

**SUPREME COURT OF KENTUCKY**  
**ORAL ARGUMENT CALENDAR**

**WEDNESDAY, DECEMBER 11, 2024**

10:00 a.m. **ERIE INSURANCE EXCHANGE V. MEGAN JOHNSON, ET AL.**  
**(2024-SC-0018-DG)**

**APPELLANT BRIEF**

**APPELLEE BRIEF**

**REPLY BRIEF**

**AMICUS BRIEF (KENTUCKY DEFENSE COUNSEL, INC)**

**AMICUS BRIEF (INSURANCE INSTITUTE OF KENTUCKY)**

**AMICUS BRIEF (KENTUCKY JUSTICE ASSOCIATION)**

**AMICUS BRIEF (KENTUCKY HOSPITAL ASSOCIATION)**

Declaratory Judgment. Motor Vehicle Repairs Act. KRS 304.39-210(1) and KRS 304.39-241. Excess Interest. KRS 304.39-210(2). Attorney's Fees. KRS 304.39-220. Issues include: (1) whether insured may direct priority of insurer's payment to medical providers; and (2) what constitutes a "reasonable foundation" for an insurer's delay in making payment for purposes of awarding excess interest and attorney's fees to insured.

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Discretionary Review Granted:

March 6, 2024

Trial Court(s):

Floyd Circuit Court

Presiding Judge(s):

Hon. Johnny Ray Harris

Counsel for Appellant,

*Erie Insurance Exchange:*

Mark Osbourn

*Bush & Osbourn, PLLC*

Counsel for Appellee,

*Megan Johnson, et al.:*

Michael Shane Hall

*Shane Hall Attorney at Law*

*PLLC*

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

**WEDNESDAY, DECEMBER 11, 2024**  
**(CONTINUED)**

11:00 a.m. **KIMBERLY DERAMOS V. ANDERSON COMMUNITIES, INC.**  
**(2023-SC-0378-DG)**

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

Torts. Negligence. Strict Liability. Dog Bite. KRS 258.235(4). Questions include whether the trial court erred in dismissing tenant’s complaint against her landlord for failure to state a claim upon which relief could be granted under CR 12.02(f) when: (1) the tenant was attacked by a dog in a common area at the landlord’s apartment complex; (2) the landlord was not strictly liable under KRS 258.235(4) because it is not the dog’s “owner”; and (3) the tenant’s complaint alleged negligence, not strict liability.

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Discretionary Review Granted:	January 10, 2024
Trial Court(s):	Jefferson Circuit Court
Presiding Judge(s):	Hon. Audra J. Eckerle

Counsel for Appellant, <i>Kimberly Deramos:</i>	Grover Cox <i>Cox &amp; Cox Law Office PLLC</i>
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Counsel for Appellee, <i>Anderson Communities, Inc.:</i>	J. Michael Wells <i>Travis Herbert &amp; Stempien</i>
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**THURSDAY, DECEMBER 12, 2024**

**10:00 a.m. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND  
FAMILY SERVICES, ET AL. V. K.O., ET AL.  
(2024-SC-0188-DG)**

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

Family Law. Dependency, Abuse, and Neglect. KRS 600.020(1)(a). Issues include whether the trial court relied on substantial evidence in holding child was at risk of being harmed where child's father consumed marijuana while in a caretaking role and allegedly exposed the child to marijuana.

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Discretionary Review Granted: August 14, 2024  
Trial Court(s): Calloway Circuit Court  
Presiding Judge(s): Hon. Stephanie J. Perlow

Counsel for Appellants,  
*Commonwealth of Kentucky,  
Cabinet for Health and  
Family Services:* Kevin Martz  
Assistant Counsel

Counsel for Appellant,  
*R.O., a minor child:* Whitney Stringer  
*Coleman Law Offices*

Counsel for Appellee,  
*K.O.:* Christopher Hendricks

Counsel for Appellee,  
*S.O.:* Sarah Jones  
*Law Office of Sarah  
Coursey Jones, PLLC*

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**THURSDAY, DECEMBER 12, 2024**  
**(CONTINUED)**

11:00 a.m. **CANCELLED**  
~~TIMOTHY S. HART, MD P.S.C. D/B/A HART FAMILY CARE V.  
COMMONWEALTH OF KENTUCKY, KENTUCKY UNEMPLOYMENT  
INSURANCE COMMISSION, ET AL.—  
(2023-SC-0117-DG)~~

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

~~Administrative Law. Unemployment Benefits. Misconduct. Issues include whether a medical office terminated a receptionist for misconduct when: (1) the receptionist interrupted a conversation between the employer and the office manager regarding potential problems with the phone system; (2) the receptionist gave a sarcastic response to the employer's confrontational question.~~

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Discretionary Review Granted: August 16, 2023  
Trial Court(s): Boyd Circuit Court  
Presiding Judge(s): Hon. George Davis

Counsel for Appellant,  
*Timothy Hart, MD P.S.C:* Richard Martin  
Daniel Vincent  
*Martin, Wheeler & Vincent,  
PSC*

Counsel for Appellee,  
*Commonwealth of Kentucky,  
Kentucky Unemployment  
Insurance Commission:* Kimberly Grasberger  
Matthew Lynch  
Sarah Ortkiese  
*Kentucky Education and  
Labor Cabinet*

Counsel for Appellee,  
*Beth Hullett:* Alexander Ward  
*Vanover Hall Bartley & Ward  
PSC*

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