

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

**WEDNESDAY, JANUARY 8, 2025**

10:00 a.m. **CANCELLED DUE TO INCLEMENT WEATHER**  
~~PROFESSIONAL HOME HEALTH CARE V. COMMONWEALTH OF  
KENTUCKY CABINET FOR HEALTH AND FAMILY SERVICES, ET AL.  
(2023-SC-0226-DG)~~

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

Administrative Law. Medicaid. Home and Community Based Waiver. Safety Net Provider. 907 KAR 1:170. Issues include whether the Cabinet overpaid PHHC, a safety net provider, for case management services when: (1) the HCBW regulation includes case management services in the list of reimbursable services; (2) the safety net regulation does not include case management services in the list of services eligible for enhanced reimbursement; (3) a Cabinet employee incorrectly informed PHHC that case management services were covered by the safety net regulation; and (4) the Cabinet paid PHHC over \$1 million in enhanced reimbursements for case management services.

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Discretionary Review Granted: August 16, 2023  
Trial Court(s): Franklin Circuit Court  
Presiding Judge(s): Hon. Thomas Wingate

Counsel for Appellant,  
*Professional Home Health  
Care:* Martha Gray

Counsel for Appellee,  
*Commonwealth of Kentucky  
Cabinet for Health and  
Family Services, et al.:* Blake Vogt

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

**WEDNESDAY, JANUARY 8, 2025**  
**(CONTINUED)**

11:00 a.m. **CANCELLED DUE TO INCLEMENT WEATHER**  
~~T-MOBILE SOUTH LLC (D/B/A T-MOBILE USA), SUCCESSOR-IN-  
INTEREST TO POWERTEL MEMPHIS, INC. V. KENTUCKY  
COMMERCIAL MOBILE RADIO SERVICE EMERGENCY  
TELECOMMUNICATIONS BOARD (N/K/A KENTUCKY 911 SERVICES  
BOARD)  
(2023-SC-0245-DG)~~

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

Government. Regulatory Fees. 911 Services. Prepaid Cell Phones. Common Law Refund. Is a prepaid cell phone provider entitled to a common law refund of statutory 911 fees paid to the CMRS Board when: (1) the provider questioned the statute's applicability to prepaid cellular services from the time it began offering those services in Kentucky; (2) the CMRS Board informed the provider that the 911-fee statute did apply to prepaid cellular services; (3) the provider paid 911 fees for two years, rather than filing a lawsuit to obtain a ruling regarding the statute's applicability; (4) this Court held that the statute did not apply to prepaid cellular providers in *Virgin Mobile*, 448 S.W.3d 241 (Ky. 2014); and (5) the provider promptly requested a refund from the CMRS Board and properly paid 911 fees after the General Assembly amended the statute?

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Discretionary Review Granted:	October 18, 2023
Trial Court(s):	Franklin Circuit Court
Presiding Judge(s):	Hon. Phillip Shepherd

Counsel for Appellant, <i>T-Mobile South LLC:</i>	Mark A. Loyd Stephanie Bruns Bailey Roese <i>Dentons Bingham Greenebaum LLP</i>
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Counsel for Appellee,  
*Kentucky Commercial  
Mobile Radio  
Service Emergency  
Telecommunications Board:*

Jacob Walbourn  
*Kentucky Public  
Protection Cabinet*

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**THURSDAY, JANUARY 9, 2025**

10:00 a.m. **CANCELLED DUE TO INCLEMENT WEATHER**  
~~BILL DUNN, MCCRACKEN COUNTY PROPERTY VALUATION  
ADMINISTRATOR V. SOLOMON FOUNDATION, ET AL.—  
(2023-SC-0235-DG)~~

[APPELLANT BRIEF](#)  
[APPELLEE BRIEF](#)  
[REPLY BRIEF](#)  
[AMICUS BRIEF \(COMMONWEALTH OF KENTUCKY\)](#)  
[AMICUS BRIEF \(KENTUCKY COUNCIL OF CHURCHES\)](#)  
[AMICUS BRIEF \(CROSSROADS CHRISTIAN CHURCH, ET AL.\)](#)

**AND**

~~DEPARTMENT OF REVENUE, FINANCE AND ADMINISTRATION  
CABINET V. THE SOLOMON FOUNDATION, INC.  
(2023-SC-0236-DG)~~

[APPELLANT BRIEF](#)  
[APPELLEE BRIEF](#)  
[REPLY BRIEF](#)  
[AMICUS BRIEF \(COMMONWEALTH OF KENTUCKY\)](#)  
[AMICUS BRIEF \(KENTUCKY COUNCIL OF CHURCHES\)](#)  
[AMICUS BRIEF \(CROSSROADS CHRISTIAN CHURCH, ET AL.\)](#)

Taxation. Real Property. KY Constitution § 170. Institutions of Religion. Owned and Occupied. Issues include: (1) whether a nonprofit corporation that loans money and leases property to Restoration Movement churches is an institution of religion; and (2) whether the same institution of religion must both own and occupy the property to qualify for § 170's tax exemption.

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Discretionary Review Granted:	October 18, 2023
Trial Court(s):	McCracken Circuit Court
Presiding Judge(s):	Hon. Timothy Kaltenbach

Counsel for Appellant/Appellee,  
*Bill Dunn, McCracken County,  
Property Valuation  
Administrator:*

Glenn Denton  
Denton Law Firm, PLLC

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Cade Foster  
McCracken County Attorney

Counsel for Appellant/Appellee,  
*Commonwealth of Kentucky,*  
*Department of Revenue,*  
*Finance and Administration*  
*Cabinet:*

Bethany Rice  
Douglas Dowell  
Richard Bertelson, III  
*Office of Legal Services*

Counsel for Appellee,  
*The Solomon Foundation:*

Mark Loyd  
Bailey Roese  
Stephanie M. Bruns  
*Dentons Bingham*  
*Greenebaum LLP*

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**THURSDAY, JANUARY 9, 2025**  
**(CONTINUED)**

11:00 a.m. **CANCELLED DUE TO INCLEMENT WEATHER**  
**~~COMMONWEALTH OF KENTUCKY V. DARRYL ELLERY~~**  
**(2023-SC-0228-DG)**

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

Criminal Law. Probation Revocation. Jurisdiction. Fugitive Tolling Doctrine. Equity. Questions include whether the trial court lost jurisdiction when it failed to extend Ellery’s probation at his first appearance after his warrant for failure to comply with the terms of his probation was served. The Commonwealth seeks application of the “Fugitive Tolling Doctrine” to toll the running of the probationary period while an individual is a fugitive from justice.

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Discretionary Review Granted:	October 18, 2023
Trial Court(s):	Jefferson Circuit Court
Presiding Judge(s):	Hon. Audra Eckerle

Counsel for Appellant, <i>Commonwealth of Kentucky:</i>	Christopher Henry <i>Assistant Attorney General</i>
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<i>Counsel for Appellee,</i> <i>Darryl Ellery:</i>	Joshua Reho <i>Department of Public Advocacy</i>
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