

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

**WEDNESDAY, FEBRUARY 11, 2026**

**BREIT COURTROOM, WILSON W. WYATT HALL**  
**UNIVERSITY OF LOUISVILLE BRANDEIS SCHOOL OF LAW**  
**LOUISVILLE, KY**

10:15 a.m. SGT. KEVIN BURTON, ET AL. V. KENTUCKY STATE  
POLICE/COMMONWEALTH OF KENTUCKY  
(2024-SC-0309-DG)

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

Kentucky Whistleblower Act. Jury Instructions. Preservation. Waiver. CR 51(3). Issues include whether Kentucky State Police waived its objection to the jury instructions by stating that it had no objection to the final version of the jury instructions, or whether it preserved its objection by tendering *prima facie* case instructions that differed from the final version.

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Discretionary Review Granted:	February 13, 2025
Trial Court(s):	Franklin Circuit Court
Presiding Judge(s):	Hon. Thomas Wingate
Counsel for Appellant, <i>Sgt. Kevin Burton, et al.:</i>	Thomas Clay
Counsel for Appellee, <i>Kentucky State Police/ Commonwealth of Kentucky:</i>	Shawna Virgin Kincer Alea Arnett <i>Kentucky State Police</i>

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**WEDNESDAY, FEBRUARY 11, 2026**  
**(CONTINUE)**

11:30 a.m. HMB PROFESSIONAL ENGINEERS, INC., ET AL. V. KRISTINA L. IVES,  
INDIVIDUALLY, ET AL.  
(2024-SC-0284-DG)

[APPELLANT BRIEF \(HMB PRO. ENGINEERS, INC., ET AL.\)](#)  
[APPELLEE BRIEF](#)  
[REPLY BRIEF](#)  
[AMICUS CURIAE BRIEF \(AMERICAN COUNCIL OF ENGINEERING CO.  
OF KY\)](#)

AND

HDR ENGINEERING, INC., ET AL. V. KRISTINA L. IVES, INDIVIDUALLY,  
ET AL.  
(2024-SC-0289-DG)

[APPELLANT BRIEF \(HDR ENGINEERING, ET AL.\)](#)  
[APPELLEE BRIEF \(JENNINGS L. COPLEY, ET AL.\)](#)  
[APPELLEE BRIEF \(IVES, ET AL\)](#)  
[REPLY BRIEF](#)  
[AMICUS CURIAE BRIEF \(AMERICAN COUNCIL OF ENGINEERING CO.  
OF KY\)](#)

AND

WSP USA INC., ET AL. V. KRISTINA IVES, INDIVIDUALLY, ET AL.  
(2024-SC-0291-DG)

[APPELLANT BRIEF \(WSP USA INC., ET AL.\)](#)  
[APPELLEE BRIEF \(JENNINGS L. COPLEY, ET AL.\)](#)  
[APPELLEE BRIEF \(IVES, ET AL\)](#)  
[REPLY BRIEF](#)  
[AMICUS CURIAE BRIEF \(AMERICAN COUNCIL OF ENGINEERING CO.  
OF KY\)](#)

AND

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HMB PROFESSIONAL ENGINEERS, INC., ET AL. V. JENNINGS L.  
COPLEY, ET AL.  
(2024-SC-0295-DG)

[APPELLANT BRIEF \(HMB PRO. ENGINEERS, INC., ET AL.\)](#)

[APPELLEE BRIEF \(JENNINGS L. COPLEY, ET AL.\)](#)

[REPLY BRIEF](#)

[AMICUS CURIAE BRIEF \(AMERICAN COUNCIL OF ENGINEERING CO.  
OF KY\)](#)

Torts. Negligence. Automobile Accident. Highway Design. National Highway System. Issues include whether remedies otherwise available pursuant to Kentucky tort law are preempted by federal laws concerning highway design.

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Discretionary Review Granted: December 12, 2024

Trial Court(s): Fayette Circuit Court

Presiding Judge(s): Hon. Kimberly Bunnell

Counsel for Appellants,  
*HMB Professional  
Engineers, Inc., et al.:*

John D. "Chip" Clay  
*Gordon Rees Scully  
Mansukhani LLP*

Counsel for Appellants,  
*HDR Engineering, Inc.,  
and James L. Guinn:*

John W. Hays  
K. Brad Oakley  
Mary L. Bryson  
*Jackson Kelly PLLC*

*Counsel for Appellants,  
WSP USA Inc., et al.:*

*William G. Geisen  
Cassandra L. Welch  
Michael D. Risley  
Bethany A. Breetz  
Stites & Harbison, PLLC*

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Counsel for Appellee,  
*Kristina L. Ives, Individually,*  
*et al.:*

Benjamin Lee Kessinger, III  
Mason Moore Kessinger  
*Kessinger Law Group PLLC*

Counsel for Appellee,  
*Jennings L. Copley, et al.:*

Bartley Hagerman  
*Mehr Fairbanks*

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**WEDNESDAY, FEBRUARY 11, 2026**  
**(CONTINUE)**

1:30 p.m.

