

**SUPREME COURT OF KENTUCKY**

**ORAL ARGUMENT CALENDAR**

**WEDNESDAY, JUNE 3, 2015**

- 9:00 a.m. ASBURY UNIVERSITY V. DEBORAH POWELL, ET AL  
(2014-SC-000095-DG)**  
[APPELLANT BRIEF](#)  
[APPELLEE BRIEF](#)  
[REPLY BRIEF](#)  
"Employment Law. Retaliatory Discharge. Issues include (1) the propriety of recovery for retaliation absent an underlying violation of the Kentucky Civil Rights Act as well as (2) the appropriate jury instructions for retaliatory discharge and (3) the applicability of University of Texas Southwestern Medical Center v. Nassar, 133 S. Ct. 2517 (2013)."  
Discretionary Review granted 10/15/2014  
Jessamine Circuit Court, Judge C. Hunter Daugherty  
Attorneys for Appellant: Debra H. Dawahare and Leila Ghabrial O'Carra  
Attorneys for Appellees: Debra Ann Doss and Bryan Begley Daley
- 10:00 a.m. JOHN CHARALAMBAKIS V. ASBURY UNIVERSITY, ET AL  
(2014-SC-000215-DG)**  
[APPELLANT BRIEF](#)  
[APPELLEE BRIEF](#)  
[REPLY BRIEF](#)  
"Employment Law. Retaliatory Discharge. Issues include the propriety of recovery for retaliation absent an underlying violation of the Kentucky Civil Rights Act."  
Discretionary Review granted 10/15/2014  
Jessamine Circuit Court, Judge C. Hunter Daugherty  
Attorney for Appellant: Katherine Yunker  
Attorneys for Appellee: Debra H. Dawahare and Leila Ghabrial O'Carra
- 11:00 a.m. MICHELLE RAHLA V. MEDICAL CENTER AT BOWLING GREEN, ET AL  
(2014-SC-000236-WC)**  
[APPELLANT BRIEF](#)  
[APPELLEE BRIEF](#)  
"Workers' Compensation. Whether injuries sustained by job candidates during pre-employment activities are compensable under Kentucky's Workers' Compensation scheme."  
Attorney for Appellant: Phillipe W. Rich  
Attorney for Medical Center at Bowling Green: Whayne Cravens Priest, III  
Attorney for Workers Compensation Board: Dwight Taylor Lovan

**SUPREME COURT OF KENTUCKY**

**ORAL ARGUMENT CALENDAR**

**THURSDAY, JUNE 4, 2015**

- 9:00 a.m. JERRY JAMGOTCHIAN V. KENTUCKY HORSE RACING COMMISSION, ET AL (2014-SC-000108-DG)**  
[APPELLANT BRIEF](#)  
[APPELLEE BRIEF](#)  
[REPLY BRIEF](#)  
 "Administrative Law. Constitutional Law. The question presented is whether "claiming jail" regulation 810 KAR 1:015 § 1(6) is unconstitutional as violative of the "dormant" Commerce Clause of the United States Constitution."  
 Discretionary Review granted 10/15/2014  
 Franklin Circuit Court, Judge Phillip J. Shepherd  
 Attorneys for Appellant: Richard A. Getty and Kristopher D. Collman  
 Attorneys for Appellee: Robert M. Watt, III, Steven B. Loy, Anthony Joseph Phelps, Susan Bryson Speckert and Monica Hobson Braun
- 10:00 a.m. LAWRENCE PATE V. DEPARTMENT OF CORRECTIONS (2013-SC-000558-DG) LAWRENCE PATE V. COMMONWEALTH OF KENTUCKY (2013-SC-000559-DG)**  
[APPELLANT BRIEF - PATE V. CORRECTIONS 2013-SC-558-DG](#)  
[APPELLEE BRIEF - PATE V. CORRECTIONS](#)  
[REPLY BRIEF - PATE V. CORRECTIONS](#)  
[APPELLANT BRIEF - PATE V. COMMONWEALTH 2013-SC-559-DG](#)  
[APPELLEE BRIEF - PATE V. COMMONWEALTH](#)  
[REPLY BRIEF - PATE V. COMMONWEALTH](#)  
 "Criminal Law. KRS 439.3401. Violent Offender. Department of Corrections. Issues include whether Corrections acted properly when it reclassified an inmate convicted of a Class A felony drug offense from nonviolent offender to violent offender based on its changed interpretation of the violent offender statute."  
 Discretionary Review granted 8/13/2014  
 Franklin Circuit Court, Judge Thomas D. Wingate  
 Bracken Circuit Court, Lewis D. Nichols  
 Attorney for Appellant: Margaret Anne Ivie  
 Attorney for Department of Corrections: Joseph Todd Henning  
 Attorney for Commonwealth of Kentucky: Kenneth Wayne Riggs
- 11:00 a.m. TOWER INSURANCE COMPANY OF NEW YORK V. BRENT HORN, ET AL (2014-SC-000015-DG)**  
[APPELLANT BRIEF](#)  
[APPELLEE BRIEF](#)  
[REPLY BRIEF](#)  
 "Contract. Automobile Insurance. Employee Exclusion. Severability-of Interests Clause. Issues include whether the severability-of-interests clause in a business auto insurance policy operates to defeat the policy's employee exclusion when the "insured" seeking coverage is not the policyholder business, but a permissive user."  
 Discretionary Review granted 10/15/2014  
 Martin Circuit Court, Judge John David Preston  
 Attorneys for Appellant: Joseph Stan Lee and Donald Markam Wakefield  
 Attorney for Brent Horn: Gregory Lee Monge  
 Attorney for Mickayla SESCO: John C. Bowlin  
 Attorneys for Bridgefield Casualty Insurance Company, Inc.: Anthony Charles Donahue and Forrest Waylon Brock

