

SUPREME COURT OF KENTUCKY  
ORAL ARGUMENT CALENDAR

WEDNESDAY, DECEMBER 6, 2023

10:00 a.m. LOUISVILLE/JEFFERSON COUNTY METROPOLITAN GOVERNMENT V.  
DEZMON MOORE, ET AL.  
(2022-SC-0112-DG)

AND

DEZMON MOORE V. LOUISVILLE/JEFFERSON COUNTY METROPOLITAN  
GOVERNMENT AND LOUISVILLE METRO POLICE MERIT BOARD  
(2022-SC-0369-DG)

[APPELLANT BRIEF \(LOUISVILLE/JEFFERSON COUNTY METRO GOV.\)](#)  
[APPELLEE BRIEF \(LOUISVILLE METRO POLICE MERIT BOARD\)](#)  
[APPELLEE/CROSS APPELLANT CORRECTED COMBINED BRIEF \(DEZMON  
MOORE\)](#)  
[APPELLANT/CROSS-APPELLEE COMBINED REPLY & RESPONSE BRIEF  
\(LOUISVILLE/JEFFERSON COUNTY METRO GOV.\)](#)  
[CROSS APPELLEE RESPONSE BRIEF \(LOUISVILLE METRO POLICE MERIT  
BOARD\)](#)  
[APPELLEE/CROSS-APPELLANT REPLY BRIEF \(DEZMON MOORE\)](#)

Employment Law. Police Officer Discipline. Merit Board. Evidence. KRS 67C.325. KRS 67C.326. Expunged Charges. Issues include: (1) whether the Louisville Metro Police Merit Board violated the terminated officer's right to confront the witnesses against him by admitting sworn, transcribed witness statements into evidence at the officer's appeal hearing; and (2) whether the Merit Board erred by considering evidence related to an expunged criminal charge against the terminated officer.

**Thompson, J., not sitting.**

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Oral Argument Granted:	August 16, 2022
Cross Motion for Review Granted:	October 12, 2022
Trial Court:	Jefferson Circuit Court
Presiding Judge:	Hon. Olu A. Stevens

ALL ARGUMENTS WILL BE STREAMED ONLINE AT

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

Counsel for Appellant/Cross-Appellee,  
Louisville/Jefferson County  
Metropolitan Government:

Mitchel T. Denham  
*McBrayer, PLLC*

Counsel for Appellee/Cross-Appellant,  
Dezmon Moore:

David Leightty  
*Priddy, Cutler, Leightty  
& Meade, PLLC*

Counsel for Appellee, Cross-Appellee,  
Louisville Metro Police  
Merit Board:

Mark W. Dobbins  
Kathleen M.W. Schoen  
*Tilford Dobbins  
Schmidt, PLLC*

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**WEDNESDAY, DECEMBER 6, 2023**  
**(CONTINUED)**

11:00 a.m. **DONNA POWERS V. KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY, ET AL.**  
**(2022-SC-0309-DG)**

**APPELLANT BRIEF**  
**APPELLEE BRIEF (KENTUCKY FARM BUREAU MUTUAL INS. CO.)**  
**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.

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

Counsel for Appellant,  
Donna Powers: Darryl T. Dixon  
*Morgan & Morgan*

*-and-*

Kevin Burke  
Jamie Neal  
*Burke Neal PLLC*

Counsel for Appellee,  
Kentucky Farm Bureau  
Mutual Insurance Co.: Mike Moore  
Jake Carter  
*Moore Law Firm*

Counsel for Appellee,  
Estate of Fendol  
Carruthers, Jr.: James R. Coltharp, Jr.  
*Whitlow Roberts Houston  
& Straub, PLLC*

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**THURSDAY, DECEMBER 7, 2023**

10:00 a.m. **COMMONWEALTH OF KENTUCKY V. STEVEN D. ROARK  
(2022-SC-0386-DG)**

**APPELLANT BRIEF**  
**APPELLEE BRIEF**  
**REPLY BRIEF**

Criminal Law. Methamphetamine Manufacturing. KRS 218A.1432(1)(a) and (b). Unanimous Verdicts. Issues relate to evidentiary sufficiency to support conviction of multiple statutory options to commit the same crime

**Thompson, J., not sitting.**

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Oral Argument Granted:	March 15, 2023
Trial Court(s):	Knox Circuit Court
Presiding Special Judge:	Hon. David Tapp

Counsel for Appellant,  
*Commonwealth of  
Kentucky:*

Daniel J. Cameron  
*Attorney General*

Joseph Beckett  
*Assistant Attorney General*

Alexander Magera  
*Assistant Solicitor General*

Counsel for Appellee/Appellant  
*Steven D. Roark:*

Shannon Dupree  
*Department of Public  
Advocacy*

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**THURSDAY, DECEMBER 7, 2023**  
**(CONTINUED)**

11:00 a.m.    **JAMES NATHAN COMBS V. TERESA SPICER**  
**(2022-SC-0438-DG)**

**[APPELLANT BRIEF](#)**  
**[APPELLEE BRIEF](#)**  
**[REPLY BRIEF](#)**

Contracts. Settlement Agreements and Releases. Intentional infliction of emotional distress. Issues include whether Respondent Co-Administrator's release of claims against Movant precluded intentional infliction of emotional distress claim against Movant made in her individual capacity.

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Oral Argument Granted:	March 15, 2023
Trial Court(s):	Breathitt Circuit Court
Presiding Judge(s):	Hon. Lisa H. Whisman

Counsel for Appellant, <i>James Nathan Combs:</i>	Jason S. Morgan Betsy R. Catron <i>Ward Hocker &amp; Thornton, PLLC</i>
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Counsel for Appellee, <i>Teresa Spicer:</i>	Ned Pillersdorf <i>Pillersdorf Law Offices</i>
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