

**SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR**

WEDNESDAY, August 10, 2022

10:00 a.m. **ASHLAND HOSPITAL CORPORATION D/B/A KING'S DAUGHTERS
MEDICAL CENTER, ET AL. V. DARWIN SELECT INSURANCE CO.
N/K/A ALLIED WORLD SURPLUS LINES INSURANCE CO., ET AL.
(2020-SC-0260-DG)**

[APPELLANTS' BRIEF](#)

[APPELLEE BRIEF \(DARWIN SELECT INSURANCE\)](#)

[APPELLEE BRIEF \(HOMELAND INSURANCE\)](#)

[REPLY BRIEF](#)

[AMICUS CURIAE BRIEF \(KENTUCKY HOSPITAL ASSOCIATION\)](#)

[AMICUS CURIAE BRIEF \(KENTUCKY JUSTICE ASSOCIATION\)](#)

[AMICUS CURIAE BRIEF \(UNITED POLICY HOLDERS\)](#)

Insurance. Exclusions. Prior Notice of Claims. Issue presented involves whether notice of receipt of a subpoena to a directors & officers liability insurance carrier triggers an exclusion of coverage for later claims of medical negligence under a separate professional liability policy.

Discretionary Review Granted: 8/25/2021

Boyd Circuit Court, Hon. C. David Hagerman, Judge

Counsel for Appellants: Kimberly S. McCann, W. Mitchell Hall, Jr., Perry M. Bentley, and Todd S. Page

Counsel for Appellees: Jamie Wilhite Dittert, Jonathan D. Hacker, Jeffrey Michael Cohen, Ronald G. Sheffer, Charles E. Spevacek, and William M. Hart

Lambert, J., not sitting.

**ALL ARGUMENTS WILL BE STREAMED ONLINE AT
WWW.KET.ORG/SUPREMECOURT.**

**SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR**

WEDNESDAY, August 10, 2022
(CONTINUED)

**11:00 a.m. CURTIS GREEN, ET AL. V. PHILLIP FRAZIER
(2021-SC-0293-DG)**

[APPELLANTS BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

Contracts. Arbitration. Fraud. Limitation on Damages. Issues presented include whether an unconscionable damages provision in an arbitration agreement is severable from an agreement or renders the entire agreement invalid and unenforceable.

Discretionary Review Granted: 10/20/21

Powell Circuit Court, Hon. Frank A. Fletcher

Counsel for Appellants: Carroll Morris Redford, III

Counsel for Appellee: Teddy Lowell Flynt and Larry Dustin Riddle

**ALL ARGUMENTS WILL BE STREAMED ONLINE AT
WWW.KET.ORG/SUPREMECOURT.**

**SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR**

THURSDAY, AUGUST 11, 2022

**10:00 a.m. THE CITY OF BARBOURVILLE, KENTUCKY, ET AL. V. EVELYN
HOSKINS, ET AL.**

(2021-SC-0435-DG)

[APPELLANTS BRIEF](#)

[APPELLEES BRIEF](#)

[REPLY BRIEF](#)

Torts. Premises Liability. Open and Obvious Conditions. Issues presented include review of summary judgment in favor of the city, where the plaintiff, who suffers from diabetic neuropathy, sustained an injury while walking for ten minutes on a summer day on concrete at a city-owned waterpark.

Discretionary Review Granted: 1/11/22

Knox Circuit Court, Hon. Gregory A. Lay, Judge

Counsel for Appellants: Licha Hanna Farah, Jr., Whitney Nikole Williams

Counsel for Appellees: Clyde Bishop Johnson, Jr.

**ALL ARGUMENTS WILL BE STREAMED ONLINE AT
WWW.KET.ORG/SUPREMECOURT.**

**SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR**

THURSDAY, AUGUST 11, 2022
(CONTINUED)

11:00 a.m. CENTURY ALUMINUM OF KENTUCKY, GP V. DEPARTMENT OF REVENUE, FINANCE AND ADMINISTRATION CABINET, COMMONWEALTH OF KENTUCKY (2021-SC-0300-DG)
APPELLANT BRIEF
APPELLEE BRIEF
REPLY BRIEF
AMICUS BRIEF (KENTUCKY ASSOCIATION OF MANUFACTURERS AND KENTUCKY CHAMBER OF COMMERCE)
Taxation. Sales Tax. Manufacturers. KRS 139.470(9). Supplies Exemption. Repair or Replacement Parts Exclusion. Issues include whether items that an aluminum manufacturer must regularly purchase because they wear out during the manufacturing process are tax-exempt supplies or taxable repair or replacement parts.
Discretionary Review Granted: 2/16/2022
Franklin Circuit Court, Hon. Thomas D. Wingate
Counsel for Appellant: Steven Lowell Lenarz
Counsel for Appellee: Richard William Bertelson, III
Counsel for Amicus Curiae: Mark Allen Loyd, Jr., Stephanie Marie Bruns, Bailey Roese

ALL ARGUMENTS WILL BE STREAMED ONLINE AT
WWW.KET.ORG/SUPREMECOURT.