

SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR

WEDNESDAY, MARCH 12, 2025

10:00 a.m. **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.

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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WEDNESDAY, MARCH 12, 2025
(CONTINUED)

11:00 a.m. 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. Issues include whether a prepaid cell phone provider is 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.

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, Jr. 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 C. Walbourn
*Kentucky Public Protection
Cabinet*

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WEDNESDAY, MARCH 12, 2025

**1:30 p.m. DAVID LEMASTER V. KENDRA STILTNER, ET AL.
(2023-SC-0454-DG)**

APPELLANT BRIEF
APPELLEE BRIEF

Family Law. Custody. Intervention. De Facto Custodian. KRS 403.270. Issues include whether the family court erred by denying the child's custodian's partner's motion to intervene in the custody action between the custodian and the child's biological mother when: (1) the partner's motion to intervene was filed soon after the custodian died; and (2) the custody action had been pending for six years at the time of the partner's motion. Additionally, whether the family court erred by ruling that the custodian's partner was not a de facto custodian because he cared for the child alongside the custodian.

Conley, J., not sitting.

Discretionary Review Granted:	March 6, 2024
Trial Court(s):	Greenup Circuit Court
Presiding Judge(s):	Hon. Jennifer Barker Neice

Counsel for Appellant, <i>David Lemaster:</i>	Brandon Music <i>W. Jeffrey Scott, PSC</i>
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Counsel for Appellant, <i>Kendra Stiltner:</i>	Robert Renfro <i>McGinnis Leslie, PLLC</i>
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THURSDAY, MARCH 13, 2025

CONSOLIDATED FOR ORAL ARGUMENT WITH
2024-SC-0231-DG, 2024-SC-0240-DG,
AND 2024-SC-0243-DG

10:00 a.m. **AMELIA LONG, INDIVIDUALLY AND ON BEHALF OF A CLASS OF OTHERS SIMILARLY SITUATED, ET AL. V. COMMONWEALTH OF KENTUCKY, DEPARTMENT OF REVENUE, ET AL. (2024-SC-0229-DGE)**

APPELLANT BRIEF (AMEILIA LONG, ET AL.)
APPELLEE BRIEF (KENTUCKY DEPARTMENT OF REVENUE)
APPELLEE BRIEF (UNIVERSITY OF KENTUCKY, ET AL.)
REPLY BRIEF
AMICUS BRIEF (ATTORNEY GENERAL)

AND

COMMONWEALTH OF KENTUCKY, DEPARTMENT OF REVENUE V. AMELIA LONG, INDIVIDUALLY AND ON BEHALF OF A CLASS OF OTHERS SIMILARLY SITUATED, ET AL. (2024-SC-0230-DGE)

APPELLANT BRIEF(KENTUCKY DEPARTMENT OF REVENUE)
APPELLEE BRIEF (AMELIA LONG, ET AL.)
APPELLEE BRIEF (UNIVERSITY OF KENTUCKY, ET AL.)
REPLY BRIEF
AMICUS BRIEF (ATTORNEY GENERAL)

Class Action. Sovereign Immunity. Agency-Referred Debt Collection. KRS 131.130(12). KRS 45.111. Issues include: (1) ripeness and application of sovereign immunity claims for monetary relief flowing from a declaratory judgment; (2) whether sovereign immunity bars the non-declaratory relief claims; (3) the exercise of appellate jurisdiction over trial court's immunity ruling; (4) the proper venue for this action; (5) whether the enactment of KRS 131.130(2) renders the class plaintiffs' claims moot; (6) whether KRS 45.111 waives immunity for wrongful collection claims; and (7) the constitutionality of the KRS Chapter 45 referral and collection scheme.

Goodwine, J., not sitting.

