

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

TO: Justices and Court Staff
FROM: Chief Justice John D. Minton, Jr.
DATE: September 8, 2011

WEDNESDAY, OCTOBER 19, 2011

- 9:00 a.m. HASHMI, M.D. V. KELLY, ETC. (2009-SC-843-DG)**
"Medical Malpractice. Expert Witnesses. Witness Disclosure. Issues include the admissibility of expert witness testimony by the defendant where the plaintiff took expert's deposition but defendant failed to disclose his intent to utilize deposition as expert testimony."
Discretionary Review granted 12/08/2010
Madison Circuit Court, Judge William T. Jennings
For Movant: Steven Glenn Kinkel and John Christian Lewis
For Respondent: Kenneth L. Sales, Paul Jason Kelley, and David G. Bryant
- 10:00 a.m. MAYNES V. COMMONWEALTH OF KENTUCKY (2010-SC-681-DG)**
"Criminal Law. Indigent or Needy Person. Court Costs. The issue is whether the trial court can order a defendant, previously found to be indigent, to pay court costs as part of defendant's final sentencing."
Discretionary Review granted 3/16/2011
Jefferson Circuit Court, Judge Audra Jean Eckerle
For Movant: Bruce P. Hackett
For Respondent: James Hays Lawson
- CANCELLED AND RESCHEDULED-----**
- 11:00 a.m. SCHNUERLE, ET AL. V. INSIGHT COMMUNICATIONS COMPANY, L.P., ET AL. (2008-SC-789-DG) AND (CROSS-MOTION) INSIGHT COMMUNICATIONS COMPANY, L.P., ET AL. V. SCHNUERLE, ET AL. (2009-SC-390-DG)**
"Contracts. Arbitration. Issues include the validity of mandatory dispute resolution contract clauses barring consumer class actions."
Discretionary Review granted 6/17/2009 and 8/19/2009
Jefferson Circuit Court, Judge A. C. McKay Chauvin
For Movants: H. Philip Grossman, Jennifer Ann Moore, Leslie A. Bailey, Frank Paul Bland, Jr., and Melanie Hirsch
For Respondents: Laurence John Zielke, Nancy Jane Schook, Janice M. Theriot and David N. Hise

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

TO: Justices and Court Staff
FROM: Chief Justice John D. Minton, Jr.
DATE: September 8, 2011

THURSDAY, OCTOBER 20, 2011

- 9:00 a.m. DAUGHERTY (NOW BUCHER) V. TELEK (2011-SC-43-DGE)**
"Emergency Protective Orders. Domestic Violence Orders. Time for Hearing. The issue is whether statutory time frames involve general subject matter jurisdiction, which cannot be waived, or are jurisdictional aspects of the particular case, which can be waived by a party."
Discretionary Review granted 3/16/2011
Kenton Circuit Court, Judge Christopher J. Mehling
For Movant: Dina Abby Bartlett and Michael Joseph Jurek
For Respondent: Carl Edwin Knochelmann, Jr.
- 10:00 a.m. DOTSON V. COMMONWEALTH OF KENTUCKY (2010-SC-222-DG)**
"Criminal Law. Post-Conviction. RCr 11.42. The issue is whether a defendant who has served out his sentence prior to the lower courts' adjudication of his post-conviction claim can proceed with his case or are the issues moot thus meriting a dismissal of the claims. The Court has been invited to re-examine its ruling in *Parrish v. Commonwealth*, 283 S.W.3d 675 (Ky. 2009)"
Discretionary Review granted 1/14/2011
Pike Circuit Court, Judge Steven D. Combs
For Movant: Meggan Elizabeth Smith
For Respondent: Perry Thomas Ryan
- 11:00 a.m. CONNIE HANCOCK, FLOYD COUNTY PROPERTY VALUATION ADMINISTRATOR, ET AL. V. PRESTONSBURG INDUSTRIAL CORPORATION, ET AL. (2010-SC-376-DG)**
"Charitable Organizations. Tax Exemptions. The issue is whether Prestonsburg Industrial Corporation ("PIC") is a charitable organization under Kentucky Constitution § 170 and thus exempt from ad valorem taxes."
Discretionary Review granted 3/16/2011
Floyd Circuit Court, Judge Danny P. Caudill
For Movants: Douglas M. Dowell and Dwight Stacy Marshall
For Respondents: Richard E. Fitzpatrick, Thomas M. Smith and Martin L. Osborne

FRIDAY, OCTOBER 21, 2011

NO ORAL ARGUMENTS