**SUPREME COURT OF KENTUCKY**

**ORAL ARGUMENT CALENDAR**

**FRIDAY, JUNE 5, 2015**

- 9:00 a.m. ALLSTATE INSURANCE COMPANY V. CRAIG T. SMITH  
(2013-SC-000732-DG)**  
[APPELLANT BRIEF](#)  
[APPELLEE BRIEF](#)  
[REPLY BRIEF](#)  
"Insurance. MVRA. KRS 304.20-040(13) "Notice of First Renewal" Requirement. The question is whether, although the insured never requested or paid any premium for optional KRS 304.39-320 underinsured motorist coverage, the insurer adequately complied with the KRS 304.20-040(13) "notice of first renewal" requirement of "a notice stating in substance that added uninsured motorists, underinsured motorists, and personal injury protection coverages may be purchased by the insured."  
Discretionary Review granted 8/13/2014  
Jefferson Circuit Court, Judge Irvin G. Maze  
Attorneys for Appellant: Allen Campbell Ewen and William P. Carrell, II  
Attorney for Appellee: William David Kiser
- ~~10:00 a.m. RICKY BARRETT, JR. V. COMMONWEALTH OF KENTUCKY  
(2014-SC-000048-DG)~~**  
~~[APPELLANT BRIEF](#)  
[APPELLEE BRIEF](#)  
[REPLY BRIEF](#)  
"Conditional Guilty Plea. Search and Seizure. Suppression of Evidence. Warrantless entry into residence by police."  
Discretionary Review granted 8/14/2014  
Kenton Circuit Court, Judge Martin J. Sheehan  
Attorney for Appellant: Roy Alyette Durham II  
Attorney for Appellee: David Bryan Abner~~
- 10:00 a.m. GREATER CINCINNATI/NORTHERN KENTUCKY APARTMENT ASSOCIATION,  
INC., ET AL V. CAMPBELL COUNTY FISCAL COURT, ET AL (2014-SC-000383-TG)**  
[APPELLANT BRIEF](#)  
[AMICUS CURIAE BRIEF](#)  
[AMICUS CURIAE BRIEF](#)  
[APPELLEE BRIEF](#)  
[REPLY BRIEF](#)  
"Constitutionality of Ordinance imposing a flat fee upon occupied residential and commercial units to fund 911 emergency telephone services."  
Campbell Circuit Court, Judge Fred A. Stine, V  
Attorneys for Appellants: Richard L. Norton, Erica Lynn Horn, Jeffrey Jay Greenberger, Timothy Joseph Eifler and Madonna E. Schueler  
Attorney for Greater Cincinnati/Northern Kentucky Apartment Association, Inc.: Stephen E. Sherman  
Attorneys for Appellees: Steven J. Franzen, Robert Edward List and Thomas Edison Edge