

**SUPREME COURT OF KENTUCKY**

**ORAL ARGUMENT CALENDAR**

**WEDNESDAY, FEBRUARY 7, 2018**

- 9:00 a.m. LAUREL HARPER, ET AL. V. UNIVERSITY OF LOUISVILLE (2016-SC-0632-DG)**  
[APPELLANT BRIEF](#)  
[APPELLEE BRIEF](#)  
[REPLY BRIEF](#)  
"Whistleblower Act. Issues involve evidentiary sufficiency to support a jury verdict for violation of the Kentucky Whistleblower Act."  
Discretionary Review granted 6/8/2017  
Jefferson Circuit Court, Judge A. C. McKay Chauvin  
Attorneys for Appellants: Kevin Crosby Burke, Michael Augustus and Jamie Kristin Neal  
Attorneys for Appellee: Randall Scott Strause and Courtney Graham
- 10:00 a.m. KAMRYN BAKER V. LYNN FIELDS, ET AL. (2017-SC-0144-DG)**  
[APPELLANT BRIEF](#)  
[APPELLEE BRIEF](#)  
"Qualified Immunity. Summary Judgment. Negligence. Slip and Fall. The issue is whether Court of Appeals' analysis usurped the role of the jury, in deciding the issue of negligence on this interlocutory appeal, when the trial court denied a motion for summary judgment and determined that qualified immunity did not apply to these circumstances, but had not yet addressed the issue of negligence of school employees."  
Discretionary Review granted 6/8/2017  
Laurel Circuit Court, Judge Gregory Allen Lay  
Attorney for Appellant: E. Liddell Vaughn  
Attorney for Appellees: Larry Glenn Bryson  
**(Rescheduled from December 7, 2017)**
- 11:00 a.m. SOPHAL PHON V. COMMONWALTH OF KENTUCKY (2016-SC-0468-DG)**  
[APPELLANT BRIEF](#)  
[APPELLEE BRIEF](#)  
[REPLY BRIEF](#)  
[AMICUS CURIAE BRIEF](#)  
"Criminal Law. RCr 11.42 and CR 60.02. Issues involve application of Montgomery v. Louisiana, 136 S. Ct. 718 (2016) to a 1998 sentence of life without parole for crimes including multiple murders committed before the offender's 18th birthday."  
Discretionary Review granted 4/19/2017  
Warren Circuit Court, Judge John Grise  
Attorneys for Appellant: Timothy G. Arnold and Renee Sara Vandenberg  
Attorneys for Appellee: Susan Roncarti Lenz and Jason Bradley Moore  
**(Minton, CJ. and VanMeter, J., recused.)**  
**(Special Justices Timothy Kline and Christopher Thacker, sitting.)**

**SUPREME COURT OF KENTUCKY**

**ORAL ARGUMENT CALENDAR**

**THURSDAY, FEBRUARY 8, 2018**

**11:00 a.m. WILLIAM J. YUNG, ET AL. V. GRANT THORNTON, LLP (2016-SC-0571-DG)  
AND GRANT THORNTON, LLP V. MARTHA YUNG, ET AL. (2017-SC-0151-DG)**

**[APPELLANT BRIEF](#)**

**[APPELLEE BRIEF](#)**

**[REPLY BRIEF](#)**

**[REPLY BRIEF](#)**

**[AMICUS CURIAE BRIEF - KENTUCKY JUSTICE ASSOCIATION](#)**

**[AMICUS CURIAE BRIEF - THE KENTUCKY SOCIETY OF CERTIFIED](#)**

**[PUBLIC ACCOUNTANTS](#)**

**[AMICUS CURIAE BRIEF - KENTUCKY CHAMBER OF COMMERCE,  
KENTUCKY DEFENSE COUNSEL, INC., AND KENTUCKY BANKERS  
ASSOCIATION](#)**

"Torts. Punitive Damages. Issues include the propriety of the Court of Appeals panel's remittitur of \$60 million of the \$80 million awarded in punitive damages in addition to compensatory damages of \$19.315 million for fraudulent and grossly negligent tax and accounting services. Issues presented in the cross-motion concern the compensatory damages award as well as the punitive damages."

Discretionary Review granted 3/15/2017 and 4/19/2017

Kenton Circuit Court, Judge Patricia M. Summe

Attorneys for William J. Yung and Martha A. Yung: Michael D. Risley, Bethany A. Breetz and Matthew W. Breetz

Attorney for The 1994 William J. Yung Family Trust: Gerald F. Dusing

Attorneys for Grant Thornton, LLP: Sheryl G. Snyder, Griffin Terry Sumner, Theresa Agnes Canaday and Jason Patrick Renzelmann

**SUPREME COURT OF KENTUCKY**

**ORAL ARGUMENT CALENDAR**

**FRIDAY, FEBRUARY 9, 2018**

**10:00 a.m. VANHOOK ENTERPRISES, INC. V. KAY & KAY CONTRACTING, LLC**

**(2016-SC-0666-DG)**

**[APPELLANT BRIEF](#)**

**[APPELLEE BRIEF](#)**

**[REPLY BRIEF](#)**

"Contract. Quantum Meruit. Unclean Hands. Federal HUBZone Program.

Issues include whether a subcontractor who allegedly performed more work than allowed on a bridge construction project governed by the Federal HUBZone Program may recover for the value of that work from the prime contractor under quantum meruit."

Discretionary Review granted 8/16/2017

Pulaski Circuit Court, Judge Jeffrey Thomas Burdette

Attorney for Appellant: Larry F. Sword

Attorney for Appellee: Darren J. Duzyk

**11:00 a.m. JOYCE CALES, ET AL. V. BAPTIST HEALTHCARE SYSTEM, INC., D/B/A**

**CENTRAL BAPTIST HOSPITAL (2017-SC-0057-DG) AND BAPTIST**

**HEALTHCARE SYSTEM, INC., CENTRAL BAPTIST HOSPITAL V. JOYCE**

**CALES, ET AL. (2017-SC-0076-DG)**

**[APPELLANT BRIEF 2017-SC-0057-DG](#)**

**[APPELLEE BRIEF 2017-SC-0057-DG](#)**

**[REPLY BRIEF 2017-SC-0057-DG](#)**

**[APPELLANT BRIEF 2017-SC-0076-DG](#)**

**[APPELLEE BRIEF 2017-SC-0076-DG](#)**

**[REPLY BRIEF 2017-SC-0076-DG](#)**

"Products Liability. Medical Malpractice. Federal Preemption. Off-Label Use of Medical Devices. Informed Consent. Hospital Standard of Care. An issue of first impression in Kentucky is whether the trial court properly dismissed the state products liability claims against the hospital on the basis of express federal preemption in circumstances involving the off-label use of a medical device.

Another issue is the standard of care applicable to the hospital when a medical device is being used off-label. Did the Court of Appeals err when it determined that the hospital had a duty to inform the patient of the regulatory status of the device and its off-label use and the risks attendant thereto?"

Discretionary Review granted 6/8/2017

Fayette Circuit Court, Judge Pamela Goodwine

Attorneys for Joyce Cales and Jack Cales: Gregory J. Bubalo, Gary C.

Johnson, Anita Parsons Johnson, Rhonda J. Blackburn, Leslie Metcalf Cronen and Katherine Dunnington

Attorneys for Baptist Healthcare, etc.: Susan Daunhauer Phillips, Patricia Colleen Le Meur, Michael Thompson and Sarah Clark