

**SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR**

WEDNESDAY, MARCH 15, 2023

**10:00 a.m. COMMONWEALTH OF KENTUCKY V. WILLIAM BEMBURY
(2022-SC-0018-DG)**

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

Criminal Law. Fourth Amendment. Search Incident to Arrest. Backpacks, Purses, Bags. Issues include whether the police properly searched the defendant's backpack incident to his arrest when: (1) the police saw the defendant remove suspected synthetic marijuana from his backpack and sell it to a third party; (2) the police arrested and handcuffed the defendant immediately upon confronting him; (3) the police searched the backpack within minutes of the defendant's arrest; and (4) the defendant was handcuffed before the police searched his backpack.

VanMeter, C.J., not sitting.

Oral Argument Granted:	June 8, 2022
Trial Court(s):	Fayette Circuit Court
Presiding Judge(s):	Hon. Lucy Anne VanMeter

Counsel for Appellant <i>Commonwealth of Kentucky:</i>	Matthew R. Krygiel <i>Assistant Attorney General</i>
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Counsel for Appellee <i>William Bembury:</i>	Aaron Reed Baker <i>Assistant Public Advocate</i>
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ALL ARGUMENTS WILL BE STREAMED ONLINE AT

WWW.KET.ORG/SUPREMECOURT

WEDNESDAY, MARCH 15, 2023
(CONTINUED)

11:00 a.m. **VIVIANE RENOT V. SECURA INSURANCE COMPANY**
(2021-SC-0281-DG)

[APPELLANT'S BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

[AMICUS BRIEF \(KENTUCKY JUSTICE ASSOCIATION\)](#)

[AMICUS BRIEF \(KENTUCKY DEFENSE COUNSEL, INC.\)](#)

Tort. Car Accidents. Insurance. Expert Testimony. Issues include whether the insurance company's biomechanical expert, who is not a medical doctor, was qualified to testify that the plaintiff's knee degeneration was not exacerbated by the injury she experienced in a low-speed car accident.

VanMeter, C.J., not sitting.

Oral Argument Granted:

February 16, 2022

Trial Court(s):

Fayette Circuit Court

Presiding Judge(s):

Hon. Lucy Anne VanMeter

Counsel for Appellant

Viviane Renot.

Sandra M. Varellas

D. Todd Varellas

Preston P. Cahill

Varellas & Varellas

Counsel for Appellee

Secura Insurance Company.

Ashley K. Brown

Graham D. Barth

Ward, Hocker & Thornton,

PLLC

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WEDNESDAY, MARCH 15, 2023
(CONTINUED)

2:00 p.m. PRIMAL VANTAGE COMPANY, INC. V. KEVIN O'BRYAN, ET AL.
(2020-SC-0247, 2021-SC-0064, 2021-SC-0065)

Tort Law. Products Liability. Petition for Rehearing. Issues to be considered on rehearing include: (1) whether the trial court erred in granting a directed verdict on design defect claims asserted against Primal Vantage Company, Inc.; (2) whether evidence of other incidents was admissible; and (3) if the evidence of other incidents was not admissible, was its admission harmless.

THOMPSON, J., not sitting.

Oral Argument Granted:	February 9, 2021
Oral Argument:	February 16, 2022
Trial Court(s):	Jefferson Circuit Court
Presiding Judge(s):	Hon. A.C. McKay Chauvin

Counsel for Appellant/
Cross-Appellee

Primal Vantage Co., Inc: Milton S. Karfis
Clark Hill PLC

-and-

Griffin Terry Sumner
Casey Wood Hensley
Frost Brown Todd LLC

Counsel for Appellee/
Cross-Appellant,
Kevin O'Bryan:

Ann B. Oldfather
R. Sean Deskins
Oldfather Law Firm

Counsel for Appellee/
Cross-Appellant,
Santé O'Bryan:

Paul A. Casi, II
Paul A. Casi, III
Paul A. Casi, II, P.S.C.

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THURSDAY, MARCH 16, 2023

**10:00 a.m. JOYCE TURNER V. NORTON HEALTHCARE, INC.
(2022-SC-0004-DG)**

APPELLANT BRIEF

APPELLEE BRIEF

REPLY BRIEF

AMICUS BRIEF (KENTUCKY COMMISSION ON HUMAN RIGHTS)

**AMICUS BRIEF (KENTUCKY EQUAL JUSTICE CENTER AND SIOBHAN
DIAMOND)**

Employment Relations. Kentucky Civil Rights Act. Disability Discrimination. Issues include whether a qualifying “disability” under KRS 344.010(4) includes “major life activities” as defined in the 2008 amendments to the Americans with Disabilities Act (42 U.S.C. §12102) to include operations of “major bodily functions” such as “normal cell growth.”

Oral Argument Granted:

April 20, 2022

Trial Court(s):

Jefferson Circuit Court

Presiding Judge(s):

Hon. Annie O’Connell

Counsel for Appellant

Joyce Turner.

Jeremiah W. Reece

Soha T. Saiyed

Kelly M. Parry-Johnson

*Reece Saiyed Parry-
Johnson, LLP*

-and-

P. Stewart Abney

Abney Law Office, PLLC

Counsel for Appellee

Norton Healthcare, Inc.:

Donna King Perry

Jeremy S. Rogers

Robert C. Rives, IV

Dinsmore & Shohl LLP

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THURSDAY, MARCH 16, 2023
(CONTINUED)

11:00 a.m. **FRIENDS OF LOUISVILLE PUBLIC ART, LLC, ET AL. V.
LOUISVILLE/JEFFERSON COUNTY METRO HISTORIC LANDMARKS
AND PRESERVATION DISTRICTS COMMISSION, ET AL.
(2022-SC-0025-DG)**

APPELLANTS' BRIEF

APPELLEES' BRIEF

REPLY BRIEF

Administrative Law. Due Process. Certificate of Appropriateness. Issues involve due process concerns relating to consideration of a certificate of appropriateness seeking to remove the Castleman statute from a roundabout at a primary entrance to Cherokee Park in Louisville.

Oral Argument Granted:	June 8, 2022
Trial Court(s):	Jefferson Circuit Court
Presiding Judge(s):	Hon. A.C. McKay Chauvin

Counsel for Appellants
*Friends of Louisville
Public Art, LLC, et al.:*

Stephen T. Porter

-and-

Gerald R. Toner

Counsel for Appellees
*Louisville/Jefferson County
Metro Historic Landmarks
and Preservation Districts
Commission, et al.:*

Michael J. O'Connell
Jefferson County Attorney

Susan K. Rivera
David A. Sexton
*Assistant Jefferson County
Attorneys*

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