re-file the action. "

Discretionary Review granted 09/18/2013 and 11/13/2013

Hardin Circuit Court, Judge Doughlas M. George

Attorneys for Appellants: Bethany A. Breetz, Matthew W. Breetz and Demetrius O'Dell Holloway

Attorneys for Appellees: Hans George Poppe, Jr., Warner Thomas Wheat, Scarlette Renee Burton and Kirk A. Laughlin

# 10:00 a.m. COMMONWEALTH OF KENTUCKY V. SHANNANDOAH CARMAN, ET AL. (2013-SC-0684-CL)

Appellants' Brief

Appellees' Brief

"Certification of the Law. Ex parte communications to alter conditions of release after initial fixing of bail."

Jefferson District Court, Judge Stephanie P. Burke Attorneys for Appellant: David A. Sexton and Michael J. O'Connell Attorney for Appellee Shannandoah Carman: James R. Moore Attorneys for Appellee Kenneth Westbay: Michael Romano Mazzoli and Scott James Barton

# 11:00 a.m. ADMINISTRATIVE OFFICE OF THE COURTS V. BEVERLY MILLER (2013-SC-0373-TG)

Appellants' Brief Appellees' Brief Reply Brief "Employment Law. Tenure. Whistleblower Claim." Transfer granted 09/26/2013 Jefferson Circuit Court, Judge Karen A. Conrad Attorneys for Appellant: Melissa Norman Bork, Brent Robert Baughman Margaret Eileen Mary Keane and Reva Dawn Campbell Attorney for Appellee: Thomas E. Clay (Note: Chief Justice John D. Minton, Jr. and Justice Lisabeth Hughes Abramson are recused.)

### FRIDAY, AUGUST 15, 2014

### NO ORAL ARGUMENTS