

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

WEDNESDAY, JUNE 8, 2016

- 9:00 a.m. DEVLIN BURKE V. COMMONWEALTH OF KENTUCKY
(2014-SC-000472-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Criminal Law. Hate Crimes. In this prosecution for four assaults, issues include the constitutionality and applicability of "hate crime" statute KRS 532.031."
Discretionary Review granted 3/25/15
Kenton Circuit Court, Judge Patricia M. Summe
Attorney for Appellant: Kathleen Kallaher Schmidt
Attorney for Appellee: Jeffrey Allan Cross
- 10:00 a.m. THE ESTATE OF CHRISTINA WITTICH, BY AND THROUGH JUDITH WITTICH
AND FREDERICK WITTICH IN THEIR DULY APPOINTED CAPACITIES AS CO-
ADMINISTRATRIX AND CO-ADMINISTRATOR V. MICHAEL JOSEPH FLICK
(2015-SC-000114-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Wrongful Death. Statute of Limitations. Issues involve whether the statute of limitations for a wrongful death action should be tolled until a defendant's homicide conviction."
Discretionary Review granted 10/21/15
Fayette Circuit Court, Judge Thomas L. Clark
Attorney for Appellant: Roger Newman Braden
Attorney for Appellee: Jennifer Zeigler Hoerner
JUSTICE MARY C. NOBLE RECUSED
- 11:00 a.m. INDIANA INSURANCE COMPANY V. JAMES DEMETRE
(2015-SC-000107-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
[AMICUS CURIAE BRIEF - INSURANCE INSTITUTE OF KENTUCKY](#)
[AMICUS CURIAE BRIEF - KENTUCKY JUSTICE ASSOCIATION](#)
"Insurance. Bad Faith. Damages. Emotional Distress. The primary issue on this review is whether expert testimony is necessary to substantiate damages for emotional distress in a bad faith case."
Discretionary Review granted 10/21/15
Campbell Circuit Court, Judge Fred A. Stine, V
Attorneys for Appellant: Donald Lee Miler, II, Michael D. Risley, Bethany A. Breetz and Kristin M. Lomond
Attorneys for Appellee: Kevin Crosby Burke, Robert Edward Sanders, Jeffrey Sanders and Justin Aaron Sanders

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

THURSDAY, JUNE 9, 2016

- 9:00 a.m. KENTUCKY RETIREMENT SYSTEMS V. DIANNE CARSON
(2015-SC-000094-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Administrative Law. Disability Retirement. Issues include the applicability of administrative res judicata in the context of a KRS 61.600(2) disability benefits reapplication."
Discretionary Review granted 9/16/15
Franklin Circuit Court, Judge Phillip J. Shepherd
Attorneys for Appellant: Katherine I. Rupinen, Leigh Davis, Brian C. Thomas, Carrie Slayton, Joseph Patrick Bowman, Anne Caroline Bass, and Mathew Michael Galante
Attorneys for Appellee: Michael Sullivan and Elizabeth Ashely Burgess Coleman
- 10:00 a.m. KENTUCKY RETIREMENT SYSTEMS V. CHARLES WIMBERLY
(2015-SC-000159-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
"Administrative Law. Disability Retirement. Issues include the applicability of administrative res judicata in the context of a KRS 61.600(2) disability benefits reapplication as well as whether alcohol abuse can constitute a KRS 61.600(3)(d) preexisting condition."
Discretionary Review granted 9/16/15
Franklin Circuit Court, Judge Thomas D. Wingate
Attorneys for Appellant: Katherine I. Rupinen, Leigh Davis, Brian C. Thomas, Carrie Slayton, Joseph Patrick Bowman, Anne Caroline Bass, and Mathew Michael Galante
Attorneys for Appellee: John Hardin Gray and Roy Church Gray, III
- 11:00 a.m. COMMONWEALTH OF KENTUCKY V. JAMES DOSS (2015-SC-000018-CL)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
[AMICUS CURIAE BRIEF - NATIONAL BAR ASSOCIATION AND NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE](#)
[AMICUS CURIAE - KENTUCKY ASSOCIATION OF CRIMINAL DEFENSE LAWYERS](#)
"Certification of the Law. Jury Selection. Fair cross-section requirement."

Jefferson Circuit Court, Judge Olu Alfredo Stevens
Attorney for Appellant: Dorislee J. Gilbert
Attorneys for Appellee: Daniel T. Goyette, Cicely Jaracz Lambert and Sean Thomas Pharr

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

FRIDAY, JUNE 10, 2016

- 9:00 a.m.** **MARY E. MCCANN, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED V. THE SULLIVAN UNIVERSITY SYSTEM, INC., D/B/A SULLIVAN UNIVERSITY COLLEGE OF PHARMACY, ET AL (2015-SC-000144-DG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
[AMICUS CURIAE BRIEF - KENTUCKY CHAMBER OF COMMERCE AND KENTUCKY SOCIETY FOR HUMAN RESOURCES MANAGEMENT](#)
[AMICUS CURIAE BRIEF - KENTUCKY EQUAL JUSTICE CENTER AND JOBS WITH JUSTICE](#)
[AMICUS CURIAE BRIEF - JEFFERSON COUNTY TEACHERS ASSOCIATION](#)
[AMICUS CURIAE - KENTUCKY JUSTICE ASSOCIATION, ET AL.](#)
[AMICUS CURIAE BRIEF - UPS CERTIFIED CLASS](#)
"Statutory interpretation. Class Action Certification. The issue is whether the language of KRS 337.385 prohibits the bringing of claims by employees for wage and hour violations under Kentucky state law as a class action."
Discretionary Review granted 10/21/2015
Jefferson Circuit Court, Judge Olu Alfredo Stevens
Attorneys for Appellant: Theodore W. Walton and Garry Richard Adams, Jr.
Attorneys for Appellees: Grover C. Potts, Jr., Michelle Deann Wyrick, Rania Marie Basha and Emily Christine Lamb
- 10:00 a.m.** **KENTUCKY RESTAURANT ASSOCIATION, ET AL. V. LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (2015-SC-000371-TG)**
[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)
[AMICUS CURIAE BRIEF - KENTUCKY EQUAL JUSTICE CENTER, KENTUCKY COALITION AGAINST DOMESTIC VIOLENCE, KENTUCKIANS FOR THE COMMONWEALTH AND PIPEFITTERS LOCAL 633](#)
[AMICUS CURIAE BRIEF - NATIONAL EMPLOYMENT LAW PROJECT](#)
[AMICUS CURIAE BRIEF - KENTUCKY GROCERS ASSOCIATION/KENTUCKY ASSOCIATION OF CONVENIENCE STORES](#)
"Validity of Louisville Metro Minimum Wage Ordinance. Home Rule Authority. Preemption of State Law over Local Ordinances."
Jefferson Circuit Court, Judge Judith E. McDonald-Burkman

Attorneys for Appellants: Brent Robert Baughman and Aleksandr Litvinov
Attorneys for Appellee: Michael J. O'Connell, David A. Sexton, Eamon Patrick
Mulvihill and Sarah Jessica Martin

**11:00 a.m. JEFFREY W. MURPHY V. COMMONWEALTH OF KENTUCKY
(2015-SC-000235-DG)**

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

"Juvenile Law. Sex Offender Registration Act. Non-resident adjudication. The issue presented is whether a juvenile adjudicated guilty of a sex offense requiring registration as a sex offender in another state, is required to register after moving to Kentucky."

Discretionary Review granted 10/21/15

Boone Circuit Court, Judge James Roger Schrand, II

Attorney for Appellant: Susan Jackson Balliet

Attorney for Appellee: James Coleman Shackelford