

**SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR**

WEDNESDAY, AUGUST 16, 2023

10:00 a.m. **ARKK PROPERTIES, LLC, ET AL. V. DANIEL CAMERON, IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL OF THE COMMONWEALTH OF KENTUCKY, ET AL. (2023-SC-0196-OA)**

PETITION FOR WRIT
RESPONSE TO PETITION FOR WRIT
PETITIONERS' BRIEF (DUE 7/17/23)
RESPONDENTS' BRIEF (DUE 7/17/23)
PETITIONERS' REPLY BRIEF (DUE 8/4/23)
RESPONDENTS' REPLY BRIEF (DUE 8/4/23)
AMICUS CURIAE BRIEF (AMERICAN CIVIL LIBERTIES UNION, ET AL.)

Supervisory Writ. Venue. Jurisdiction. KRS 452.005. Issues presented include whether amendments to KRS 452.005, enacted by passage of Senate Bill 126 during the 2023 Session of the General Assembly, are constitutional.

Oral Argument Granted:	June 14, 2023
Trial Court(s):	Franklin Circuit Court
Presiding Judge(s):	Hon. Phillip J. Shepherd

Counsel for Appellant, <i>ARKK Properties, LLC, et al.:</i>	J. Gutherie True Richard M. Guarnieri <i>True Guarnieri Ayer, LLP</i>
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-and-

	R. Kenyon Meyer M. Evan Buckley <i>Dinsmore & Shohl, LLP</i>
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WWW.KET.ORG/SUPREMECOURT

Counsel for Appellee,
Commonwealth of Kentucky.

Daniel Cameron
Attorney General

Victor B. Maddox
Deputy Attorney General

Matthew F. Kuhn
Solicitor General

Alexander Y. Magera
Michael R. Wajda
Assistant Solicitors General

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WEDNESDAY, AUGUST 16, 2023
(CONTINUED)

11:00 a.m. **CABINET FOR HEALTH AND FAMILY SERVICES V. M.Q.M., ET AL.**
(2022-SC-0383-DGE)

APPELLANT'S BRIEF
APPELLEE BRIEF

Family Law. Termination of Parental Rights. Dependency, Neglect, and Abuse. Right to Counsel. Issues presented include whether the Court of Appeals correctly reversed the termination of a father's parental rights when: (1) father was not present or represented by counsel at the goal change hearing in the child's most recent DNA case; (2) father was absent during much of the child's life due to his incarceration; (3) father never had physical custody of the child and, therefore, was not the perpetrator of any of the acts alleged in the DNA petitions; (4) father recently complied with some of the Cabinet's case plan requirements, including therapeutic visitation and drug screens; and (5) father tested positive for drugs two months before the TPR trial.

Oral Argument Granted:	February 8, 2023
Trial Court(s):	Jefferson Family Court
Presiding Judge(s):	Hon. Gina Kay Calvert

Counsel for Appellant, <i>Cabinet for Health and Family Services:</i>	Joseph P. Schuler
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Counsel for Appellee, <i>M.Q.M.:</i>	Joseph S. Elder II
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THURSDAY, AUGUST 17, 2023

10:00 a.m. **RODNEY MCMILLIN, M.D. V. MARIO SANCHEZ, ET AL.,
(2022-SC-0272-DG)**

APPELLANT BRIEF (RODNEY MCMILLIAN, M.D.)
APPELLEE BRIEF (MARIO SANCHEZ)
APPELLEES BRIEF (NATALIE KELSEY, M.D., ET AL.)

AND

**MARIO SANCHEZ V. RODNEY MCMILLIN, M.D., ET AL.
(2022-SC-0274-DG)**

APPELLANT BRIEF (MARIO SANCHEZ)
APPELLEE BRIEF (RODNEY MCMILLIAN, M.D.)
APPELLEES BRIEF (NATALIE KELSEY, M.D., ET AL.)
REPLY BRIEF (MARIO SANCHEZ)

Medical Malpractice. Certificate of Merit. KRS 411.167. Issues involve whether the statutory certificate of merit filing requirements are subject to possible discretionary extensions of time.

Thompson, J., not sitting.

Oral Argument Granted:	October 12, 2022
Trial Court(s):	Jefferson Circuit Court
Presiding Judge(s):	Hon. Ann Bailey Smith

Counsel for Appellant/Appellee, <i>Rodney McMillin, M.D.:</i>	Steven S. Burchett Michael G. Erena Jennifer L. Horan <i>Jackson Kelly. PLLC</i>
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<i>Counsel for Appellees, Natalie Kelsey, M.D., et al.:</i>	Karen L. Keith Virginia Leigh Schell <i>Stoll Keenon Ogden PLLC</i>
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Counsel for Appellee/Appellant,
Mario Sanchez:

Jeffrey T. Sampson
The Sampson Law Firm

-and-

Kevin C. Burke
Jamie C. Neal
Burke Neal PLLC

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THURSDAY, AUGUST 17, 2023
(CONTINUED)

11:00 a.m. HUGH KEITH MCWHORTER, ET AL. V. BAPTIST HEALTHCARE SYSTEM, INC. D/B/A BAPTIST HEALTH LEXINGTON (2022-SC-0354-DG)

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

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

[AMICUS BRIEF \(COMMONWEALTH OF KENTUCKY\)](#)

Medical Negligence. KRS 411.167. Certificate of Merit. Timeliness. Motion to Dismiss. Issues include when a certificate of merit must be filed in a medical negligence case and whether a motion to dismiss on grounds of failure to file a timely certificate of merit must be raised in answer to complaint.

Thompson, J., not sitting.

Oral Argument Granted:

December 7, 2022

Trial Court(s):

Fayette Circuit Court

Presiding Judge(s):

Hon. Ernesto Scorsone

Counsel for Appellants,

Hugh & Carol McWhorter.

David M. Cross

-and-

Donald L. Wilkerson III

*Hoover & Associates Law
Office*

Counsel for Appellee,

Baptist Healthcare System

D/B/A Baptist Health Lexington:

Jeffrey T. Barnett

Kimberly G. Desimone

*Barnett Benevuti & Butler
PLLC*

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