**CANCELLED, WILL BE RESCHEDULED**  
**~~DAVID EUGENE MATTHEWS V. COMMONWEALTH OF KENTUCKY~~**  
**~~(2025-SC-0034-MR)~~**

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

**AND**

**~~DAVID SANDERS V. COMMONWEALTH OF KENTUCKY~~**  
**~~(2024-SC-0040-MR)~~**

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

~~Death Penalty. CR 60.02. Ineffective Assistance of Counsel. RCr 11.42 Counsel. Issues presented include: (1) whether expansion of the federal cause and prejudice standard by the United States Supreme Court in cases of procedural default automatically applies in Kentucky given the Kentucky Supreme Court's prior adoption of the federal cause and prejudice standard in *Bowling v. Commonwealth*, 163 S.W.3d 361 (Ky. 2005); and (2) if so, whether expansion of the federal standard permits successive post-conviction ineffective assistance of trial counsel (IATC) claims under CR 60.02 if the movant can show that counsel in the initial RCr 11.42 proceeding was ineffective by failing to properly present the underlying IATC claim.~~

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Oral Argument_Granted:	January 6, 2025
Trial Court(s):	Jefferson Circuit Court Madison Circuit Court
Presiding Judge(s):	Hon. Susan Gibson Hon. Cole Maier

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Counsel for Appellants:

David Barron  
*Kentucky Department  
of Public Advocacy,*

Counsel for Appellee  
*Commonwealth of Kentucky:*

Matthew Krygiel  
Kristin Conder  
Stephanie McKeehan  
*Office of the Kentucky  
Attorney General*

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**THURSDAY, FEBRUARY 12, 2026**

**BREIT COURTROOM, WILSON W. WYATT HALL**  
**UNIVERSITY OF LOUISVILLE BRANDEIS SCHOOL OF LAW**  
**LOUISVILLE, KY**

10:00 a.m. **KING-CRETE DRILLING, INC. V. WHITLEY COUNTY FISCAL COURT,  
ET AL.  
(2024-SC-0232-DG)**

**APPELLANT BRIEF**

**APPELLEE BRIEF (WHITLEY COUNTY FISCAL COURT AND WHITLEY  
COUNTY KENTUCKY)**

**APPELLEE BRIEF (ON BEHALF OF JIMMY BATES)**

Contracts. Sovereign Immunity. Breach of Contract. Counties. Statutory Waiver. KRS 45A.245(1). Issues include whether: (1) counties enjoy sovereign immunity from suits for breach of contract; or (2) such immunity has been waived.

**Goodwine, J., not sitting.**

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Discretionary Review Granted: December 12, 2024

Trial Court(s): Whitley Circuit Court

Presiding Judge(s): Hon. Dan Ballou

Counsel for Appellant,  
*King-Crete Drilling, Inc.:*

R. Aaron Hostettler  
*Hamm, Milby &  
Ridings, PSC*

Counsel for Appellee,  
*Whitley County Fiscal  
Court, and Whitley  
County Kentucky:*

Griffin Terry Sumner  
Michelle C Fox  
*Frost Brown Todd LLP*

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Counsel for Appellee,  
*Jimmy Bates, Individually  
and in his Official Capacity  
as the Director of  
Infrastructure and County  
Project Development:*

Jason E. Williams  
John Kelly, Jr.  
*William & Towe Law  
Group PLLC*

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**THURSDAY, FEBRUARY 12, 2026**  
**(CONTINUE)**

11:30 a.m. **DIAGNOSTIC X-RAY PHYSICIANS, PSC (DXP), ET AL. V. DEBORAH LLOYD, ET AL.**  
**(2024-SC-0216-DG)**

**[APPELLANT BRIEF](#)**  
**[APPELLEE BRIEF](#)**  
**[REPLY BRIEF](#)**  
**[AMICUS CURIAE BRIEF \(AMA/ KMA\)](#)**

**AND**

**SHEILA SLONE KCSA V. DEBORAH LLOYD, ET AL.**  
**(2024-SC-0224-DG)**

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

Medical Malpractice. Retained Foreign Objects. Expert Testimony. Standard of Care. *Res Ipsa Loquitur* Doctrine. Summary Judgment. Issues include (1) whether a medical expert must know and establish the applicable standard of care to survive summary judgment and (2) whether the plaintiff was required to present expert testimony based on the *res ipsa loquitur* doctrine and its two exceptions to the expert witness requirement.

**Goodwine, J., not sitting.**

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Discretionary Review Granted:                      October 16, 2024

Trial Court(s):    Jefferson Circuit Court

Presiding Judge(s):                                      Hon. Tracy E. Davis

Counsel for Appellants,  
*Diagnostic X-Ray Physicians,*  
*PSC, et al.:*

Robert Whitmer  
Craig Johnson  
*Steptoe & Johnson PLLC*

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**THURSDAY, FEBRUARY 12, 2026**  
**(CONTINUE)**

Counsel of Appellant/Appellee,  
Shelia Stone KCSA:

Charles H. Stopher  
Michael D. Risley  
Bethany A. Breetz  
Stites & Harbison, PLLC

Counsel for Appellee,  
*Deborah Lloyd:*

Kenneth H. Baker  
Richard P. Schiller

Counsel for Appellee,  
*Norton Hospitals, Inc.*  
*D/B/A Norton's Women's*  
*and Children's Hospital:*

Karen Keith  
Virginia Schell  
*Stoll Keenon Ogden PLLC*

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