Discretionary Review Granted:

September 18, 2024

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THURSDAY, MARCH 13, 2025
(CONTINUED)

CONSOLIDATED FOR ORAL ARGUMENT WITH
2024-SC-0231-DG, 2024-SC-0240-DG,
AND 2024-SC-0243-DG

Trial Court(s):
Presiding Judge(s):

Franklin Circuit Court
Hon. Thomas Wingate

Counsel for Appellants,
Amelia Long, et al.:

E. Douglas Richards

Bryan Hix
McNamara & Jones

Griffin Terry Sumner
Jason Renzelmann
Frost Brown Todd LLP

Counsel for Appellee,
Commonwealth of Kentucky,
Department of Revenue:

R. Campbell Connell
Frank L. Dempsey
Austin T. Green
Kentucky Department of
Revenue

Counsel for Appellees,
University of Kentucky; et al.:

Bryan H. Beauman
Carmine G. Iaccarino
Sturgill, Turner, Barker &
Moloney

William Thro
Shannon B. Stamper
University of Kentucky

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THURSDAY, MARCH 13, 2025
(CONTINUED)

CONSOLIDATED FOR ORAL ARGUMENT WITH
2024-SC-0229 & 2024-SC-0230

10:00 a.m. KIMBERLY BENNETT, ET AL. V. KENTUCKY COMMUNITY &
TECHNICAL COLLEGE SYSTEM, ET AL. (2024-SC-0231-DG)

APPELLANT BRIEF
APPELLEE BRIEF (KENTUCKY DEPARTMENT OF REVENUE)
APPELLEE BRIEF (UNIVERSITY OF KENTUCKY, MOREHEAD STATE
UNIVERSITY, ET AL.)
APPELLEE BRIEF (KCTCS, ET AL.)
REPLY BRIEF

AND

COMMONWEALTH OF KENTUCKY, DEPARTMENT OF REVENUE V.
KIMBERLY BENNETT, ET AL. (2024-SC-0240-DG)

APPELLANT BRIEF (KENTUCKY DEPARTMENT OF REVENUE)
APPELLEE BRIEF (KIMBERLY BENNETT, ET AL.)
REPLY BRIEF
AMICUS BRIEF (ATTORNEY GENERAL)

AND

KENTUCKY COMMUNITY & TECHNICAL COLLEGE SYSTEM, ET AL. V.
SAYRE LAWRENCE, ET AL. (2024-SC-0243-DG)

APPELLANT BRIEF (KCTCS, ET AL.)
APPELLEE BRIEF (KIMBERLY BENNETT, ET AL.)
APPELLEE BRIEF (UNIVERSITY OF KENTUCKY, MOREHEAD STATE
UNIVERSITY, ET AL.)
REPLY BRIEF

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THURSDAY, MARCH 13, 2025
(CONTINUED)

CONSOLIDATED FOR ORAL ARGUMENT WITH
2024-SC-0229 & 2024-SC-0230

Putative Class Action. Sovereign Immunity. Agency-Referred Debt Collection. KRS 418.055. Issues include: (1) ripeness and application of sovereign immunity to claims for monetary relief flowing from a declaratory judgment; (2) whether sovereign immunity bars the non-declaratory relief claims; (3) exhaustion of administrative remedies; (4) whether KRS 418.055 waives sovereign immunity; and (5) the constitutionality of the KRS Chapter 45 referral and collection scheme.

Goodwine, J., not sitting.

Counsel for Appellants,
Kimberly Bennett, et al.:

E. Douglas Richards

Bryan Hix
McNamara & Jones

Griffin Terry Sumner
Jason Renzelmann
Frost Brown Todd LLP

Counsel for Appellee,
*Commonwealth of Kentucky,
Department of Revenue:*

R. Campbell Connell
Frank L. Dempsey
Austin T. Green
*Kentucky Department of
Revenue*

Counsel for Appellee,
*University of Kentucky,
Morehead University, et al.:*

Bryan H. Beauman
Carmine G. Iaccarino
*Sturgill, Turner, Barker &
Moloney*

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William Thro
Shannon B. Stamper
University of Kentucky

Counsel for Appellees,
*Kentucky Community
& Technical College
System, et al.:*

Melissa Norman Bork
Brent R. Baughman
Sarah T. Laren
*Dentons Bingham
Greenebaum LLP*

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